



City of Albany  
Department of Neighborhood and Community Services  
**Albany Community Development Agency**  
200 Henry Johnson Boulevard, Second Floor  
Albany, NY 12210-1522  
(Tel) 518.434.5265  
(Fax) 518.434.5242

**Kathy M. Sheehan**  
Mayor

**Faye C. Andrews**  
Commissioner

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# **The Citizen Participation Plan**

## **Five-Year Consolidated Plan for the HUD Program Year 2025-2029**

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**PR-15 Citizen Participation Plan –24 CFR 91.105, 91.115, and 91.401**

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### **Introduction to the Consolidated Plan and its purpose**

The City of Albany receives four entitlement grants from the U.S. Department of Housing and Urban Development (HUD) each year.<sup>1</sup> These grants are secured by the City of Albany and managed by the Albany Community Development Agency (ACDA). ACDA allocates the HUD funds to sub-recipients through strategic grants or to the community through housing programs and City-wide neighborhood development or public improvement projects. The primary purpose of these programs is to create viable communities by providing decent housing, a suitable living environment, and economic opportunities principally for low- and moderate-income people.

The decisions for allocating these funds are made based on a data-driven needs assessment, extensive consultation with key organizational stakeholders, and resident participation. These determinations are defined and summarized in the City's five-year Consolidated Plan in a transparent process involving multiple reviews by the public and feedback sessions with the community. The consolidated planning process is a federal requirement for states and jurisdictions that receive entitlement resources through HUD. The document outlines the City of Albany's strategic objectives and initiatives that guide the HUD entitlement spending over the course of five years. The document also provides a local planning process, determines the neighborhood strategy areas for project implementation, and creates a unified vision that best serves our community. This plan serves as a complete application for the four HUD Entitlement Grants awarded to the City. The Consolidated Plan is updated and submitted to HUD every five years.

The City of Albany is currently in the process of updating its FY 2025 – 2029 Consolidated Plan. The priorities and policies adopted in this plan will shape the City's allocation of an estimated \$8 million in federal investment anticipated each year. The federal funds are disbursed yearly and the grant amount varies depending on the funding decisions at the federal level and then allocated to each community based on population and levels of poverty. Resident participation is essential in developing the goals and objectives for the 5-Year Consolidated Plan. Community identified needs, and funding priorities for the City's affordable housing, and community and economic development activities will redefine the programs and its objectives for the upcoming program year. The specific project and program information indicating the priorities each year for funds are detailed in the Annual Action Plan. As of the publication of this Citizen Participation Plan, HUD has neither determined nor announced actual grant amounts. Therefore, all proposed activities' budgets in the Annual Action plan are estimated. Upon HUD's funding announcement, these proposed budgets will be proportionally increased or decreased from the estimated funding levels to match actual allocation amounts. At the end of each year, ACDA submits a Consolidated Annual Performance and Evaluation Report (CAPER) detailing how the City spent the federal funds and whether or not the City met the goals set forth in the Consolidated Plan and Annual Action Plan.

The City of Albany is committed to providing all members of the community with opportunities to participate in an advisory role in the planning, implementation and evaluation of the City's Community Development Block Grant (CDBG), HOME Investment Partnership (HOME), Emergency Solutions Grant (ESG), and Housing

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<sup>1</sup> Entitlement grants are federal formula-based funds allocated annually to cities and counties.

Opportunities for Persons with AIDS (HOPWA). ACDA is the lead agency responsible for establishing and implementing policies related to the use of these funds.

As the lead agency and administrator of these funds for the City, ACDA presents this document as the Citizen Participation Plan (CPP) to outline the process that will be followed to engage with the community and provide residents, organizations, and other stakeholders an opportunity to help shape the Consolidated Plan and comment on a draft prior to the plan's submission to HUD. The process will include both formal and informal opportunities for participation. The CPP is designed especially to encourage participation by low- and moderate-income persons, particularly residents of blighted areas and low- and moderate-income neighborhoods. Participation is also encouraged by non-English speaking persons, persons with disabilities and residents of public and assisted housing developments, residents of targeted revitalization areas and other special populations. This document details the special accommodations and translation services that will be made available to ensure equal participation by all members.

### **What is the Citizen Participation Plan?**

The Citizen Participation Plan (CPP) is a description of the public participation process envisioned for the development of the 5-year Consolidated Plan, including but not limited to public hearings and public comment periods. The CPP sets forth the City's policies and procedures for resident involvement. It establishes the City's roadmap to encourage Albany residents and entitlement grant beneficiaries to participate in the planning, execution, and evaluation of the five-year Consolidated Plan (ConPlan), the Annual Action Plan (AAP), and the Consolidated Annual Performance and Evaluation Report (CAPER).

Resident input is crucial in shaping the allocation of HUD entitlement resources and evaluation of the strategic planning process for Program Years 2025-29. This document provides information about the various opportunities available for involvement of affected persons and other concerned residents in the planning process. The City will ensure that there is complete transparency in the planning process and complete access to the draft Plans. There are detailed instructions in this document to guide the public's submission of comments and redresses. This document provides the timelines of the public hearings and meetings to ensure continuity of participation throughout all stages of the Plan's development. Additionally, this document lists the locations where physical copies of the survey and draft plans will be made available.

### **What is the role of the community in developing the Consolidated Plan?**

It is in the best interest of the residents of the City to participate in the consolidated planning process. The CPP lays out a pathway for all Albany residents to exercise their voice and influence decisions that affect their communities, neighborhoods and way of life. This is a collaborative planning process which relies on the feedback and input from residents to prioritize programs that meet their needs and create viable communities by providing decent housing, a suitable living environment, and expanding economic opportunities principally for low- and moderate-income people. ACDA encourages all members of the community to help make the federal funds work in their neighborhood by helping identify and prioritize the programs and incentives that benefit low- and moderate income people.

Below is a brief description of the four HUD Entitlement Grants administered by ACDA:

1. The **Community Development Block Grant (CDBG)** program is a flexible funding resource that can be used for both housing and community development activities that must directly benefit at least 51% low- and moderate-income persons. Public service activities qualify under this category in most circumstances, including prevention or elimination of blight, aiding neighborhood revitalization, promoting economic development, and improving community facilities, infrastructure and services in

low to moderate income communities. Expenditures in this category are limited to 30 percent of the City's expenditures. The City anticipates receiving \$3,000,000 each year.

2. The **HOME Investment Partnerships (HOME)** program supports Community Housing Development Organizations (CHDO). HOME CHDO funds are set aside for assisting the purchase of newly constructed or rehabilitated housing, developing newly constructed affordable housing, and purchasing an existing building and rehabilitating it for use as affordable housing. The City anticipates receiving \$775,000 each year.
3. The **Emergency Solutions Grant (ESG)** program provides assistance to persons who are homeless or at risk of homelessness to quickly regain stability in permanent housing. The City receives approximately \$280,000 each year.
4. The **Housing Opportunities for Persons with AIDS (HOPWA)** program is the only Federal program dedicated to the housing needs of people living with HIV/AIDS. HOPWA funds are provided to organizations in Albany, Schenectady and Rensselaer Counties and may be used for a wide range of housing, social services, program planning, and development costs. These include, but are not limited to, the acquisition; rehabilitation; or new construction of housing units; costs for facility operations; rental assistance; and short-term payments to prevent homelessness. The City anticipates receiving roughly \$800,000 each year.

### **Applicability and adoption of the Citizen Participation Plan**

The Housing and Urban Development (HUD) Code of Federal Regulations (CFR) for the Consolidated Plan (24 CFR Part 91 Sec. 91.105) requires the City to adopt a Citizen Participation Plan that sets forth the City's policies and procedures for resident participation. CPP establishes the standards for community involvement and review throughout the planning, execution, and evaluation of the Consolidated Plan, the AAPs, and the CAPERs. In addition, HUD Final Regulations for the Assessment of Fair Housing (AFH) requires the City to adopt a Community Participation Plan (CoPP), setting forth the City's policies and procedures for the solicitation of views and recommendations from members of the community and other interested parties, consideration of the views and recommendations received, and incorporation of such views and recommendations into decisions and outcomes (24 CFR §5.152). CoPP policies and procedures mirror those of the CPP, with the addition of requirements regarding HUD-provided data and other supplemental information and required consultation with other public and private agencies. This Citizen and Community Participation Plan serve to meet the federal requirements described above concurrently.

Residents are encouraged to review this document and provide comments and feedback and request amendments. There is a 30 day comment period from the date this document is published. The CPP will be published online and will also be made available at various locations across the City. Please refer to Appendix A for details.

### **Criteria for Amendments**

In the course of administering federally funded programs, the City may need to amend the Consolidated Plan or an Annual Action Plan. All minor and substantial amendments will be subject to the more stringent of the City's or HUD's program requirements, including, but not limited to, funding approval. Records of all amendments will be maintained by the City for public review and will be fully described in the annual performance report submitted to HUD.

### 1. Substantial Amendment

A substantial amendment requires public hearing and a 30-day public comment period. These amendments will be reflected in Integrated Disbursement and Information System (IDIS) and reported to HUD accordingly.

A substantial amendment will be undertaken in the following circumstances:

1. New activity or program not previously described in the AAP or Consolidated Plan;
2. Change the purpose, scope, location or beneficiaries of an activity;
3. Change in the City's allocation priorities, including establishing new activities;
4. Change in the use of federal funds from one eligible activity to another in excess of 25% of a single activity budget.

### 2. Minor Amendment

When the change involves a shift of funds between budget lines in order to accommodate changing project needs over the course of the program year, without any addition or deletion of programs and projects, the proposed change will be treated as a minor amendment. In these cases, no formal public hearing is required, but HUD will be notified of the budget revision. A minor amendment does not require a public hearing or public comment period. Minor amendments will be reflected in IDIS, and reported to HUD accordingly.

A minor amendment will be undertaken in the following circumstances:

1. Change in the method of distribution of funds;
2. The reallocation of funds not expended after an activity is completed as approved to a previously approved activity;
3. Increase, or decrease of funds for a previously approved activity; not exceeding 25% of the total project budget;
4. Increase or decrease of funding for an approved activity; not exceeding 10% of the City's total annual grant allocation;
5. Cancellation of a previously approved activity due to unforeseen circumstances that have caused significant delays or unreasonable cost burdens.

### 3. Amendment Exemptions

Criteria for which a change would not constitute a substantial change, and thereby waive requirements for formal adoption of an amendment to the associated Consolidated Plan/Action Plan, include events that qualify as a type of disaster. For example, the City could redirect existing funds and/or programs in a local urgent response. In the event of a state and/or federally designated disaster in Albany, the City could apply for new CDBG-Disaster Recovery grants. In general, to ensure disaster recovery grants are awarded in a timely manner, provisions of 42 U.S.C. 5304(a)(2) and (3), 42 U.S.C. 12707, 24CFR 570.486, 91.105(b), and 91.115(b) and (c), with respect to citizen participation requirements, are waived via Federal Register Notice. This notice can be found at <https://www.hudexchange.info/cdbg-r/cdbg-dr-laws-regulations-and-federal-register-notices/>.

## Public Notice and Publication of Amendments

In the case of a proposed substantial amendment, the City will publish a public notice in the *Albany Times Union* describing the project, the amount to be spent, the proposed amendment and an explanation for the same. A 30-day public comment period will be provided, unless instruction is provided by HUD that allows a shorter public comment period. The date, time, and location of the public hearing will announced 15 days in advance to allow city residents sufficient time to plan and request for special accommodations. The public notice will list the locations where copies of the proposed amendment may be examined. The amendment will be posted on the City's website, distributed electronically to neighborhood associations, and sent out through the City's media

list. The City is committed to being transparent and to enabling full resident participation. Each plan will be made available for review and feedback in a manner that affords residents, public agencies, and other interested parties a reasonable opportunity to examine its contents and submit comments.

### **Performance Report Approval Process**

The Consolidated Annual Performance and Evaluation Report (CAPER) is an annual update on accomplishments and progress toward Consolidated Plan goals. Each year ACDA submits a CAPER to HUD. This report is due 90 days after the close of the program year. To ensure that the public is able to review and assess the progress in achieving the goals and objectives defined in the five-year Consolidated Plan, the City will issue public notices, hold a public hearing, and accept public comments. This report does not require Common Council approval and may be presented as an informational item.

### **Public Notice & Publication of the CAPER**

The City will publish a public notice in the *Albany Times Union* announcing the availability of the CAPER and establishing a 15-day public comment period. All comments, written or verbal, will be accepted during this time frame. The public comment period will be scheduled to end any time before the plan is submitted to HUD. The public notice will include a date, time and location for a public hearing which shall be held before or during the 15-day public comment period.

A summary of all comments or views, and a summary of any comments or views not accepted and the reasons therefore, shall be attached to the final CAPER before submittal to HUD. The public notice will list the locations where copies of the proposed amendment may be examined. The amendment will be posted on the City's website, and distributed electronically to neighborhood associations, and sent out through the City's media list. The City is committed to ensuring transparency and resident participation. Each plan will be made available for review and feedback in a manner that affords Albany residents, public agencies, and other interested parties a reasonable opportunity to examine its contents and submit comments.

### **Public Hearings for the Consolidated Plan**

ACDA will hold two public hearing during the development of the Consolidated Plan and Annual Action Plan to gather input from Albany residents and to respond to proposals and questions. The first hearing will be held before the proposed consolidated plan is published for comment. This will be an open house format, focused on understanding the needs and priorities of the community. The second hearing will be after the Consolidated Plan has been published. The purpose is to have an open discussion on the proposed Strategy Plan and Action Plan, as well as to respond to resident feedback and questions.

Public notice will be published in the *Albany Times Union* and will describe the purpose of the public hearing and provide the date, time, and location of the hearing. The notice will be announced 15 days in advance to allow residents sufficient time to plan and request for special accommodation. All public hearings will be held in the 2<sup>nd</sup> Floor Community Room at 200 Henry Johnson Boulevard on the date and time included on the particular public notice. Additionally, the public hearings will be livestreamed on the City of Albany's YouTube channel (<https://www.youtube.com/@joinalbany>). The livestream will also be embedded on ACDA's webpage ([www.albanyny.gov/159/Albany-Community-Development-Agency](http://www.albanyny.gov/159/Albany-Community-Development-Agency)). Upon request, reasonable accommodations will be provided to meet the needs of non-English speaking residents. The City will also take whatever actions are appropriate to serve the needs of persons with disabilities.

### **Public Comments for the Citizen Participation Plan and Consolidated Plan**

The City will provide a period of at least 30 days to receive comments from residents and other stakeholders on the Citizen Participation Plan, the adopted Consolidated Plan, Annual Action Plan, and any Substantial Amendment proposed to these Plans. The CAPER report is due 90 days after the close of the program year and has a 15-day public comment period. All comments, written or verbal, will be accepted during this time frame. All comments and views of Albany residents and other stakeholders received orally, by email, or in writing will be responded to in writing. A summary of comments or views received throughout the planning process shall be attached to the final adopted plan. This will include a summary of any comments or views not accepted and the reasons for not accepting the same.

### **Availability to the Public**

The Citizen Participation Plan, the adopted Consolidated Plan, Annual Action Plan, the Performance Plan and any Substantial Amendments proposed to these Plans will be made available to the public on the ACDA website. Hard copies of all documents will be available at the below identified locations. The City will make these records available in a form accessible to persons with disabilities, upon request.

<b>Location</b>	<b>Address</b>
Albany Community Development Agency	200 Henry Johnson Blvd, Albany, NY 12210
City Hall	24 Eagle Street, Albany, NY 12207
Albany Public Library	161 Washington Avenue, Albany, NY 12210
Albany Housing Authority	200 South Pearl Street, Albany, NY 12202

### **Language Access**

Key documents and notices related to the planning process will be available in English and may also be available in other languages per the City of Albany's language access guidelines.

### **Access to Plan Records**

ACDA will provide access to records for the current program year and the preceding five years of programs. These records include, but are not limited to, the Citizen Participation Plan, the Consolidated Plan as adopted, annual action plans, performance reports, and substantial amendments. The City will make these records available in a form accessible to persons with disabilities, upon request. Records are maintained in the offices of the Albany Community Development Agency and are hosted on their website - [www.albanyny.gov/Government/Departments/ACDA](http://www.albanyny.gov/Government/Departments/ACDA).

Records less than two years old shall be readily available for public inspection. Records from two- to six-years old shall be accessible for public inspection within 48 hours of a written request. ACDA maintains records of public notices, applications for funding, funded projects, audit findings, correspondence (including complaints), and the Environmental Review Records.

### **Technical Assistance to Groups Applying for HUD Funding**

The City is required to provide technical assistance to groups that represent low- and moderate-income people who request such assistance to develop proposals for funding assistance under any of the programs covered by the Consolidated Plan. ACDA staff will host technical sessions to talk about the requirements of the proposals and provide a handbook that details the process. The City's technical assistance shall be advisory only and will not include the actual preparation work, nor shall it be interpreted as advocacy for a particular plan or application or tacit approval of one. This assistance by the City shall be provided free of charge. To request assistance, please contact the Albany Community Development Agency.

## **Responses to Public Comments**

Written response will be provided to all comments regarding the Annual Action Plan, Consolidated Plan, CAPER, or individual activities undertaken by the ACDA. All responses shall be completed within 15 days after receipt unless additional research is needed and a copy of the response will be provided to the complainant if requested by the complainant. Comments or views not accepted, and the reasons, will also be attached to the document(s). This policy shall apply to comments received at public hearings for the Consolidated Plan in general as well as for the CAPER and for substantial amendments. For ease of understanding, a summary of comments and responses will be kept on record and will be attached to appropriate submissions to HUD.

## **Complaint Procedure for the Consolidated Plan**

ACDA is the point of contact for all questions, comments, complaints, and requests, written or verbal, relating to the Consolidated Plan. Albany residents can send their complaints via email: [communitydevelopment@albanyny.gov](mailto:communitydevelopment@albanyny.gov). If preferred, they may stop by the ACDA office at 200 Henry Johnson Blvd. Office Hours are Monday to Friday from 8:30 a.m. to 4:30 p.m. Complaints can also be mailed by post to Albany Community Development Agency, 200 Henry Johnson Blvd, Second Floor, Suite #1, Albany, NY 12210 or call (518) 434-5265. All complaints will be documented and included in the final report.

## **Responses to Complaints**

Written response will be provided to all complaints regarding the Annual Action Plan, Consolidated Plan, CAPER, or individual activities undertaken by the ACDA. All responses will be provided within 15 working days of receipt of the complaint or prior to submission for approval, whichever is sooner if no further deliberation is required.

If the complaint involves a policy issue that requires deliberation of one or more policy groups, the individual or organization submitting the complaint shall be notified of this fact within 15 days. The issue will be brought to the attention of the appropriate stakeholders at their earliest availability and a response will be developed after their consideration.

## **Displacement of Persons or Businesses**

The City is required to set forth plans to minimize displacement of persons and to assist any person displaced, specifying the types and levels of assistance the City will make available (or require others to make available) to persons displaced, even if the City expects no displacements to occur. In keeping with the Uniform Relocation Assistance and Real Property Acquisition Act passed by the U.S. federal government in 1970, the term "displaced person" means any person who moves from real property, or moves his personal property from real property as a direct result of a written notice of intent to acquire or the acquisition of such real property in whole or in part for a program or project undertaken by a Federal agency or with Federal financial assistance; or on which such person is a residential tenant or conducts a small business, a farm operation, or a business as a direct result of rehabilitation or demolition. Displacement does not include a person who has been determined, according to criteria established by the head of the lead agency, to be either in unlawful occupancy of the displacement dwelling or to have occupied such dwelling for the purpose of obtaining assistance. It also excludes cases in which the displacing agency acquires property for a program or project, any person (other than a person who was an occupant of such property at the time it was acquired) who occupies such property on a rental basis for a short term or a period subject to termination when the property is needed for the program or project.

Displaced persons and entities are eligible for relocation assistance under federal law and as per HUD requirements, the City is required to describe its plans to minimize displacement of persons and to specify types and levels of assistance the City will make available to persons who are displaced. The City is required to specify the types and levels of assistance the jurisdiction will make available (or require others to make available) to persons displaced, even if the jurisdiction expects no displacement to occur.



ACDA will ensure that the City does not acquire or demolish occupied structures unless the structure is owner-occupied and a voluntary acquisition takes place. When displacement is unavoidable, the City will offer the following types of assistance:

*For residential displacements:*

1. Provide relocation advisory services to displaced tenants and owner occupants;
2. Provide a minimum of 90 days written notice to vacate prior to possession;
3. Provide reimbursement for moving expenses;
4. Provide payments for the added cost of renting or purchasing comparable replacement housing.

*For nonresidential displacements (businesses and nonprofit organizations):*

5. Provide relocation advisory services;
6. Provide a minimum 90 days written notice to vacate prior to possession;
7. Provide reimbursement for moving and re-establishment expenses;
8. Provide payments for the added cost of renting or purchasing comparable commercial space.

**Contact Information for Responses to the Consolidated Plan**

Albany Community Development Agency is the point of contact for all questions, comments, complaints, and requests. We encourage residents to engage with our staff for information and clarification. Questions and comments can be sent to the below address:

***Albany Community Development Agency***

200 Henry Johnson Blvd  
Second Floor | Suite #1  
Albany, NY 12210

Phone: (518) 434-5265

Fax: (518) 434-5294

Email: [communitydevelopment@albanyny.gov](mailto:communitydevelopment@albanyny.gov)

Office Hours: Monday-Friday 8:30 a.m. – 4:30 p.m.

## **Appendix A**

### **Tentative Citizen Participation Schedule**

The program year for the City of Albany begins annually in June.

<b>Tentative Date</b>	<b>Purpose</b>	<b>Comment Period</b>
<b>December 16, 2024</b>	Publish the Citizen Participation Plan	The 30-day comment period commences on December 17, 2024 End Date: January 16, 2025
<b>February 17, 2025</b>	Public Survey for Needs Assessment	Throughout the planning process End Date: March 19, 2025
<b>January 28, 2025</b>	Public Notice for Public Hearing #1	Request for accommodation and translations accepted till Feb 7 <sup>th</sup>
<b>February 11, 2025</b>	Public Hearing #1	Written and/or verbal comments, feedback, inputs, complaints and requests are encouraged.
<b>March 20, 2025</b>	Publish Annual Action Plan/Consolidated Plan	30 days comment period End Date: April 21, 2025
<b>March 6, 2025</b>	Public Notice for Public Hearing #2	Request for accommodation and translations accepted till March 15 <sup>th</sup>
<b>March 26, 2025</b>	Public Hearing #2	Written and/or verbal comments, feedback, inputs, complaints and requests are encouraged.
<b>April 24, 2025</b>	Adoption of the Consolidated Plan	30 days comment period End Date: May 24, 2025
<b>August 14, 2025</b>	Publish the CAPER for review	15 days comment period

## Appendix B

### Definitions

The following section provides definitions for commonly used words, phrases, and acronyms found throughout the body of this document.

**Annual Action Plan.** This document is an annual submission to HUD for the entitlement grants. ACDA allocates the anticipated one (1) year HUD Entitlement Grants to specific projects and activities for the CDBG, HOME, HOPWA and ESG programs.

#### **At risk of homelessness.**

(1) An individual or family who:

- (i) Has an annual income below 30 percent of median family income for the area, as determined by HUD;
- (ii) Does not have sufficient resources or support networks, e.g., family, friends, faith-based or other social networks, immediately available to prevent them from moving to an emergency shelter or another place described in paragraph (1) of the “Homeless” definition in this section; and
- (iii) Meets one of the following conditions:
  - (A) Has moved because of economic reasons two or more times during the 60 days immediately preceding the application for homelessness prevention assistance;
  - (B) Is living in the home of another because of economic hardship;
  - (C) Has been notified in writing that their right to occupy their current housing or living situation will be terminated within 21 days after the date of application for assistance;
  - (D) Lives in a hotel or motel and the cost of the hotel or motel stay is not paid by charitable organizations or by federal, State, or local government programs for low-income individuals;
  - (E) Lives in a single-room occupancy or efficiency apartment unit in which there reside more than two persons or lives in a larger housing unit in which there reside more than 1.5 people per room, as defined by the U.S. Census Bureau;
  - (F) Is exiting a publicly funded institution, or system of care (such as a health-care facility, a mental health facility, foster care or other youth facility, or correction program or institution); or
  - (G) Otherwise lives in housing that has characteristics associated with instability and an increased risk of homelessness, as identified in the recipient's approved consolidated plan;

(2) A child or youth who does not qualify as “homeless” under this section, but qualifies as “homeless” under section 387(3) of the Runaway and Homeless Youth Act (42 U.S.C. 5732a(3)), section 637(11) of the Head Start Act (42 U.S.C. 9832(11)), section 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e-2(6)), section 330(h)(5)(A) of the Public Health Service Act (42 U.S.C. 254b(h)(5)(A)), section 3(m) of the Food and Nutrition Act of 2008 (7 U.S.C. 2012(m)), or section 17(b)(15) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)(15)); or

(3) A child or youth who does not qualify as “homeless” under this section, but qualifies as “homeless” under section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2)), and the parent(s) or guardian(s) of that child or youth if living with her or him.

**Consolidated Annual Performance Evaluation Report (CAPER).** This document reports on the progress made in carrying out the Consolidated Plan and Annual Action Plan. ACDA prepares the report annually in accordance with 24 CFR Part 91.105.

**Certification.** A written assertion, based on supporting evidence, that must be kept available for inspection by HUD, by the Inspector General of HUD, and by the public. The assertion shall be deemed to be accurate unless

HUD determines otherwise, after inspecting the evidence and providing due notice and opportunity for comment.

**Chronically homeless.**

A “homeless individual with a disability,” as defined in section 401(9) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11360(9)), who:

Lives in a place not meant for human habitation, a safe haven, or in an emergency shelter; and

Has been homeless and living as described in paragraph (1)(i) of this definition continuously for at least 12 months or on at least 4 separate occasions in the last 3 years, as long as the combined occasions equal at least 12 months and each break in homelessness separating the occasions included at least 7 consecutive nights of not living as described in paragraph (1)(i). Stays in institutional care facilities for fewer than 90 days will not constitute as a break in homelessness, but rather such stays are included in the 12-month total, as long as the individual was living or residing in a place not meant for human habitation, a safe haven, or an emergency shelter immediately before entering the institutional care facility;

An individual who has been residing in an institutional care facility, including a jail, substance abuse or mental health treatment facility, hospital, or other similar facility, for fewer than 90 days and met all of the criteria in paragraph (1) of this definition, before entering that facility; or

A family with an adult head of household (or if there is no adult in the family, a minor head of household) who meets all of the criteria in paragraph (1) or (2) of this definition, including a family whose composition has fluctuated while the head of household has been homeless.

**Consolidated plan.** The document that is submitted to HUD that serves as the comprehensive housing affordability strategy, community development plan, and submissions for funding under any of the Community Planning and Development formula grant programs (e.g., CDBG, ESG, HOME, and HOPWA), that is prepared in accordance with the process described in this part 24 CFR Part 91.

**Continuum of Care.** The group composed of representatives of relevant organizations, which generally includes nonprofit homeless providers, victim service providers, faith-based organizations, governments, businesses, advocates, public housing agencies, school districts, social service providers, mental health agencies, hospitals, universities, affordable housing developers, law enforcement, organizations that serve homeless and formerly homeless veterans, and homeless and formerly homeless persons that are organized to plan for and provide, as necessary, a system of outreach, engagement, and assessment; emergency shelter; rapid re-housing; transitional housing; permanent housing; and prevention strategies to address the various needs of homeless persons and persons at risk of homelessness for a specific geographic area.

**Cost burden.** The extent to which gross housing costs, including utility costs, exceed 30 percent of gross income, based on data available from the U.S. Census Bureau.

**Emergency shelter.** Any facility, the primary purpose of which is to provide a temporary shelter for the homeless in general or for specific populations of the homeless, and which does not require occupants to sign leases or occupancy agreements.

**Extremely low-income family.** Family whose income is between 0 and 30 percent of the median income for the area, as determined by HUD with adjustments for smaller and larger families, except that HUD may establish income ceilings higher or lower than 30 percent of the median for the area on the basis of HUD's findings that such variations are necessary because of prevailing levels of construction costs or fair market rents, or unusually high or low family incomes.

## **Homeless.**

An individual or family who lacks a fixed, regular, and adequate nighttime residence, meaning:

An individual or family with a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus or train station, airport, or camping ground;

An individual or family living in a supervised publicly or privately operated shelter designated to provide temporary living arrangements (including congregate shelters, transitional housing, and hotels and motels paid for by charitable organizations or by federal, state, or local government programs for low-income individuals); or

An individual who is exiting an institution where he or she resided for 90 days or less and who resided in an emergency shelter or place not meant for human habitation immediately before entering that institution;

An individual or family who will imminently lose their primary nighttime residence, provided that:

- (i) The primary nighttime residence will be lost within 14 days of the date of application for homeless assistance;
- (ii) No subsequent residence has been identified; and
- (iii) The individual or family lacks the resources or support networks, e.g., family, friends, faith-based or other social networks needed to obtain other permanent housing;

Unaccompanied youth under 25 years of age, or families with children and youth, who do not otherwise qualify as homeless under this definition, but who:

- (i) Are defined as homeless under section 387 of the Runaway and Homeless Youth Act (42 U.S.C. 5732a), section 637 of the Head Start Act (42 U.S.C. 9832), section 41403 of the Violence Against Women Act of 1994 (42 U.S.C. 14043e-2), section 330(h) of the Public Health Service Act (42 U.S.C. 254b(h)), section 3 of the Food and Nutrition Act of 2008 (7 U.S.C. 2012), section 17(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)), or section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a);
- (ii) Have not had a lease, ownership interest, or occupancy agreement in permanent housing at any time during the 60 days immediately preceding the date of application for homeless assistance;
- (iii) Have experienced persistent instability as measured by two moves or more during the 60-day period immediately preceding the date of applying for homeless assistance; and
- (iv) Can be expected to continue in such status for an extended period of time because of chronic disabilities, chronic physical health or mental health conditions, substance addiction, histories of domestic violence or childhood abuse (including neglect), the presence of a child or youth with a disability, or two or more barriers to employment, which include the lack of a high school degree or General Education Development (GED), illiteracy, low English proficiency, a history of incarceration or detention for criminal activity, and a history of unstable employment; or

(4) Any individual or family who:

- (i) Is fleeing, or is attempting to flee, domestic violence, dating violence, sexual assault, stalking, or other dangerous or life-threatening conditions that relate to violence against the individual or a family member, including a child, that has either taken place within the individual's or family's primary nighttime residence or has made the individual or family afraid to return to their primary nighttime residence;
- (ii) Has no other residence; and
- (iii) Lacks the resources or support networks, e.g., family, friends, faith-based or other social networks, to obtain other permanent housing.

**Homeless Management Information System (HMIS).** The information system designated by the Continuum of Care to comply with HUD's data collection, management, and reporting standards and used to collect client-level data and data on the provision of housing and services to homeless individuals and families and persons at risk of homelessness.

**Homeless person.** A youth (17 years or younger) not accompanied by an adult (18 years or older) or an adult without children, who is homeless (not imprisoned or otherwise detained pursuant to an Act of Congress or a State law), including the following:

- An individual who lacks a fixed, regular, and adequate nighttime residence; and

- An individual who has a primary nighttime residence that is:

  - A supervised publicly or privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters, and transitional housing for the mentally ill);

  - An institution that provides a temporary residence for individuals intended to be institutionalized; or

  - A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

**HUD.** The U.S. Department of Housing and Urban Development

**Jurisdiction.** A State or unit of general local government.

**Low-income families.** Low-income families whose incomes do not exceed 50 percent of the median family income for the area, as determined by HUD with adjustments for smaller and larger families, except that HUD may establish income ceilings higher or lower than 50 percent of the median for the area on the basis of HUD's findings that such variations are necessary because of prevailing levels of construction costs or fair market rents, or unusually high or low family incomes.

**Middle-income family.** Family whose income is between 80 percent and 95 percent of the median income for the area, as determined by HUD, with adjustments for smaller and larger families, except that HUD may establish income ceilings higher or lower than 95 percent of the median for the area on the basis of HUD's findings that such variations are necessary because of prevailing levels of construction costs or fair market rents, or unusually high or low family incomes. (This corresponds to the term "moderate income family" under the CHAS statute, 42 U.S.C. 12705.)

**Moderate-income family.** Family whose income does not exceed 80 percent of the median income for the area, as determined by HUD with adjustments for smaller and larger families, except that HUD may establish income ceilings higher or lower than 80 percent of the median for the area on the basis of HUD's findings that such variations are necessary because of prevailing levels of construction costs or fair market rents, or unusually high or low family incomes.

**Needs Identification Report.** This report provides an examination of current community needs, and identifies strategies, priority needs, and objectives for meeting housing, community development, and economic development goals. It also provides a basis for prioritizing project proposals for CDBG, HOME and ESG funding consideration

**Person with a disability.** A person who is determined to:

- Have a physical, mental or emotional impairment that:

  - Is expected to be of long-continued and indefinite duration;

  - Substantially impedes his or her ability to live independently; and

  - Is of such a nature that the ability could be improved by more suitable housing conditions; or

  - Have a developmental disability, as defined in section 102(7) of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001-6007); or

Be the surviving member or members of any family that had been living in an assisted unit with the deceased member of the family who had a disability at the time of his or her death.

**Poverty level family.** Family with an income below the poverty line, as defined by the Office of Management and Budget and revised annually.

**Program Year.** The twelve (12) month period in which HUD funds are to be spent for eligible activities

**Public Meeting.** Public meetings are any assemblies or gathering, (such as conferences, informational sessions, seminars, workshops, or other activities) which the responsible agency intends to be open to anyone wishing to attend. Public meetings are less formal than public hearings. They do not require formal presentations, scheduling of presentations and a record of proceedings.

**Public Hearing.** A public hearing is an official proceeding of a governmental body or officer, during which the public is accorded the right to be heard. It bears emphasizing that any hearing held by a public body will necessarily constitute “conducting public business” within the meaning of the Open Meetings Law. The body must therefore have a quorum present, and must comply with the requirements of the OML as well as with the specific requirements found elsewhere that relate to the hearing itself. Many public hearings are required by law on particular matters, such as those that must be held prior to adoption of a local law, or prior to a determination by a planning board on a subdivision plat application. Many others need only be held at the option of a public body, because it may desire merely to gauge public opinion on a matter. Where a public hearing is required by law, the particular statute governing the subject matter usually sets forth the applicable procedural requirements.

**Rapid re-housing assistance.** The provision of housing relocation and stabilization services and short- and/or medium-term rental assistance as necessary to help a homeless individual or family move as quickly as possible into permanent housing and achieve stability in that housing.

**Relocation.** The movement of a person as a direct result of the implementation of federally assisted acquisition, demolition, conversion, or rehabilitation activities.

**Severe cost burden.** The extent to which gross housing costs, including utility costs, exceed 50 percent of gross income, based on data available from the U.S. Census Bureau.

**State.** Any State of the United States and the Commonwealth of Puerto Rico.

**Transitional housing.** A project that is designed to provide housing and appropriate supportive services to homeless persons to facilitate movement to independent living within 24 months, or a longer period approved by HUD. For purposes of the HOME program, there is no HUD-approved time period for moving to independent living.

**Victim service provider.** A private nonprofit organization whose primary mission is to provide services to victims of domestic violence, dating violence, sexual assault, or stalking. This term includes rape crisis centers, battered women's shelters, domestic violence transitional housing programs, and other programs.

**Unit of general local government.** A city, town, township, county, parish, village, or other general purpose political subdivision of a State; an urban county; and a consortium of such political subdivisions recognized by HUD in accordance with the HOME program (24 CFR part 92) or the CDBG program (24 CFR part 570).

**Sub-recipient.** A public or private nonprofit agency, authority or organization, or a for-profit entity receiving CDBG, HOME or ESG funds from the County or another sub-recipient to undertake activities eligible for

assistance. The term does not include contractors providing supplies, equipment, construction or services subject to the procurement requirements in 24 CFR Part 85.36 or in 24 CFR Part 84, as applicable.

**Substantial Amendment.** A substantial amendment is a change to the jurisdiction's planned or actual activities as published in the Consolidated Plan or Annual Action Plan.