



Be Legendary.

**THE CITIZEN PARTICIPATION PLAN
FOR THE NORTH DAKOTA CONSOLIDATED PLAN,
ANNUAL ACTION PLAN AND
ANNUAL PERFORMANCE REPORT**

March 2023

North Dakota Dept. of Commerce, Division of Community Services
1600 East Century Avenue, Suite 6
PO Box 2057
Bismarck, ND 58502-2057

North Dakota Housing Finance Agency
2624 Vermont Avenue
PO Box 1535
Bismarck, ND 58502-1535

Phone: (701) 328-5300

Fax: (701) 328-5320

TTY or Voice: 711

Spanish: (800) 435-8590

dcs@nd.gov - www.commerce.nd.gov

hfainfo@nd.gov - www.ndhfa.org



ALTERNATIVE FORMATS ARE AVAILABLE UPON REQUEST

1.0 PURPOSE

In 1994, the U.S. Department of Housing and Urban Development (HUD) issued new rules consolidating the planning, application, reporting, and citizen participation processes of four formula grant programs: Community Development Block Grant (CDBG), HOME Investment Partnerships (HOME), Housing Trust Fund (HTF) and Emergency Solutions Grants (ESG). The new planning process was intended to more comprehensively fulfill three basic goals: to provide decent housing, to provide a suitable living environment and to expand economic opportunities.

The Consolidated Plan for Housing and Community Development is a three-part planning process required by HUD. It comprises developing a five-year strategic plan, preparing annual action plans (including annual allocation plans for the HOME and HTF program), and submitting annual performance reports. These three parts are intended to furnish the framework whereby the State of North Dakota (State) can identify its housing, homeless, community and economic development needs, identify resources that will be tapped and actions to be taken to address the needs, as well as look back and evaluate its progress toward achieving its strategic goals. This work also includes development of the Assessment of Fair Housing (AFH). Completing these documents on time and in a manner that is acceptable to HUD ensures program funding.

The Consolidated Plan begins with the Citizen Participation Plan (CPP). The objectives of the CPP are to ensure that the citizens of North Dakota, particularly persons with low and moderate incomes, persons living in slum and blighted areas, and persons or units of local government with urgent needs, housing agencies, or other interested parties are provided with the opportunity to participate in the planning and preparation of the state's Plan, including amendments to the Consolidated Plan, Annual Action Plan (AAP), Consolidated Annual Performance Report (CAPER), and the Assessment of Fair Housing (AFH). In doing so, the CPP sets forth general policies and procedures for implementing and carrying out the consolidated planning process, such as how the Consolidated Plan and Assessment of Fair Housing (Consolidated Plan Documents) will be developed, dates and milestones along which the process will proceed and methods for citizens to offer the state assistance and guidance in the formulation of the Plan. Furthermore, the provisions of the CPP fulfill statutory and regulatory requirements for citizen participation specified in the HUD's rules for the Consolidated Plan and the HOME, CDBG, HTF and ESG programs. In North Dakota, the North Dakota Department of Commerce, Division of Community Services (DCS) and North Dakota Housing Finance Agency (NDHFA) partner to develop, implement, monitor, and report on the achievements of the Consolidated Plan. DCS administers the CDBG and ESG programs. NDHFA administers the HOME and HTF programs.

The Consolidated Plan identifies the housing and community development needs of the State and sets priorities for spending the HUD grant funds. Public comment is a vital component of identifying the state's housing and community development needs and spending priorities. The Consolidated Plan offers the opportunity for strategic statewide planning to occur alongside citizen participation.

1.01 PURPOSE OF THE CITIZEN PARTICIPATION PLAN

This CPP sets forth the State’s policies and procedures for citizen participation in the Consolidated Planning process. In order to maximize participation in the planning process among all populations and needs groups and to ensure their issues and concerns are adequately addressed, the State will follow the standards herein during the development of its Consolidated Plan documents including the 5-year Consolidated Plan, AAPs, HTF allocation plans, CAPER reporting, and the AFH.

The CPP provides citizens an opportunity to evaluate and comment on the State’s Consolidated Plan documents, including this CPP. Reasonable notice and comment periods will be provided for all Consolidated Plan activities. Standards for noticing and accepting comments are outlined throughout this CPP. Alternative formats of documents are available upon request. The State will make reasonable accommodations for persons with disabilities or who have limited English proficiency who wish to participate in the process or need alternative accessible format of notices, documents, or presentation materials.

1.02 PUBLICATION AND MATERIAL AVAILALIBTY

Consolidated Plan documents, notices and relevant presentations materials will be provided in advance of hearings and will be posted on DCS’s Website at ndgov.link/ConsolidatedPlan as well as NDHFA’s website: <https://www.ndhfa.org/index.php/consolidated-plan/>.

1.03 COMMENT SUBMISSION

Citizens can submit comments pertaining to the Consolidated Plan, AAPs, HTF Allocation Plan, and CAPERs electronically to hfainfo@nd.gov or dcs@nd.gov or by mail to Division of Community Services, Attn Maria Effertz Hanson at PO Box 2057, Bismarck ND 58502-2057.

The State will receive comments on the proposed Citizen Participation Plan during a 15-day comment period. If there are substantial amendments to this CPP, an additional comment period of at least 15 days will be allotted. This proposed CPP (and, if necessary, the substantially amended CPP) will be made available to the public before the 15-day comment period begins.

Individuals who require accommodations, including appropriate auxiliary aids, translated documents or interpreters to participate in a public hearing, or who would like to request a copy of the proposed CPP or another document in an alternate format should contact the Department of Commerce’s Section 504 Coordinator, Tonya Forderer, via email at dcs@nd.gov or by calling 701-328-5300, 711 (TTY or Voice), or 800-435-8590 (Spanish).

2.0 ENCOURAGEMENT OF CITIZEN PARTICIPATION

Citizen participation is critical to effective and responsive housing and community development programs. Efforts to educate and encourage participation are an ongoing element of the consolidated planning process.

Interested groups and individuals are encouraged to provide input into all aspects of North Dakota’s consolidated planning activities, from assessing needs to setting priorities through

performance evaluation. By following the CPP, there will be numerous opportunities for citizens to contribute information, ideas and opinions about ways to improve our neighborhoods, promote housing affordability and enhance the delivery of public services to local residents.

Affirmative efforts to encourage and solicit participation from the state's residents and populations least likely to have awareness of HUD-funded programs and processes including low-income residents, individuals with disabilities, racial and ethnic minorities, and female-headed households shall include the use of public notices, mailing lists, website publication, surveys, meetings, and other outreach efforts outlined in this section.

2.01 PUBLIC NOTICE NEWSPAPER PUBLICATION REQUIREMENTS

The State will utilize the Public Notice publication section of the ND Daily Newspapers to publish notifications related to public comment periods, public forums, and public hearing opportunities. Such notices will be published at least 15 calendar days prior to the publication or hearing. When activities are in response to an urgent need (i.e., a natural disaster or a public health emergency), the State may utilize electronic media rather than display advertisements and may waive the 15-day notice requirement and provide what it deems reasonable notice.

Notices will be published on DCS's and NDHFA's websites main public notice page.

2.02 OTHER PUBLIC NOTICE NOTIFICATIONS

Consolidated Plan Listserv

The State will utilize a Consolidated Plan email mailing list maintained by NDHFA which includes social service organizations, local jurisdictions, low-income housing consumers, businesses, developers, advocacy groups, non-profit and for-profit organizations, and state and community agencies that provide services to or advocate for low-income individuals, individuals with disabilities, racial and ethnic minorities and female-headed households, and other interested parties. Individuals and organizations can subscribe to the Consolidated Plan listserv and other mailing lists at <https://public.govdelivery.com/accounts/NDHFA/subscriber/new> . All mailing list subscribers will receive public notices through email.

ND State Library Listserv

The State will submit all notices related to consultation and public outreach to the State Library for distribution through its listserv which reaches all public library directors, library staff and library patrons.

Social Media Publication

The State will publish Consolidated Plan notices on social media accounts.

2.03 SURVEY, MEETINGS, AND OTHER OUTREACH

The Consolidated Plan offers many opportunities for citizen participation. The State may use surveys, general feedback or listening sessions for specific programs, and other means to solicit input in the development of Consolidated Plan documents. The State will particularly

encourage participation of persons with special needs and/or persons who are often underrepresented in the public process (i.e., persons who are low-income, persons of color, non-English speaking persons, persons with disabilities, persons who are homeless). These efforts include outreach and consultation with organizations and other state agencies who serve the needs of persons with special needs and/or underrepresented citizens. The State will make reasonable accommodations and provide Consolidated Plan documents in alternative formats upon request. The State will also encourage the participation of statewide and regional institutions and organizations that are involved in or affected by the formula grants throughout the development and implementation of the Consolidated Plan. Participation will be solicited and encouraged using NDHFA's GovDelivery email subscription service, social media accounts associated with the administrative agencies and other methods of distribution previously described in the plan.

2.04 CONSULTATION WITH ORGANIZATIONS AND STATE AGENCIES

When preparing the Consolidated Plan documents, the State will actively consult with public and private agencies that provide housing, health and social services in order to ensure that the interests and needs of all groups are adequately addressed. This consultation may occur through interagency meetings and state and regional stakeholder meetings as well as an invitation to participate in public hearings and meetings. Organizations that will be included in the consultation process include Behavioral Health Council, ND Homeless Continuum of Care, ND Community Action Agency Partnership, ND Housing Authority network, NAHRO, ND Interagency Council on Homelessness, Olmstead Commission, Money Follows the Person Stakeholder and Regional Groups, ND State Council on Developmental Disabilities, State Library Network, ND League of Cities, and the Economic Development Association of North Dakota.

3.0 LIMITED ENGLISH PROFICIENT PERSONS AND THE LANGUAGE ACCESS PLAN

The State will make every effort to ensure that Limited English Proficient (LEP) persons have meaningful access to federally funded programs and services as is required under Title VI of the Civil Rights Act of 1964.

The State has a diverse population where many languages are spoken. A substantial number of persons that speak these languages do not speak English or do not speak English very well and are considered Limited English Proficient (LEP).

Regardless of which language a person speaks or their ability to speak English, the State will make every effort to ensure that they have meaningful access to federal funding services through either oral interpretation or written translations of vital documents.

Since the State has a number of LEP persons, all countywide public notices and public hearings must ensure that language services are provided or available. For example, each year the public notice for the AAP will be printed in various languages and translation services will be provided as necessary for the public hearing.

However, many programs and services delivered within the State, including those carried out by participating cities, have distinct service areas and, as such, an assessment must be

made by each agency administering the activity to determine which language services should be provided based on the identified LEP population in the service area.

To assist participating agencies, the State has developed a bulletin instructing them to conduct the four-factor analysis and develop their own Language Access Plan (LAP) to ensure that LEP persons have meaningful access to their federally funded programs and services. The state will also provide technical assistance to assist the agencies in conducting the four-factor analysis and in developing their LAP.

The four-factor analysis is as follows:

1. Determine the number or proportion of LEP persons served or encountered in the eligible service area.
2. Determine the frequency with which LEP persons come in contact with the program.
3. Determine the importance of the information, services, program, or the activity to people's lives.
4. Assess costs versus resources and benefits in providing language services.

The State is confident that no person will be denied federally funded services based on their ability to speak English.

The State is committed to keeping all interested groups and individuals informed of each phase of the consolidated planning process and of activities being proposed or undertaken under HUD formula grant programs. Opportunities to comment on or participate in planning community development and affordable housing activities and projects will be publicized and disseminated statewide.

4.0 PUBLIC HEARINGS AND INPUT MEETINGS

Public hearings and input meetings allow the State to engage citizens in the Consolidated Plan process. All public hearings will be held at a time and accessible location (physical and/or virtual) and with accommodation for individuals with disabilities.

The State is required to have public hearings in at least two different stages of consolidated planning process, one at the development of needs and review of proposed activities and one at the review of the program performance. At least one public hearing will be held before the publication of the draft Consolidated Plan and AAP. The hearing must address housing and community development needs, development of proposed activities, proposed strategies and actions for affirmatively furthering fair housing consistent with the Assessment of Fair Housing and a review of program performance. The primary purpose of this hearing is to gather input and use it to inform the development of the Consolidated Plan and AAP. An in-person and virtual attendance option will be provided. Additional hearings and input meetings may be scheduled to review draft allocation and program distribution statements for CDBG, ESG, HOME and HTF. Both in-person and virtual meeting options will be provided. The second required hearing will be during the development of the Consolidated Annual Performance and Evaluation Report (CAPER) (see Section 10.0)

Public hearings and input meetings will be announced at least 15 calendar days prior to occurrence.

A summary of the comments from individuals or groups received in writing or at the public meetings will be considered when drafting the Consolidated Plan, AAP or CAPERs.

The location used for interviews, focus groups, grant applications and public meetings are fully accessible to people with disabilities that impact mobility. Should a venue not be fully accessible, the individual(s) should contact the Department of Commerce's Section 504 Coordinator, Tonya Forderer, via email at dcs@nd.gov or by calling 701-328-5300, 711 (TTY or voice) or 800-435-8590 (Spanish).

4.1 CITIZEN PARTICIPATION REQUIREMENTS OF UNITS OF LOCAL GOVERNMENT

To ensure all citizens are able to participate in the planning process, the State will require local units of government to:

1. Provide for and encourage citizen participation, particularly by the LMI persons who will benefit from the activities and reside in blighted areas.
2. Ensure that residents, including minorities, non-English speaking persons, and persons with disabilities have reasonable and timely access to local meetings consistent with accessibility and reasonable accommodation requirements in accordance with section 504 of the Rehabilitation Act of 1973 and the regulations at 24 CFR part 8, and the Americans with Disabilities Act and the regulations at 28 CFR parts 35 and 36 and information relating to:
 - a. Proposed and actual use of CDBG funds.
 - b. Amount of CDBG funds expected to be made available.
 - c. The range of activities that may be undertaken with CDBG funds.
 - d. The estimated amount that will go to LMI benefit.
 - e. The anti-displacement and relocating plans, as necessary.
3. Provide technical assistance to groups that are represented of persons of LMI that request assistance in developing proposals (including proposed strategies and actions to affirmatively further fair housing) in accordance with the procedures developed by the State. Such assistance need not include providing funds to such groups.
4. Conduct a minimum of two public meetings. Public hearings will be announced at least 15 calendar days prior to occurrence.
 - a. The first public meeting must be before the submission of the local government's application, regarding community development and housing needs, and proposed activities.
 - b. The second public meeting must be after the completion of the project, regarding the final program performance report.
5. Provide residents with reasonable advance notice of, and an opportunity to comment on proposed activities in an application to the State and, for grants already made, activities which are proposed to be added, deleted or substantially changed from the unit of general local government's application to the State.
6. Provide residents the address, phone number, and times for submitting complaints and grievances, and provide timely written answers to written complaints and grievances, within 15 working days where practicable.

5.0 PUBLICATION OF CONSOLIDATED PLAN DOCUMENTS

The State will publish the draft Consolidated Plan, AAP and CAPER for public review in a manner that affords citizens, public agencies and other interested parties a reasonable opportunity to examine its contents and submit comments.

The draft Consolidated Plan and AAP will describe the amount of assistance the State expects to receive, or has received, and the range of activities that may be undertaken, including the estimated amount that will benefit persons of low- and moderate-income.

A notice for the release of the draft Consolidated Plan or AAP will be published in the North Dakota daily newspapers preceding the public comment periods. The release will include a list of the locations where copies of the entire proposed plans may be obtained or examined. The following are among the locations where copies of the public comment draft will be made available for inspection:

- North Dakota Department of Commerce, Division of Community Services' Offices
 - 1600 E Century Ave, Suite 6, Bismarck ND 58503- available upon request.
- North Dakota Housing Finance Agency Office located at 2624 Vermont Avenue, Bismarck ND 58504.
- Division of Community Services website: ndgov.link/ConsolidatedPlan
- North Dakota Housing Finance Agency website: <https://www.ndhfa.org/index.php/consolidated-plan/>

Citizens and groups may obtain a reasonable number of free copies of the draft Consolidated Plan by contacting the Department of Commerce's Section 504 Coordinator, Tonya Forderer, via email at dcs@nd.gov or by calling 701-328-5300, 711 (TTY or voice) or 800-435-8590 (Spanish)

6.0 PUBLIC COMMENTS ON THE DRAFT CONSOLIDATED PLAN AND ANNUAL ACTION PLANS

Prior to the adoption of the 5-year strategic Consolidated Plan and its associated AAPs, the State will make available to interested parties the draft documents for a comment period of no less than 30 calendar days. When Consolidated Plan activities are in response to an urgent need (i.e., a natural disaster or a public health emergency), the state may waive the 30-day comment period requirement and provide a minimum 5-day comment period. Notification of the availability of plan documents is outlined in the Section 2.0 of this CPP.

Written comments and citizen participation by of persons with special needs and/or persons who are often underrepresented in the public process (i.e., persons who are low-income, persons of color, non-English speaking persons, persons with disabilities, persons who are homeless) will be encouraged through the affirmative efforts outlined in the Encouragement of Citizen Participation Section of this CPP.

Before submitting a CAPER to HUD, the State will make available a proposed CAPER for comment period of no less than 15 calendar days. Notification of availability of CAPER will occur as outlined in the Notice Section of this CPP.

All Consolidated Plan documents will be available as prescribed above.

The State will consider any comments of individuals or groups received verbally or in writing, including emails. A summary of the written and public hearing comments and the State's responses will be included in the final Consolidated Plan documents.

7.0 TECHNICAL ASSISTANCE

Groups or individuals interested in obtaining technical assistance to develop project proposals or applying for funding assistance through HUD formula grant programs covered by the Consolidated Plan or AAP may contact the DCS staff with questions related to CDBG and ESG funding allocations. HOME and HTF questions should be directed to NDHFA. Such assistance may be of particular use to community development organizations, nonprofit service providers, and for-profit and non-profit housing development groups that serve or represent persons of low and moderate income.

8.0 SUBSTANTIAL AMENDMENT CRITERIA FOR THE CONSOLIDATED PLAN

The following will constitute a substantial amendment to the Consolidated Plan:

1. A change in the method of distribution or grant selection criteria.
2. The addition of an activity not initially identified in the Consolidated Plan.
3. Funding of an activity not identified in the Consolidated Plan as a high or medium priority.

8.01 ADMINISTRATIVE AMENDMENTS

Administrative amendments are those that are not considered substantial in nature and pertain chiefly to minor administrative modifications of the programs. For example, the State defines reallocating unapplied for program funds from one approved program activity to another as an administrative amendment (i.e., reallocating HOME funds that were unapplied for in the homeowner rehabilitation activity to multifamily rental production and rehabilitation). Thus, they do not require in-depth citizen participation.

8.02 CITIZEN PARTICIPATION IN THE EVENT OF A SUBSTANTIAL AMENDMENT

In the event of a substantial amendment to the Consolidated Plan, the State, citizens and units of general local government will receive reasonable notice and an opportunity to comment on the substantial amendment. The comment period will be no less than 30 days. The State will consider any comments or views received during the comment period when preparing the substantial amendment. A summary of the comments or views and a summary of any comments or views not accepted will be attached to the substantial amendment. The State will follow the Notice Requirements outlined in Section 2.0.

9.0 CHANGES IN FEDERAL FUNDING LEVEL

Any changes in the federal funding level after the Consolidated Plan and AAP's draft comment period has expired and the resulting impact on the distribution of funds will not

be considered an amendment or a substantial amendment.

10.0 CAPER

Performance reports on CDBG, HOME, HTF and ESG programs covered by the Consolidated Plan or AAP are to be prepared by the State within 90 days after the end of each program year. A public hearing will be held to review the draft performance report, which will also be made available for public comment for no less than 15 days. Any public comments received will be reported in an addendum to the final performance report.

11.0 ACCESS TO RECORDS

To the extent allowed by law, interested citizens and organizations shall be afforded reasonable and timely access to records covering the preparation of the Consolidated Plan or AAP, project evaluation and selection, HUD's comments on the Plan and annual performance reports. In addition, materials on formula grant programs covered by the Consolidated Plan or AAP, including activities undertaken in the previous five years, will be made available to any member of the public who requests information. A complete file of citizen comments will also be available for review by interested parties.

12.0 COMPLAINTS AND GRIEVANCES

Citizens, administering agencies and other interested parties may submit complaints and grievances regarding the programs DCS administers to dcs@nd.gov or PO Box 2057, Bismarck, ND 58502-2057 and regarding NDHFA administered programs to hfainfo@nd.gov or PO Box 1535, Bismarck, ND 58502-1535. Complaints should be in writing, specific in their subject matter, and include facts to support allegations. The following are considered to constitute complaints to which a response is due:

- The administering agency has purportedly violated a provision of the CPP.
- The administering agency has purportedly violated a provision of federal CDBG, ESG, HTF or HOME program regulations.
- The administering agency, or any of its contractors, has purportedly engaged in questionable practices resulting in waste, fraud or mismanagement of any program funds.

Residents may also present complaints and grievances orally or in writing at the community meetings and/or public hearing. All public comments, including complaints and grievances, made either orally or in writing within the 30-day public comment period, will be included in the final Consolidated Plan or AAP. Such complaints or grievances regarding CDBG, HOME, HTF or ESG programs shall be directed to the Consolidated Plan representative at the administering agency.

12.1 TIMELY RESPONSE TO COMPLAINTS OR GRIEVANCES

Upon receipt of a written complaint, the designated representative the administering agency shall respond to the complainant within 15 calendar days and maintain a copy of all related correspondence, which will be subject to review.

Within 15 calendar days of receiving the complaint, the designated representative shall discuss the matter with the department manager and respond to the complainant in writing. A copy of the administering agency's response will be transmitted, concurrently, to the complainant and to the division directors. If, due to unusual circumstances, the designated representative finds that he/she is unable to meet the prescribed time limit, the limit may be extended by written notice to the complainant. The designated representative's notice must include the reason for the extension and the date on which a response is expected to be generated, which may be based on the nature and complexity of the complaint.

Public review materials and performance reports will include data, as appropriate under confidentiality regulations, on any written complaints received and how each was resolved.

13.0 ALTERNATIVE PARTICIPATION TIMELINES IN THE EVENT OF DISASTER OR HEALTH EMERGENCY

It may be necessary to amend the Consolidated Plan or AAP in the event of an emergency (i.e., a natural disaster or a health emergency) by using an alternative public comment periods and notification processes.

Alternative requirements notification processes follow:

- Public notification of amendment published to website.
- Public comment period reduced to 5 calendar days.
- Public hearings are waived.

Public comments will be received via email or mail at dcs@nd.gov or PO Box 2057, Bismarck ND 58502.

14.0 AVAILABILITY OF THE CITIZEN PARTICIPATION PLAN (CPP)

Citizens and groups may obtain a reasonable number of free copies of the proposed CPP by contacting the DCS's Section 504 Coordinator, Tonya Forderer, at dcs@nd.gov or by calling 701-328-5300, 711 (TTY or Voice), 800-435-8590 (Spanish).