

**CITY OF MIAMI BEACH
CITIZEN PARTICIPATION PLAN**

Amended
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DRAFT

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PROCESS FOR CITIZEN INVOLVEMENT

BACKGROUND

A requirement of the Consolidated Plan is a Citizen Participation Plan that sets forth the City's policies and procedures for citizen participation. The purposes of this Citizen Participation Plan are to:

- provide for citizen participation to assure effective citizen involvement, in an advisory role, in the development of the Consolidated Plan, any substantial amendments to the Consolidated Plan, the Annual Action Plan, any substantial amendments to the Annual Action Plan, the annual performance reports, the Assessment of Fair Housing, and any of its revisions prior to their submittal to HUD; and
- encourage effective citizen participation, with particular emphasis on participation by persons of low- and moderate-income, who are residents of slum and blighted areas and who live in the community development target areas, and minority groups, in implementing these federally- funded programs in accordance with the federal regulations found at 24 CFR Part 91.

The Citizen Participation Plan also sets out the public's role in the planning, implementation, and assessment of the programs covered by the Consolidated Plan and the One-Year Action Plan (together, the "Plan") for Federal Funds including: the Community Development Block Grant (CDBG) program, the HOME Investment Partnerships (HOME) program, any substantial amendments thereto; the performance reports submitted to HUD, and the Assessment of Fair Housing ("AFH") and any revisions to it.

GENERAL GUIDELINES FOR CITIZEN PARTICIPATION

During the stages of the Plan and the AFH processes including preparation, revisions, substantial amendments, and performance, the City will take actions to provide for and encourage the participation of all its residents. This includes low- and moderate-income residents where housing and community development funds may be spent. Citizen involvement is accomplished by the following methods:

1. Consulting with the Housing Authority of the City of Miami Beach and the local Community Housing Development Organization(s) (CHDOs) to encourage the participation of residents of public and assisted housing in the development of the Plan and/or AFH;
2. Communicating with providers of services to special needs or other assisted housing serving lower income clientele, minorities, non-English speaking persons, and persons with mobility, visual, or hearing impairments;
3. Communicating with local Community Development Corporations, the Miami Beach Service Partnership as social service providers, public health agencies and adjoining local governments concerning the needs of low- and moderate-income residents;
4. Advertising meeting(s)/hearing(s) in newspaper(s) of general circulation, the City's Web site, and the City's public access television channel(s); and
5. Ensuring that all citizens wishing to submit their view be offered an opportunity.

The Affordable Housing Advocacy Committee (AHAC), an eleven (11) member citizen advisory group, will be actively involved in the formulation of the Plan and will host public meeting(s) and hearing(s) to obtain citizen input at the initial stages of development of the Plan and the AFH.

DEVELOPMENT OF THE AFH AND THE PLAN

Before the City adopts the Plan, the City will place a notice in the newspaper of general circulation and

on the City's Web site providing salient information including the amount of assistance the City expects to receive; the range of activities that may be undertaken; and the estimated amount that will benefit low- and moderate-income persons.

ANTI-DISPLACEMENT

For federally funded activities the City will attempt to avoid any displacement. In the event that the City undertakes an activity with federal funding that would involve displacement, the City will follow the procedures identified within the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended.

PUBLISHING THE PLAN

A public notice with a summary of the proposed Plan and/or AFH will be published in a newspaper of general circulation. The summary will describe the contents and purpose of the Plan or AFH.

Copies of the entire proposed Plan and/or AFH will be available for public review at the following locations:

City of Miami Beach - City Hall 1700 Convention Center Drive Miami Beach, FL 33139
Office of the City Clerk and the Office of Housing and Community Services Division of the City's Office and Community Services Department ("Department").

After HUD acceptance, the Plan and/or AFH, along with any amendments and/or revisions, and the performance report will be available to the public at the Office of Housing and Community Services Division ("Division") and on the City's Web site - <http://www.miamibeachfl.gov>.

PUBLIC HEARING REQUIREMENTS

A separate public hearing will be held during the Plan and AFH planning process to allow for citizen participation before the proposed Plan and/or AFH are (is) published to receive comments on the housing and community development needs and affirmatively furthering fair housing. This meeting will take place during the monthly AHAC meeting as per the planning timeline.

Proposed activities, the adoption of the Plan and/or the AFH, as well as any substantial amendments will be placed on a Commission meeting agenda for approval by the Mayor and City Commission.

Opportunity for public comments are welcome at 8:30 a.m. on Commission meetings in the Commission Chambers, located on the third floor of the City Hall, and are televised on the City's public access channel. Public hearings will obtain citizens' views and provide responses to proposals and questions of citizens, public agencies, and other interested parties.

The Commission Chambers is accessible to accommodate persons with disabilities. Anyone requiring special accommodations is encouraged to call the Division four business (4) days prior to the scheduled meeting(s). Non-English speaking residents are encouraged to inform the Division of attendance four (4) days prior to the scheduled meetings to allow arrangements to be made for an interpreter.

The City may meet public hearing requirements with virtual public hearings if:

- a. national/local health authorities recommend social distancing and limiting public gatherings for public health reasons; and
- b. virtual hearings provide reasonable notification and access for citizens in accordance with the grantee's certifications, timely responses from local officials to all citizen questions and issues, and public access to all questions and responses.

If virtual hearings are used, real-time responses and accommodation for persons with disabilities and/or with limited English proficiency will be made available to the greatest extent possible.

NOTICE OF HEARINGS

Notice of public hearings, including time, place and purpose of the meeting will be published at least fifteen (15) days before the hearing in the non-legal section of a newspaper of general circulation, adding that information for non-English speakers will be provided upon request by contacting the Division.

ACCESS TO COMMUNITY MEETINGS

At least two public community meetings/hearings will be held annually. Notice of the time, date, location, and purpose of the meetings is publicized in a newspaper of general circulation and on the City's Web site. Additional effort is made through direct e-mails to nonprofits, neighborhood groups, and other organizations to encourage and emphasize the involvement of low- and moderate-income residents. Meetings will be held in the Division's conference room. Additional locations that satisfy these requirements may also be used.

All public community meeting sites are accessible to persons with mobility impairments. Anyone requiring special accommodations is encouraged to call the Division four (4) business days prior to the meetings. Residents who do not speak English are encouraged to inform the Division of attendance four (4) days prior to the scheduled meetings to allow arrangements to be made for an interpreter.

CONSIDERATION OF PUBLIC COMMENTS

The City will receive comments or views regarding the proposed Plan and/or AFH, amendments and/or revisions for a period of at least thirty (30) days prior to its submission to HUD. Citizens, representatives of organizations, or representatives of units of local government, can present their comments either in writing to the Division or orally at public or community meetings. A summary of the public comments and/or views received will be attached to the Plan and/or AFH, amendments and/or revisions. The City's response to the comments or views shall also be included.

PROCEDURES FOR HANDLING COMPLAINTS RELATED TO THE PLAN

Any citizen may file a written comment or complaint concerning the Plan, its Amendments, the AFH, its revisions, and the annual performance report with the Office of Housing and Community Development Division, 1700 Convention Center Drive, Miami Beach, FL 33139. All complaints must include the name and address of the person(s) filing the complaint; a description of the act or acts considered to be in violation; and other available pertinent information which will assist in the review and resolution of the complaint. Such complaints should be filed within thirty (30) days of the alleged violation. The Division will respond, in writing, to all written citizen complaints within fifteen (15) working days, where practicable.

CRITERIA AND PUBLIC COMMENT PERIOD FOR AMENDMENT TO THE PLAN

The City will amend the Plan whenever one of the following occurs:

1. A change in allocation priorities or a change in the method of distributing funds;
2. Funding an activity using funds from any program covered by the Plan (including program income) not previously described in the One Year Action Plan; or
3. A change in the purpose, scope, location or beneficiaries of an activity.

The public will be informed of an amendment that does not rise to the level of a substantial amendment by notice posted on the City's Web site. The notice will contain a description of the change which will be concurrently submitted to HUD.

If changes in the City's Plan constitute a substantial amendment, citizens will be given reasonable notice of the proposed amendment and be provided a thirty (30) day comment period. A "Substantial Amendment" will be triggered by:

- The minimum change in the cost of an activity is \$100,000 or more;
- funding an activity not previously described in the Consolidated Plan or Action Plan; or a change in the description of an existing activity which results in a substantial alteration of the purpose, scope, location, or beneficiaries of an eligible activity. A substantial alteration is understood to affect 50% or more of the activity as proposed.

Amendments to the Plan that do not meet any of these criteria shall be deemed non-substantial and may be approved by the Department.

A public notice of the proposed substantial amendment will be published in a newspaper of general circulation and a public hearing will be held. The City will consider any comments or views received in writing, or orally at public hearing, in preparing the substantial amendment. A summary of the comments and the City's response shall be attached to the substantial amendment.

PERFORMANCE REPORTS

The City will receive comments on performance reports for a period of at least fifteen (15) days before it is submitted to HUD. Its availability will be noticed via a newspaper of general circulation, the City's Web site, its e-magazines and various social media. A summary of the views and comments received in writing or orally at the public hearing will be attached to the performance report with the City's response.

CRITERIA AND PUBLIC COMMENT PERIOD FOR REVISIONS TO THE AFH

The City will review its AFH whenever there is a "material change" that substantially alters the information upon which the AFH is based so that the analysis, fair housing contributing factors, or priorities and goals do not reflect the current situation. Samples of these material changes could be:

- a disaster as declared by the President
- major demographic changes and/or
- by request of HUD, based upon a significant change detected by HUD

Significant revisions to the AFH shall be made available to the citizens for a thirty (30) day comment period before the AFH is submitted to HUD for review.

AVAILABILITY TO THE PUBLIC

The following documents will be available to the public from 8:30 a.m. to 5:00 p.m., Monday through Friday (except for City holidays) at the Office of Housing and Community Services Division.

1. The Citizen Participation Plan;
2. The Consolidated Plan and Annual Plans;
3. Substantial Amendments
4. The Annual Performance Reports; and
5. The Assessment of Fair Housing and any revisions.

These documents will be available in a form accessible to persons with disabilities upon request by contacting the Division either in person or by phone.

ACCESS TO RECORDS

The City will provide citizens, public agencies, and other interested parties with reasonable and timely access to the documents stated above relating to the Plan, and the use of assistance under the programs covered by the Plan for the preceding five years, as well as related to the AFH and its revisions.

TECHNICAL ASSISTANCE

The City shall provide technical assistance to groups representative of persons of low- and moderate-income that request assistance in developing proposals for funding assistance under the Plan or commenting on the AFH. Technical assistance provided may include, but not limited to:

1. information related to housing and community development;
2. responding to citizen's inquiries regarding the Plan and the programs it covers;
3. making referrals to other local, state and federal agencies, when necessary;
4. responding to requests for assistance in developing proposals for funding; and
5. information related to the AFH including analysis and fair housing contributing factors.

EXPEDITED PROCEDURES DURING DISASTER/EMERGENCY EVENTS

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.

These expedited substantial amendments may include funding new activities and/or the reprogramming of funds including canceling activities to meet needs resulting from a declared disaster or emergency. Therefore, the City may utilize CDBG and HOME 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-CV, CDBG and HOME funds used to prevent, prepare for, and respond to coronavirus (COVID-19), the City may provide a 5-day notice/comment period for a substantial amendment beginning April 9, 2020 as allowed under HUD waiver. This includes any new activities proposed. A public hearing is not required but documentation relative to substantial amendment activity planning applies.

THE AFFORDABLE HOUSING ADVISORY COMMITTEE (AHAC)

PURPOSE AND FUNCTION OF THE COMMITTEE

The Affordable Housing Advisory Committee ("AHAC" or the "Committee") shall serve as an advisory body to the Division staff and City Commission on housing and community development issues, representing all residents of Miami Beach especially those directly affected by the Plan. The role of the AHAC is to provide input regarding all phases of the housing and community development programs, and effectuate and encourage citizen participation from all individuals, especially low- and moderate- income persons and residents of Community Development target areas.

The advisory services of the AHAC include, but are not limited to, review of the Plan and any RFP documents, and provide comments thereto. However, the Committee or its officers will have no powers to make administrative decisions or direct staff actions. The Committee shall facilitate community involvement regarding housing and non-housing community development activities and shall serve as a forum to hear citizen concerns, priorities, views and proposals. The Department Director or his/her designee shall provide technical assistance to the Committee and shall be the liaison between the Committee and the City Administration.

GENERAL REQUIREMENTS FOR MEMBERSHIP ON AHAC

Composition

The composition of the AHAC shall comply with ordinance 2020-4355, Agencies, Boards and Committees, as the same may be amended from time to time. The Committee shall be composed of eleven (11) appointed members. One member of the committee shall be the mayor or a member of the City Commission, appointed at-large by a majority vote of the mayor and city commission. The remaining ten (10) members shall be appointed at-large by a majority vote of the Mayor and City Commission and meet the criteria as outlined in Florida State Statute 420.9076.

The eleven (11) members shall be appointed to represent city-wide concerns, and should be selected on the basis of their ability to provide expertise in areas of relevance to housing and community development programs (e.g. planning, law, real estate, social work, housing, homelessness, etc.). In making their appointments, the City Commission takes into consideration the need for representation of low- and moderate-income persons, minority citizens, and residents of slum and blighted areas.

Pursuant to Section 2.25 of the City Code (Prohibiting Service on City Boards by Certain Persons or Employees), no employee or independent contractor employed by the Department, the Office of the City Manager or the Office of the Mayor and City Commission, or their respective spouse, parent, child, brother or sister may be appointed or elected to serve on the AHAC.

Conflict of Interest

AHAC members must comply with all federal regulations, specifically those listed under 24 CFR 570.611 for the CDBG Program, 24 CFR 92.356 for the HOME Program; Chapter 112, Florida Statutes; Section 2-11.1 of the Code of Miami-Dade County; and Chapter 2, Article VIII of the Code of the City of Miami Beach, which addresses conflicts of interest, as same may be amended from time to time; and any other laws, regulations or ordinances affecting conflicts of interest. All City of Miami Beach, State of Florida and/or HUD legal opinions concerning AHAC conflicts of interest will be followed.

AHAC members may raise any concerns with respect to any potential conflict of interest matter to the Department Director or to the City's Office of the City Attorney.

Vacancies

Consistent with the Section entitled "Composition" above and ordinance 2020-4355, vacancies which may occur on the Committee, shall be filled by City Commission appointment. The City Manager will give advance notice to the City Commission by notification in the agenda of any vacancies on the AHAC.

Term of Appointment

The term of appointment shall be two years from January 1st through December 31st. Appointments for the two-year term will be made by the City Commission in January with vacancies filled as soon as possible in order to maintain continuity.

MEETINGS

Compliance with Sunshine Law Requirements

All AHAC meetings will comply with Florida Statutes Section 286.011 (the "Sunshine Law"), as follows:

- (1) meetings of public boards or commissions must be open to the public;
- (2) reasonable notice of such meetings must be given; and

(3) minutes of the meeting must be taken and promptly recorded.

The Sunshine Law applies to any gathering of, or communication between, two or more members of the AHAC to discuss some matter which will foreseeably come before the AHAC for action.

Meeting Notices and Scheduling

The Committee Liaison, with input from the AHAC Chairperson, will set the time and place of meetings. Regular and special purpose meetings may be held at the City of Miami Beach City Hall, located at 1700 Convention Center Drive, which is a facility located in a designated community development (low/moderate income) target area, and is accessible to the handicapped. Members of the community are encouraged to attend AHAC's meetings. Regular meeting notices shall be provided in advance. In the case of a special meeting, a notice will be made as early as possible in advance of such meeting, by personal communication and public notice. The Division will make every effort to provide appropriate assistance with the mailing of meeting summaries, agendas and notices.

Regular Meetings

The AHAC will hold public meetings to discuss and provide recommendations on the proposed use of funds and give citizens the opportunity to (i) express needs and comments and (ii) submit proposals for consideration. Committee meetings will be held monthly, or as needed, and will be coordinated with the schedule for the preparation of funding recommendations for all HUD program components of the Plan. A tentative schedule of the community development process for the City of Miami Beach will be made available by the Administration at the earliest possible meeting of each calendar year.

Special Meetings

In order to ensure representation from individuals residing in affected community development target areas, the Administration, in conjunction with AHAC, may hold neighborhood meetings/ hearings to obtain input directly from those affected. AHAC attendance is not mandatory at these special meetings.

Annual CDBG and HOME Planning Phase Meetings

The City Administration will determine the annual costs necessary to administer the CDBG and HOME Program. The Administration will also determine the annual funding necessary to meet the required housing and community development needs and goals in accordance with the criteria established by HUD. These funds must comply with the Plan. AHAC will support no less than the minimum funding necessary to achieve these goals. The AHAC will then be asked to review the written Request for Proposals from all organizations, in order to recommend funding levels for eligible CDBG and HOME activities. Annual funding decisions are determined each year and are promulgated in a One-Year Action Plan, in accordance with the Consolidated Plan.

Citizens will be apprised of any items as specified in the National Affordable Housing Act of 1990, Public Law 101-625, the Housing and Community Development Act of 1974 as amended, and applicable regulations for the above.

ADDITIONAL REQUIREMENTS

City of Miami Beach Ordinance No.2020-4355 which is attached to this Citizen Participation Plan and the handbook provided to AHAC members, establishes additional requirements governing the operation of the AHAC including: provisions on positions within the AHAC, minimal requirements for a quorum and voting, and absences and removal, among others. The Handbook is available, upon request, at the Division.