



North Carolina
Department of Commerce
Community Assistance
Community Development & Planning Division

Pat McCrory, Governor
Dr. Pat Mitchell, CEcD, Assistant Secretary

Sharon Allred Decker, Secretary
Melody Adams, Acting Director

BULLETIN: 14-1

SUBJECT: Public Hearing Requirements

EFFECTIVE DATE: March 14, 2014

ATTENTION: CDBG Recipients

The Community Development Block Grant (CDBG) public hearing components must meet the requirements for citizen participation found in Section 104 (a)(2) and (a)(3) of Title I of the Housing and Community Development Act of 1974, as amended, 24 CFR Part 570.486 of the State CDBG Regulations, the State Consolidated Plan Regulations at 24 CFR Part 91, and 04 NCAC 19.L.1002 Citizen Participation.

Effective **March 14, 2014**, local units of government that are potential and current CDBG program participants must adhere to the public hearing requirements outlined in this bulletin.

PURPOSE OF THE PUBLIC HEARING

Local units of governments must provide for and encourage citizen participation, particularly low and moderate income persons and those that may be affected by the CDBG-funded activities. (24 CFR 570.486(a))

The purpose is to:

- Inform citizens of the local unit of government's opportunity to apply for federal funding;
- Obtain citizen input on which activities should be included in funding proposals and applications to Community Assistance (CA);
- Inform citizens of substantial changes to an existing application;
- Provide a public review of program performance.

This is accomplished by the local unit of government through Public Notices, public hearings, and submittal of documentation of notices and hearings.

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COMPONENTS OF THE PUBLIC HEARING NOTICE

A public hearing is a public meeting that has been publicly noticed in a local newspaper of general circulation, or noticed in a fashion that otherwise follows local procedures for formal noticing of public hearings.

Hearings must be held at times and locations convenient to potential or actual beneficiaries. Notices of public hearings should be provided in a timely manner to all citizens and in a manner to make them understandable to non-English speaking persons. The notice should be in the appropriate language (general Spanish in North Carolina) and provisions should be made for interpreters at the hearings. Guidance and templates for this is provided on our website at www.nccommerce.com/rd under Limited English Proficiency.

All public hearings should be published at least once in the non-legal section of a newspaper having general circulation in the area. The notice shall be published not less than 10 days nor more than 25 days before the fixed public hearing. The day of the hearing is not included in the number of published days. The notice of the public hearing shall also contain the language for submitting comments/objections.

In the event there is no newspaper of general circulation serving the local unit of government (especially small towns) and the local government's practice includes this option, the hearing notice may be posted for at least 10 days (not including the day of the posting) prior to the public hearing date. A copy of the posting and a list of posting sites must be retained in the CDBG files. Acceptable locations for posting include, but are not limited to:

- Municipal and County buildings accessible to the general public
- Post offices
- Libraries
- Health departments
- Department of Social Services offices and
- Local establishments frequented by area residents.

All Public Notices including postings should always contain the following information:

- Date, time and place of the hearing
- Mention of the availability of a public information file about the CDBG program
- An invitation to submit written comments and guidance on where to send the comments
- Information on the provisions of accommodations for persons with disabilities and
- Information regarding translation and/or other accommodations for Non-English speaking persons.

TIMING OF THE PUBLIC HEARINGS

When holding two or more public hearings, at a minimum, the hearings must be held 7 days apart. Advertisements for the two or more public hearings must be published separately. Applicants may not only publish one advertisement that includes information on both public hearings. Both public hearings must be held within 12 months of the application deadline. In the case of the same proposal being resubmitted from the prior year or cycle, applicants may consult with CA and request to waive the first public hearing only.

REQUIRED NUMBER OF PUBLIC HEARINGS

The number of public hearings and the specific requirements may vary depending on the purpose of the hearing, as noted below.

1. Application Hearings

The following information must be fully disclosed to the public at the public hearings held prior to submitting the application of CA.

Applicants should always review the program guidelines for requirements; however, two (2) public hearings (unless applying for the Urgent Needs or Capacity Building/Planning categories) are required at the following stages of the application process:

- A. Application Design and Planning Phase: At least one public must be held during the time when the applicant is deciding which local project(s) or activities to apply for CDBG funding. The Public Notice for this hearing should include:
 - All required components previously mentioned
 - The kinds of activities and/or program (s) available for funding and
 - An explanation of the CDBG program.
- B. Pre-Application Submission Phase: After the application has been prepared, and before it is submitted to CA, the local unit of government must hold a second public hearing to review and solicit public comment. This hearing must be before the local governing body and must result in a Resolution to submit the application. The Public Notice must include the following information:
 - All required components previously mentioned
 - Amount of CDBG fund's applying for and total project costs;
 - Activities being proposed
 - Proposed activities which are likely to result in displacement, and
 - The local unit of government's anti-displacement and relocation plans.

- C. Substantial Changes to the CDBG Contract and/or Approved Application: The local unit of government will be required to conduct additional public hearings during the grant for the following reasons:
- Changes to funding including budget amendments and program income waivers
 - Changes to policies or guidelines such as a program income reuse plan and
 - Any substantial changes to the approved application (i.e., program amendment).
- The Public Notice for substantial changes hearings must include all the required components.
- D. Closeout of Grant: Prior to submitting a grant closeout package to CA, a public hearing must be held to discuss the grant's accomplishments. The Public Notice must inform the public that the accomplishments under the grant will be disclosed at the hearing. The Public Notice must include all the required components.

RECORDKEEPING

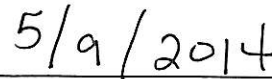
The local unit of government must keep a record of all public hearings. The record should contain copies of the Public Notices (posted notices must be certified by city/town/village/county clerk), publisher's affidavits that the ads ran, minutes certified by the city/town/village/county clerk of the hearings documenting that the contents of the Notice were discussed at the hearing, and a list of attendees and a summary of comments. If no comments were received, that should be noted in the record. CA recommends reading the contents of the Notice into the minutes to ensure that items are addressed. If no one attends, the record should include this information.

SAMPLE OF NOTICES

Attached are sample notices. All advertisements should be made in accordance with the Citizen's Participation Plan.



Melody Adams, Acting Director



Date

SAMPLE- PUBLIC HEARING ADVERTISEMENTS

Model Advertisement for First Public Hearing

Notice is hereby given that (Local Unit of Government) will hold a public hearing on (date) at (time) at (location) to solicit public input on local community development and needs in relation to the Community Development Block Grant (CDBG) funding for a project in our community.

The (Local Unit of Government) anticipates submitting a CDBG application in (program year). Information on the amount of funding available, the requirements on benefit to low-and-moderate income persons, eligible activities, and plans to minimize displacement and provide displacement assistance as necessary will be available. Citizens will also be given the opportunity to provide oral and written comment on (locality's) use of CDBG funds. All interested citizens are encouraged to attend.

For additional information or to submit written comments, send to (local contact name, title, address, telephone number). Comments should be postmarked by (date).

If you plan to attend and require special accommodations because of a disability or physical impairment, please contact (contact name and number voice and TDD) at (cut-off date) before the hearing.

This information is available in Spanish or any other language upon request. Please contact (Insert Name) at (Insert Phone Number) or at (Insert physical location) for accommodations for this request.

Esta información está disponible en español o en cualquier otro idioma bajo petición. Por favor, póngase en contacto con (Insert Name) al (Insert Phone Number) o en (Insert physical location) de alojamiento para esta solicitud.

Model Advertisement for Second Public Hearing

Notice is hereby given that (Local Unit of Government) will hold a public hearing on (date) at (time) at (location) to solicit public input on local community development and needs in relation to the Community Development Block Grant (CDBG) funding for a project in our community.

The (Local Unit of Government) will submit a CDBG application in (program year. [Insert a description of the proposed project(s) including the proposed project location, activities to be carried out, total costs of the activities, requirements on benefit to low-and-moderate income persons, and plans to minimize displacement and provide displacement assistance as necessary will be available.] Citizens will also be given the opportunity to provide oral and written comment on (locality's) use of CDBG funds. All interested citizens are encouraged to attend.

For additional information or to submit written comments, send to (local contact name, title, address, telephone number). Comments should be postmarked by (date).

If you plan to attend and require special accommodations because of a disability or physical impairment, please contact (contact name and number voice and TDD) at (cut-off date) before the hearing.

This information is available in Spanish or any other language upon request. Please contact (Insert Name) at (Insert Phone Number) or at (Insert physical location) for accommodations for this request.

Esta información está disponible en español o en cualquier otro idioma bajo petición. Por favor, póngase en contacto con (Insert Name) al (Insert Phone Number) o en (Insert physical location) de alojamiento para esta solicitud.

Model Advertisement for CDBG Closeout Public Hearing

Notice is hereby given that (Local Unit of Government) will hold a public hearing on (date) at (time) at (location). The purpose of this hearing is to review the budget and activities that have been accomplished through the CDBG (category and grant year and/or number). The activities are complete and the (local unit of government) is in the process of closing out the grant. [Insert a description of the project accomplishments including the project location, activities carried out, total costs of the activities, and benefit to low-and-moderate income persons.]

Citizens will also be given the opportunity to provide oral and written comment on (locality's) use of CDBG funds. All interested citizens are encouraged to attend. For additional information or to submit written comments, send to (local contact name, title, address, telephone number). Comments should be postmarked by (date).

If you plan to attend and require special accommodations because of a disability or physical impairment, please contact (contact name and number voice and TDD) at (cut-off date) before the hearing.

This information is available in Spanish or any other language upon request. Please contact (Insert Name) at (Insert Phone Number) or at (Insert physical location) for accommodations for this request.

Esta información está disponible en español o en cualquier otro idioma bajo petición. Por favor, póngase en contacto con (Insert Name) al (Insert Phone Number) o en (Insert physical location) de alojamiento para esta solicitud.