



Community Development Block Grant Program

Citizen Participation Plan 2020-2024

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City of Fort Myers Five Year Consolidated Plan Citizen Participation Plan

Pursuant to regulations of the United States Department of Housing and Urban Development (HUD) emanating from the Housing and Community Development Act of 1974, 1987 and 24 CFR Part 91.100 – Citizen Participation and Consultation, the City of Fort Myers has created a Citizen Participation Plan to incorporate provisions that affect the Community Development Block Grant (CDBG) program. It contains five sections:

- Purpose of the citizen participation plan
- Citizen participation opportunities
- Access to records
- Complaints
- Criteria for substantial amendments
- Anti-displacement and Relocation Plan

I. Purpose of the Citizen Participation Plan

The purpose of the Citizen Participation Plan is to identify and set forth guidelines that the City of Fort Myers Community Development Department will follow to ensure that citizens of Fort Myers are adequately aware of programs/activities that are funded by the United States Department of Housing and Urban Development (HUD). The Citizen Participation Plan will address the time frame and manner citizens will be informed and encouraged to participate in the planning process for the expenditure of Community Development Block Grant (CDBG) funds. This plan will also address how citizens will participate in the development of the Five-Year Consolidated Plan, Analysis of Impediment to Fair Housing Choice, Annual Action Plan, and the Consolidated Annual Performance and Evaluation Report (CAPER).

The Five-Year Consolidated Plan

The Consolidated Plan is a five-year plan that discusses strategies to address community needs, priorities, and proposed activities. The plan is due August 15 every five years.

The Analysis of Impediment to Fair Housing Choice

The Analysis of Impediment to Fair Housing Choice is a five-year plan that outlines strategies to affirmatively promote equal housing opportunities throughout the City. The plan is due August 15 every five years.

The Annual Action Plan

The Annual Action Plan is a yearly update of the Consolidated Plan where specific projects are identified for that fiscal year funding. The plan is due annually by August 15.

The Consolidated Annual Performance Report (CAPER)

The CAPER is an annual summary that discusses the accomplishments of projects funded the previous fiscal year. The CAPER also discusses the amount of funds budgeted for each project, expenditures, demographic information of beneficiaries, homeless data, and other information pertinent to that fiscal year. The plan is due December 31.

Consultation Activities

The City of Fort Myers Local Affordable Housing Advisory Committee will provide comments on the draft City of Fort Myers Five Year Consolidated Plan and the Annual Action Plan, including needs and proposed strategies, actions, and projects. Additionally, the City will inform public and private agencies that provide housing, health, and social services information about community meetings and public hearings.

II. Citizen Participation Opportunities

The City of Fort Myers urges citizens to voice their concerns and share their ideas concerning the programming of Federal funds. The City welcomes comments and suggestions regarding the Citizen Participation Plan, Consolidated Plan, Annual Action Plan, and the Consolidated Annual Performance and Evaluation Report (CAPER).

To encourage citizen participation, the City of Fort Myers will undertake the following activities each year:

- Hold at least two public hearings/meetings during the program year to garner citizen comments on the needs, strategies, actions, projects, and performance
- Offer a comment period, not less than thirty (30) days, on the draft versions of the City of Fort Myers Consolidated Plan, Analysis of Impediment to Fair Housing Choice, Annual Action Plan, and CAPER
- Distribute copies of the draft of the City of Fort Myers Consolidated Plan, Analysis of Impediment to Fair Housing Choice, Annual Action Plan, and CAPER for citizen review
- Publish copies of the Consolidated Plan, Analysis of Impediment to Fair Housing Choice, Annual Action, and CAPER on the City of Fort Myers Housing website
- Provide special accommodations to residents upon request

Public Hearings

The City of Fort Myers will hold at least two public hearings per year to obtain City Council and public comments on needs, strategies, actions, projects, and performance. One Public Hearing will be held prior to submittal of the Annual Action Plan and the other prior to submittal of the CAPER. Additional Public Hearings may be held if an amendment is needed. Comments from individuals or groups received in writing or at the public hearing will be considered and included in the plans.

Public Meetings

The City will work with community and neighborhood-based organizations to foster citizen involvement of the residents they serve. The City hold meetings in the neighborhoods of the City Census Tracts primarily served with CDBG funds. To encourage the participation of public housing residents, the City will notify the City of Fort Myers Housing Authority about the meeting and hold at least one meeting in a place convenient to one or more public housing communities. Subrecipients are required to attend public meetings and public hearing if warranted. Comments from individuals or groups received in writing or at the public meeting will be considered and included in the plans.

Public Meeting #1: Proposed Needs, Strategies, and Projects

The City will hold the first round of public meeting (including the required public hearing) no later than a month before the City of Fort Myers Consolidated Plan (including the Annual action Plan) and Analysis of Impediment to Fair Housing Choice is due to be submitted to the U.S. Department of Housing and Urban Development. Subrecipients are required to attend Public Meetings.

The public hearing will contain a discussion of the following items:

- The amount of assistance the City expects to receive in the coming program year for the CDBG program, including program income
- The range of activities that may be undertaken, including the estimated amount that will benefit low-and moderate-income persons
- The priority needs in the Consolidated Plan
- The five-year strategies in the Consolidated Plan designed to address priority needs
- A discussion of the programs or activities that are proposed to be funded

Public Meeting #2: Performance

The City will hold the second public meeting (including the required public hearing) no later than a month before the Fort Myers Consolidated Annual Performance Report (CAPER) is due to be submitted to the U.S. Department of Housing and Urban Development. Subrecipients are required to attend Public Meetings.

The public meeting will contain a discussion of the following items:

- The amount of assistance the City received for the CDBG program (including program income) during the previous program year.
- The priority needs in the Consolidated Plan.
- The five-year strategies in the Consolidated Plan and Analysis of Impediment to Fair Housing Choice designed to address those needs.
- The progress made carrying out the activities and projects in the previous year's Annual Action Plan.

The City will hold public meetings at times and locations convenient to potential beneficiaries, and with accommodation for persons with disabilities. Formal public hearings will be held during City Council

meetings in the City Hall. During times of a national declared disaster or pandemic such as COVID19, in person public hearings and meetings will not be required. Virtual public hearings would be acceptable.

The public hearing notice will request persons with disabilities and persons in need of transportation assistance to notify the City so that it may make appropriate arrangements. When the City expects a significant number of non-English speaking residents to attend, a translator may be available, upon request, if one is available. For special requests, residents may contact HRE at (239) 321-7970 with any requests.

Public Comment Period

To provide citizens with more opportunities to provide input into the Citizen Participation Plan, Five Year Consolidated Plan, Analysis of Impediment to Fair Housing Choice, Annual Action Plan and CAPER, the City will provide the following public comment periods: Citizens may comment on the Citizen Participation Plan for 30 days, sometime prior to Public hearing

- Citizens may comment on the Five- Year Consolidated Plan for 30 days, sometime prior to Public hearing
- Citizens may comment on the Annual Action Plan for 30 days, sometime prior to Public hearing
- Citizens may comment on the Consolidated Annual Performance and Evaluation Report for 30 days, sometime prior to Public hearing
- During times of a national disaster or pandemic such as COVID19, citizens may comment on the CDBG-CV Ares Act for 5 days, sometime prior to Public hearing

To make comments on these documents, citizens may:

- Call Housing and Real Estate Division at (239) 321-7970
- Write to "Citizen comments," care of City of Fort Myers Housing Division, 1825 Hendry Street, Suite 101, Fort Myers, FL 33901 (citizens may also drop off comments to this address)
- E-mail comments to housing@cityftmyers.com
- Attend the public hearing and public meetings described above. The participation of all citizens, including minorities and non-English speaking persons, persons with disabilities and residents of public and assisted housing developments is strongly encouraged

The City will provide citizens with reasonable opportunities for public comment. The City will advertise a public notice concerning the availability of these documents in the public notice section of the local newspaper and other neighborhood/local newspapers (if available) the first day of the public comment period. The City will make copies of plans available at its Community Development Department office and City website.

Upon request, the City will make the Five-Year Consolidated Plan, Annual Action and Analysis of Impediment to Fair Housing Choice available in a format accessible to persons with disabilities. Persons with a hearing impairment may call (239) 332-2541. Non-English-speaking residents and sight-impaired individuals may call City of Fort Myers at (239) 321-7035 to arrange for translated material.

Within the Five-Year Consolidated Plan, Analysis of Impediment to Fair Housing Choice, Annual Action Plan and CAPER, HRE will include a summary of citizen comments regarding each document and its response to them.

Amendments to the Five-Year Consolidated Plan

The Consolidated Plan regulations (§91.505) require City of Fort Myers to amend its approved Consolidated Plan whenever it makes one of the following decisions:

1. To change allocation priorities or change the method of distributing funds that was not previously discussed in the Consolidated Plan.
2. To carry out an activity, using CDBG (including program income), not previously described in the Annual Action Plan.
3. To change the purpose, scope, location, or beneficiaries of an activity previously approved in an Annual Action Plan.

Upon completion, the City will make the amendment public and will notify HUD that an amendment was made. The City will ensure that all amendments are contained in the Consolidated Annual Performance and Evaluation Report submitted to HUD after the end of the program year. The City of Fort Myers reserves the right to make non-substantive changes to the Consolidate Plan without opening a public comment period. The table Appendix 1 summarizes the public hearing and public notice requirements for each CDBG plan or report.

III. Access to Records

Citizens, public agencies, and other interested parties may review information and records relating to the Consolidated Plan. To locate records and arrange space for viewing, the City will request a written notice two (2) days before review. Reviews of records that are at least two (2) years old will require a 5-day notice. Requests for multiple copies of the same documents may be subject to a per-page copying charge of ten cents.

Written requests may be received via email at housing@cityftmyers.com or through mail at City of Fort Myers Housing and Real Estate Division, 1825 Hendry Street, Suite 101, Fort Myers, FL 33901.

Technical Assistance

Upon request, the City will provide technical assistance to organizations that wish to develop proposals for funding assistance under any programs covered by the Consolidated Plan. The City of Fort Myers will especially encourage group representatives of persons of extremely low to moderate-income persons to request technical assistance. The City will determine the level and type of technical assistance required.

IV. Complaints

The City will provide a substantive written response to every written citizen complaint related to the Citizen Participation Plan, the Consolidated Plan, Annual Action Plan, Substantial Amendments, and the

CAPER within 15 working days. To lodge a formal complaint, write to “Complaints,” City of Fort Myers Housing and Real Estate Division, 1825 Hendry Street, Fort Myers, FL 33901.

V. Criteria for Substantial Amendment

The Consolidated Plan regulations consider certain amendments to be *substantial amendments* that require a public comment period and additional citizen participation. The City of Fort Myers defines a *substantial amendment* as changes in the use of CDBG funds, in excess of 30%, from one eligible activity to another, planned or actual (§91.105 (c)(1)).

If the City should need to make a substantial amendment to its approved Consolidated Annual Plan, the City will provide a 15-day comment period before it implements the amendment. The City will also hold a Public Meeting on any substantial amendment(s). To provide reasonable notice to the public, the City will publish a notice of the change in the local newspaper and other neighborhood/local newspapers (if available) at least three days before the beginning of the citizen comment period for the amendment(s). Copies of the plan will be provided on the City website and in the Community Development Department

In finalizing the substantial amendment, the City of Fort Myers will consider any written or verbal citizen comments received at the public hearing. The City will attach a summary of comments (including a summary of any comments not accepted and the reasons it did not accept them) to the substantial amendment. Please see an earlier section of this Citizen Participation Plan for information about where to send comments.

CHANGES TO CITIZENS PARTICIPATION PLAN:

This Citizen Participation Plan can be changed only after the public has been notified of the intent to modify it, and only after the public has had a reasonable chance to review and comment on proposed substantive changes or during the regular consolidated planning process which provides for proper public noticing.

Disaster/Emergency events that may require expedited substantial amendments:

It may be necessary to expedite substantial amendments to the Consolidated Plan in the event of a declared disaster or emergency. There are three types of disasters/emergency events that may necessitate an expedited substantial amendment including (1) Man-Made-disasters, (2) Natural disasters, and (3) Terrorism. Man-made disasters can include chemical spills, mass rioting, power outages, dam failure, plant explosions, etc. Natural disasters can include earthquakes, tsunamis, hurricanes, tornadoes, wildfires, flooding and public health issues such as wide-spread disease such as the recent coronavirus disease 2019 (COVID-19). Terrorism events include bomb threats, biochemical attacks like the spread of anthrax, or cyber-attacks like hacking, phishing, and virus distribution, etc.

These expedited substantial amendments may include funding new activities and or reprogramming of funds including cancelling activities to meet needs resulting from a declared disaster or emergency. Therefore, the City of Fort Myers may utilize CDBG funds to meet these needs with a 5-day public

comment period instead of a 30-day public comment period which is otherwise required for substantial amendments.

For CDBG funding under FY 2019-2020, FY 2020-2021 and the Coronavirus Aid Relief and Economic Security ACT or CARES Act, the City of Fort Myers may provide 5-day notices for public comments as allowed under the HUD waiver.

Additional HUD Waivers

In accordance with 24 CFR 5.110, HUD may, upon a determination of good cause and subject to statutory limitations, waive regulatory provisions. Additional regulatory waiver authority is provided in 24 CFR 91.600. These provisions provide HUD the authority to make waiver determinations for the CDBG program. To eliminate further delays and expedite grantees' ability to incorporate the increase in funding caused by the FY 2021 allocation error that affects all CDBG grant recipients, except for Insular Area grantees, I hereby find good cause to provide the regulatory waivers below. Provisions that are not specifically waived remain fully effective.

Given the need to expedite actions to respond to the allocation error, HUD waives 24 CFR 91.105(b)(4), (c)(2), and (k) for local governments, 91.115(b)(4), (c)(2), and (i) for states, and 91.401 for consortia, and reduces the public comment period for grantees preparing FY 2021 Plans, amendments thereto, and amendments to prior year plans from 30 days to no less than three days. The provisions at 24 CFR 91.105(k) and 24 CFR 91.115(i), which require grantees to follow their citizen participation plans, are waived only to the extent that they allow grantees to change their public comment periods. Grantees must continue to follow their citizen participation plans otherwise. In reducing the comment period to three days, HUD is balancing the need to quickly assist communities while continuing to provide reasonable notice and opportunity for citizens to comment on the proposed uses of CDBG funds.

Applicability: This authority is in effect through August 16, 2021 and is limited to facilitating preparation of the grantee's FY 2021 Consolidated Plan Annual Action Plan and any FY 2021 Plan substantial amendments.

VI. Section 108 Loan Citizen Participation Plan

The City of Fort Myers has developed this citizen participation plan, which will be applicable only if the City applies for the CDBG Section 108 Guaranteed Loan Funds. HUD regulations state that the Section 108 Loan Citizen Participation Plan may be incorporated into the City's existing citizen participation plan for the Consolidated Plan provided that it complies with the requirements delineated in 24 CFR 570.704 (A) (2). Note that HUD regulations state that the City is not required to hold a separate public hearing for its Consolidated Plan and for the Section 108 Loan process to obtain citizens' views on community development and housing needs. To the extent that it is feasible, it is the City's intent to combine these two processes as allowed by federal regulations.

This Section 108 Loan Citizen Participation Plan sets forth the following policies and procedures to ensure Fort Myers residents and stakeholders are provided an opportunity to provide comments on actions related to a potential Section 108 Loan application and use of such funds:

Notices and Meetings – City of Fort Myers residents and stakeholders will be provided timely notice of local meetings and reasonable and timely access to local meetings, information, and records relating to the City’s proposed and actual use of guaranteed loan funds. The City will utilize the same means to provide notices as outlined previously in the Citizen Participation Plan. Information provided will include, but is not limited to:

- The amount of guaranteed loan funds expected to be made available as a result of an application for Section 108 Loan funds, including program income anticipated to be generated by the activities carried out with guaranteed loan funds;
- A list of the range of activities that may be undertaken with guaranteed loan funds;
- The estimated amount of guaranteed loan funds (including program income derived there from) proposed to be used for activities that will benefit low- and moderate-income persons;
- The proposed activities likely to result in displacement and the City’s plans, consistent with the policies developed under § 570.606, for minimizing displacement of persons as a result of its proposed activities.

Public Hearings - The City will hold at least two public hearings at a different stage of the application process. Public hearings will be held by the Fort Myers City Council.

- One **Public Hearing** will be held for the purpose of obtaining the views of citizens regarding a proposed application for Section 108 Loan funds.
- A second **Public Hearing** will be held to formulate or respond to proposals and questions.
- Together the hearings will address community development and housing needs, development of proposed activities and review of program performance as they relate to the receipt and use of Section 108 Loan funds.
- At least one hearing will be held before submission of the application to obtain the views of citizens on community development and housing needs as they relate to the application for Section 108 Loan funds.
- Reasonable notice of the hearing will be provided, and the hearing will be held at times and locations convenient to potential or actual beneficiaries, with accommodation for the handicapped. The means that will be utilized to notify interested parties of hearing times, locations and potential beneficiaries will be same as outlined previously in the Citizen Participation Plan.
- Language translation services will be provided at meetings, such as public hearings, where a significant number of non-English speaking residents may reasonably be expected to participate.

Substantial Amendments - The City will provide affected residents with reasonable advance notice of, and opportunity to comment on, proposed activities not previously included in a Section 108 Loan application and activities which are proposed to be deleted or substantially changed in terms of purpose, scope, location, or beneficiaries. For the purpose of the Section 108 Guarantee Loan program, the City has determined that following situation(s) will constitute(s) a **substantial change** thus triggering the requirement for a public hearing and 30-day public comment period:

- Changes in the use of Section 108 Loan funds from one proposed eligible type of activity to another that was not identified in the Section 108 Loan application to HUD.
- More than 30% of the Section 108 Loan Fund awarded to the City is reallocated to one or more eligible activities.

Public Comment Period

To provide citizens with more opportunities to provide input into the Section 108 Loan, the City will provide the following public comment periods:

- Citizens may comment on the Section 108 Loan Application for 15 days, sometime prior to Public hearing

To make comments on these documents, citizens may:

- Call the Housing & Real Estate Division at (239) 321-7970
- Hand deliver or write to “Citizen Comments,” in care of City of Fort Myers Housing and Real Estate Division, 1825 Hendry Street, Suite 101, Fort Myers, FL 33901.
- E-mail comments to housing@cityftmyers.com
- Attend the public hearing and public meetings described above. The participation of all citizens, including minorities and non-English speaking persons, persons with disabilities and residents of public and assisted housing developments is strongly encouraged

The City will provide citizens with reasonable opportunities for public comment. The City will advertise a public notice concerning the availability of these documents in the public notice section of the local newspaper and other neighborhood/local newspapers (if available) the first day of the public comment period. The City will make copies of plans available at its Community Development Department office and City website.

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7035 to arrange for translated material. Within the Five-Year Consolidated Plan, Annual Action Plan and CAPER, H&RE will include a summary of citizen comments regarding each document and its response to them.

Anti-displacement and Relocation Plan

The City of Fort Myers' Citizen Participation Plan must include an Anti-displacement and Relocation Plan that describes how it will help persons who must be temporarily relocated or permanently displaced due to the use of CDBG funds. This plan takes effect whenever City of Fort Myers funds projects that involve the following:

- Property acquisition
- Potential displacement of people from their homes and the need to relocate people (either permanently or temporarily).\
- The demolition or conversion of low- and moderate-income dwelling units.\

Background

Two Acts apply whenever any of the above issues are present: The Uniform Relocation assistance and Real Property Policies Act of 1970 (URA) and Section 104(d) of the Housing and Community Development Act of 1974. Each of these acts' places different obligations on the County.

The URA governs the processes and procedures the City must follow to minimize the burden placed on low- and moderate-income tenants, property owners, and business owners who must move (either temporarily or permanently) as the result of a project funded in whole or in part by the CDBG program.

The URA applies to:

1. Displacement that results from acquisition, demolition, or rehabilitation for HUD-assisted projects carried out by public agencies, nonprofit organizations, private developers, or others.
2. Real property acquisition for HUD-assisted projects (whether publicly or privately undertaken).
3. Creation of a permanent easement or right of way for HUD-assisted projects (whether publicly or privately undertaken).
4. Work on private property during the construction of a HUD-assisted project even if the activity is temporary.

What is Displacement?

Displacement occurs when a person **moves** as a **direct result** of Federally assisted acquisition, demolition, conversion, or rehabilitation activities, because he or she is:

- Required to move, or
- Not offered a decent, safe, sanitary and affordable unit in the project, or
- Treated "unreasonably" as part of a permanent or temporary move.

A person may also be considered displaced if the necessary notices are not given or provided in a timely manner and the person moves for any reason.

What is a *Displaced Person*?

The term *displaced person* means any person that moves from real property or moves his or her personal property from real property permanently as a direct result of one or more of the following activities:

1. Acquisition of, or written notice of intent to acquire, or initiation of negotiations to acquire, such real property, in whole or in part, for a project
2. Rehabilitation or demolition of such real property for a project
3. Rehabilitation, demolition, or acquisition (or written notice of intent) of all or a part of other real property on which the person conducts a business or farm operation, for a project

The City will offer advisory and financial assistance to eligible tenants (or homeowners) who meet the above definition.

Persons Not Eligible for Assistance

A person is not eligible for relocation assistance under the provisions of the URA if any of the following occurs:

1. The person was evicted for serious or repeated violation of the terms and conditions of the lease or occupancy agreement, violation of applicable Federal, State, or local law, or other good cause. However, if the person was evicted only to avoid the application of URA, then that person is considered displaced and is eligible for assistance.
2. The person has no legal right to occupy the property under State or local law.
3. The City determines that the person occupied the property to obtain relocation assistance and the HUD Field Office concurs in that determination.
4. The person is a tenant-occupant that moved into the property after a certain date, specified in the applicable program regulation, and, before leasing and occupying the property. The City or its subrecipient provided the tenant-occupant written notice of the application for assistance, the project's impact on the person, and the fact that he or she would not qualify as a "displaced person" because of the project.
5. The person is a tenant-occupant of a substandard dwelling that is acquired or a tenant-occupant of a dwelling unit to which emergency repairs are undertaken and the HUD Miami Field Office concurs that:
 - a. Such repairs or acquisition will benefit the tenant
 - b. Bringing the unit up to a safe, decent, and sanitary condition is not feasible
 - c. The tenant's new rent and average estimated monthly utility costs will not exceed the greater of the old rent/utility costs or 30 percent of gross household income
 - d. The project will not impose any unreasonable change in the character or use of the property
6. The person is an owner-occupant of the property who moves because of an arm's length acquisition.
7. The City or its subrecipient notifies the person that they will not displace him or her for the project.

8. The person retains the right of use and occupancy of the real property for life following the acquisition.
9. The City determines that the person is not displaced as a direct result of the acquisition, rehabilitation, or demolition for the project and that HUD Miami Field Office concurs in the determination.

Minimizing Displacement

As a general philosophy, the City will take reasonable steps to minimize displacement occurring as a result of its CDBG activities. This means that the City will:

- Consider if displacement will occur as part of funding decisions and project feasibility determinations
- Assure, whenever possible that occupants of buildings to be rehabilitated are offered an opportunity to return
- Plan substantial rehabilitation projects in “stages” to minimize displacement
- Meet all HUD notification requirements so that affected persons do not move because they have not been informed about project plans and their rights

Anti-Displacement Policy:

The City's policy is to minimize, to the greatest extent feasible, the displacement, whether permanently or temporarily, of persons (families, individuals, businesses, nonprofit organizations, or farms) from projects funded with CDBG involving single- or multifamily rehabilitation, acquisition, commercial rehabilitation, demolition, economic development, or capital improvement activities.

Projects that the City deems beneficial, but that may cause displacement, may be recommended and approved for funding only if the City or its subrecipient demonstrates that such displacement is necessary and vital to the project and that efforts are being taken to reduce the number of persons displaced. Further, must clearly demonstrate that the goals and anticipated accomplishment of a project outweigh the adverse effects of displacement imposed on persons who must relocate.

Displacement Assistance

Consistent with the goals and objectives of the CDBG program, the City will take all reasonable steps necessary to minimize displacement of persons, even temporarily. If displacement occurs, the City will provide relocation assistance to all persons directly, involuntarily, and permanently displaced according to HUD regulations.

If the City temporarily displaces a low- or moderate-income household, that household becomes eligible for certain relocation payments. The assistance applies to those persons residing in the residence at the time the application is processed and is based on the following procedures:

1. If the structure and its occupants are determined eligible for temporary relocation assistance, the owner-occupants and tenants are eligible for the actual reasonable cost (based on fair

market rent) of temporary lodging facilities until the structure is determined habitable by City of Fort Myers' Building Official.

2. The City must approve housing and the Lessor and Lessee must sign a rent agreement before actual rental. Housing must be comparable functionally to the displacement dwelling and decent, safe, and sanitary. This does not mean that the housing must be in comparable size. The term "functionally equivalent" means that it performs the same function, has the same principal features present, and can contribute to a comparable style of living. Approved lodging accommodations include apartments and houses. The City does not reimburse "rental expenses" for living with a friend or family member.
3. Either the City will provide the owner-occupants and tenants a direct payment for moving expenses (to and from temporary housing) and storage costs, or the City will arrange moving and storage of furniture with a moving company. If the City makes a direct payment, complete documentation and receipts are necessary to process claims when storage costs exceed the amount assumed by the direct payment.
4. Damage deposits, utility hookups telephone hookups and insurance costs are not eligible for reimbursement.

The City may pay the cost of relocation assistance from Federal funds or funds available from other sources.

One-For-One Replacement Dwelling Units

The City will generally avoid awarding funds for activities resulting in displacement. However, should the City fund an activity, specific documentation is required to show the replacement of all occupied and vacant dwelling units demolished or converted to another use. The City will assure that relocation assistance is provided as described in 24 CFR 57.606(b)(2).

Before obligating or expending funds that will directly result in such demolition or conversion, the City will make public and submit to the Miami HUD field office the following information in writing:

1. A description of the proposed assisted activity.
2. The general location on a map and approximate number of dwelling units by size (number of bedrooms) that will be demolished or converted to a use other than as low- and moderate-income units.
3. A time schedule for the commencement and completing of the demolition or conversion.
4. The general location on a map and approximate number of dwelling units by size (number of bedrooms) that will be provided as replacement units.
5. The source of funding and a time schedule for the provision of replacement dwelling units.
6. The basis for concluding that each replacement dwelling unit will remain a low- and moderate-income unit for at least ten years from the date of initial occupancy.

Consistent with the goals and objectives of the CDBG program, the City will take all reasonable steps necessary to minimize displacement of persons from their homes. The City will avoid funding

projects that cause displacement of persons or businesses and will avoid funding any project that involves the conversion of low- and moderate-income housing to non-residential purposes.

Decent, Safe and Sanitary Dwelling

The basic definition is found at 49 CFR 24.2(1). The term *decent, safe and sanitary dwelling* means a dwelling that meets the following standards and any other housing and occupancy codes that are applicable. It will:

1. Be structurally sound; weather tight, and in good repair.
2. Contain a safe electrical wiring system adequate for lighting and other devices.
3. Contain a safe heating system capable of sustaining a healthful temperature for the displaced person.
4. Be adequate to accommodate the displaced person. There will be a separate, well lit, ventilated bathroom that provides privacy to the user and contains a toilet, sink and a bathtub or shower, all in good working order and properly connected to appropriate sources of water and to a sewage drainage system. There should be a kitchen area that contains a fully usable sink, properly connected to hot and cold water and to a sewage drainage system and adequate space and utility service connections for a stove and refrigerator.
5. Contain unobstructed egress to safe, open space at ground level.
6. For a mobility-impaired person, be free of any barriers that would preclude reasonable ingress, egress, or use of the dwelling by such person. This requirement will be satisfied if the displaced person elects to relocate to a dwelling that he or she selects, and the displaced person determines that he or she has reasonable ingress, egress, and the use of the dwelling.
7. Comply with lead-based paint requirements of 24 CFR Part 35.

Real Property Policies

The City and its CDBG fund recipients must follow specific guidelines regarding the acquisition and use of real property funded in whole or in part with CDBG funds.

Use of Real Property

The following standards apply to real property within the recipient's control and acquired or improved, in whole or in part, using CDBG funds. These standards will apply from the date funds are first spent for the property until five years after the project is audited and closed.

1. A recipient may not change the use of any such property (including the beneficiaries of such use) from that for which the acquisition or improvement was made unless the recipient gives affected citizens reasonable notice of, and opportunity to comment on, any such propose change, and either:
 - The use of such property qualifies as meeting a national objective and is not a building for the general conduct of government
 - The requirements in paragraph #2 below are met
2. If the recipient determines, after consultation with affected citizens, that it is appropriate to change the use of property to a use that does not qualify under paragraph #1 above, it may

retain or dispose of the property. The City of Fort Myers CDBG program must be reimbursed in the amount of the current fair market value of the property less any portion attributable to expenditures of non-federal funds for the acquisition of and improvements to the property.

3. If the change of use occurs within five years of the project being audited and closed, income from the disposition of the real property will be returned to the City of Fort Myers CDBG program.
4. Following the reimbursement of the federal program pursuant to paragraph #2 of this section, the property is no longer subject to any federal requirements.

Real Property Acquisition

All real property acquisition activities described in this section and funded in whole or in part with CDBG funds and all real property that must be acquired for an activity assisted with Federal funds, regardless of the actual funding source for the acquisition, are subject to the URA (as amended).

What is Real Property Acquisition?

Real property acquisition is any acquisition by purchase, lease, donation, or otherwise, including the acquisition of such interests as rights-of-way and permanent easements.

HUD Handbook 1378 and 49 CFR 24 currently contains such regulations. These regulations detail a standard procedure for acquiring property and methods of determining a purchase price and outline other documents that must be provided to City of Fort Myers before disbursement of funds. These regulations further require the applicant to provide relocation payments and assistance to any business or residential occupant of the property whom the acquisition will displace.

Eligible Activities

The City or its subrecipient may acquire real property for a project using CDBG funds where the proposed use of the acquired property will be an activity that the City can demonstrate as beneficial to low- and moderate-income persons.

Environmental Review

HUD requires that all real property acquisition projects be reviewed before the commitment of Federal funds to assess the impact of a project on the environment. The City will undertake this review. The applicant should be aware, however, that this review process may delay the date by which CDBG funds may be available and, in case of serious adverse environmental impacts, could effectively stop a project.

Appendix 1

Summary of Public Participation Process

| Document | Meetings Type | Legal Notice | Other Notices | Location for Public Review |
|--|--|---|--|---|
| Combined Five Year Consolidated Plan | 1 Community Meeting and 1 Public Hearing | Clerk's Office will run one legal notice in newspaper at least 30 days prior to Public Hearing advertising Public Hearing and 30-day Public Comment period | Notification of community meetings will be provided to residents at least 10-14 days prior to the meeting by one of the following: flyers, postcards, water bill inserts, local newspaper, community newspapers and advertisement to the City website. | Copies of the plan will be provided on the City website and in the Community Development Department |
| Consolidated Plan Amendments | 1 Public Meeting | Clerk's Office will run one legal notice in newspaper at least 30 days prior to Public Hearing and 30-day Public Comment period | Public Hearing will be advertised on City website local newspaper, community newspapers | Copies of the plan will be provided on the City website and in the Community Development Department |
| Annual Action Plan | 1 Community Meeting and 1 Public Hearing | Clerk's Office will run one legal notice in newspaper at least 30 days prior to Public Hearing advertising Public Hearing and 30-day Public Comment period. <u>Wavier of the 30 day for FY2021 to no less than 3-day comment period</u> | Notification of community meetings will be provided to residents at least 10-14 days prior to the meeting by one of the following: flyers, postcards, water bill inserts, local newspaper, community newspapers and advertisement to the City website. | Copies of the plan will be provided on the City website and in the Community Development Department |
| Annual Action Plan Amendments | 1 Public Meeting | Clerk's Office will run one legal notice in newspaper at least 30 days prior to Public Meeting and 30-day Public Comment period | Public Meeting will be advertised on City website and local newspaper | Copies of the plan will be provided on the City website and in the Community Development Department |
| Consolidated Annual Performance and Evaluation Report | 1 Community Meeting and 1 Public Hearing | Clerk's Office will run one legal notice in newspaper at least 15 days prior to Public Hearing advertising Public Hearing and 15-day Public Comment period | Notification of community meetings will be provided to residents at least 10-14 days prior to the meeting by one of the following: flyers, postcards, water bill inserts, local newspaper, community newspapers and advertisement to the City website. | Copies of the plan will be provided on the City website and in the Community Development Department |
| Analysis of Impediment to Fair Housing Choice | 1 Public Hearing | Clerk's Office will run one legal notice in newspaper at least 30 days prior to Public Hearing advertising Public Hearing and 30-day public Comment period | Public Hearing will be advertised on City website and local newspaper | Copies of the plan will be provided on the City website and in the Community Development Department |
| Section 108 Loan | 2 Public Hearings | Clerk's Office will run one legal notice in newspaper at least 15 days prior to Public Hearing advertising Public Hearing and 15-day public comment period | Public Hearing will be advertised on City website and local newspaper | Copies of the plan will be provided on the City website and in the Community Development Department |
| The CARES Act COVID-19 | 1 Public Meeting | A public notice will be made at least 5 days prior to the Public Meeting advertising Public Meeting and 5-day public comment period | Public Meeting will be advertised on City website | Copies of the plan will be provided on the City website and in the Community Development Department |