

# **ATTACHMENT 2**

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DRAFT FY 2025/26 – 2029/30  
Citizen Participation Plan



**2025/26 – 2029/30  
CITIZEN PARTICIPATION PLAN**

**(with Residential Anti-Displacement and Relocation Assistance Plan)**

**PUBLIC REVIEW DRAFT  
(APRIL 9, 2025 – MAY 14, 2025)**

**For Council Consideration on**

**May 14, 2025**

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## **INTRODUCTION**

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The City of Westminster receives annual funding through the Community Development Block Grant (CDBG) and Home Investment Partnership (HOME) programs from the U.S. Department of Housing and Urban Development (HUD). These funds are designated for housing and community development activities aimed at assisting low-income individuals.

In compliance with HUD regulations (24 CFR 91.105), the City is required to develop a 5-Year Consolidated Plan to address its affordable housing and community development needs. This includes submitting an Annual Action Plan that outlines specific spending and activities for the program years, as well as a Consolidated Annual Performance and Evaluation Report (CAPER) to assess the City's achievements and use of CDBG and HOME funds.

To ensure meaningful citizen engagement, the City has established a detailed Citizen Participation Plan that specifies the city's policies and procedures for engaging citizens and encouraging them to participate in creating, evaluating, and implementing the CDBG and HOME programs and the Orange County Regional Assessment of Fair Housing (AFH). The Draft FY 2025/26 – 2029/30 Citizen Participation Plan was made available for public review and comment from April 9, 2025, to May 14, 2025. The City published a notice in the Westminster Journal on March 20, 2025, to inform the public about the availability of the document. Community members could review the draft at the Senior Center and Westminster City Hall, as well as on the City's website at [www.westminster-ca.gov](http://www.westminster-ca.gov).

Public input was invited during a regular public hearing of the Westminster City Council scheduled for April 9, 2025, where residents could provide their comments on the draft plan. This engagement process is essential for ensuring that the voices of Westminster residents are incorporated into the planning and implementation of CDBG and HOME programs, as well as the Assessment of Fair Housing (AFH).

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## **OBJECTIVES**

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The City's Citizen Participation Plan is designed to ensure equitable representation of all segments of the population and facilitate communication between the City and its residents regarding the use of federal funding from HUD. This plan outlines established policies and procedures that encourage citizen involvement in decisions related to federal funds, particularly Community Development Block Grant (CDBG) and HOME Investment Partnership (HOME) funds.

The intent of the Citizen Participation Plan is to engage those least likely to participate in the process, especially low-income individuals living in distressed neighborhoods, public and assisted housing developments, and areas where CDBG funds are proposed for use. This document outlines the fundamental principles of citizen participation regulations and remains in effect throughout the implementation of the City's federal entitlement awards until these funds are fully closed out.

The Citizen Participation Plan promotes resident involvement in the following key areas:

- Preparation, review, and comment on:
  - ✓ The **Consolidated Plan**, a five-year strategic document outlining the City’s goals for federal funding.
  - ✓ The **Annual Action Plan**, which details the projects to be undertaken in the upcoming fiscal year using federal funds.
  - ✓ **Substantial Amendments to the Consolidated Plan and/or Annual Action Plan.**
  - ✓ The **Consolidated Annual Performance and Evaluation Report (CAPER)**, which assesses federally funded activities and accomplishments relative to planned goals and objectives.
  - ✓ The **Assessment of Fair Housing (AFH)**, which analyzes fair housing issues, identifies contributing factors, and outlines goals and strategies to reduce inequities in housing, such as racial segregation and disparities in access to opportunity.
  
- Providing residents with reasonable and timely access to information, meetings, and records.
  
- Offering assistance for non-English-speaking and Limited English Proficient (LEP) individuals upon advance request, when such services are available.
  
- Ensuring reasonable accommodations for individuals with disabilities upon advance request.

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## **ROLE OF CITIZENS**

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Citizen involvement is crucial for ensuring that the City’s policies, procedures, programs, and activities effectively address local needs. Residents are encouraged to express their concerns and ideas to the City Council, which focuses on the development, review, and adoption of the following areas:

- A. The City’s Consolidated Plan and Annual Action Plan, including Substantial Amendments.
- B. The submission of the City’s Consolidated Annual Performance and Evaluation Report (CAPER).
- C. City improvement strategies, programs, policies, and procedures.
- D. The Citizen Participation Plan.

Regular City Council meetings are held on the second and fourth Wednesdays of each month at 6:00 p.m. in the City Council Chambers at City Hall, located at 8200 Westminster Boulevard. All facilities, including City Hall, the City Council Chambers, and the Conference Room, are accessible to individuals with disabilities.

The meeting agenda and supporting documents are available for public review in the Council Chambers entryway prior to the meeting. The agenda can also be accessed on the City's website at <http://www.westminster-ca.gov> on the Friday before the meeting. Live video streaming of regular meetings and an archive of agendas and minutes are available online.

Regular City Council meetings are broadcast live on Westminster Cable Channel 3 and REBROADCAST on Monday at 5:00 p.m., Wednesday at 6:00 p.m., Friday at 7:00 a.m. and Sunday at 8:30 a.m. The City's website ([www.westminster-ca.gov](http://www.westminster-ca.gov)) provides information about viewing live and archived City Council meetings. If you have internet access, you can follow the meeting live with a video stream on your computer. You will also have access to an archive of recent City Council meeting agendas, videos, and minutes.

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## **GUIDELINES FOR CITIZEN PARTICIPATION**

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The citizen participation process offers the residents of Westminster a formal opportunity to engage in the development of housing and community development programs, as well as amendments to adopted plans, in a public forum during designated City Council Meetings. To facilitate meaningful citizen involvement, the City will adhere to the following specific guidelines regarding information access, public notices, and technical assistance, among others, to encourage participation in the preparation of the Consolidated Plan, Annual Action Plan, Assessment of Fair Housing (AFH), and Consolidated Annual Performance and Evaluation Report (CAPER):

1. **Information Access:** The City will provide timely and easy access to relevant information about the planning process, including drafts of the plans and any substantial amendments.
2. **Public Notices:** The City will publish public notices in local newspapers and on its website to inform residents of upcoming meetings, availability of documents for review, and opportunities to provide input.
3. **Meetings:** Regularly scheduled City Council meetings will serve as forums for public discussion. Additional community meetings may be held to gather input from residents.
4. **Technical Assistance:** The City will offer assistance to residents who may need help understanding the planning documents or the participation process, including guidance for non-English-speaking and Limited English Proficient (LEP) individuals upon request.
5. **Feedback Mechanisms:** Citizens will be encouraged to submit comments and feedback through various channels, including written submissions, email, and verbal comments during meetings.

6. **Accessibility:** All meetings and materials will be accessible to individuals with disabilities, ensuring that all residents can participate fully in the process.

### Consolidated Plan, Annual Action Plan, Assessment to Fair Housing

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As mandated by federal regulations, the City submits a Consolidated Plan and Assessment to Fair Housing every five years and an Annual Action Plan every year to HUD. The Consolidated Plan is a long-range plan that identifies community development and housing needs of low-income Westminster residents, establishes priorities, and describes goals, objectives and strategies to address identified priorities. The Annual Action Plan is a document that lists specific activities for CDBG and HOME funding in the upcoming program year, as well as applications for both federal programs. An Assessment to Fair Housing (AFH) Plan that describes patterns of integration and segregation; racially or ethnically concentrated areas of poverty; disparities in access to opportunity; and disproportionate housing needs.

The following steps will be taken to encourage all Westminster citizens, including minorities, non-English speaking or limited English proficient (LEP) persons, and persons with disabilities, to participate in the development of the Consolidated Plan, Annual Action Plan, and AFH and afford these citizens an opportunity to review and comment on them:

### Consolidated Plan/Annual Action Plan

1. **Community Needs Survey:** The City will distribute a Community Needs Survey in English (and in Spanish and/or Vietnamese if necessary) to local agencies. A consultation workshop will be conducted with housing, health, homeless, disabled, and other social service providers to identify key community development needs and service gaps.
2. **Community Workshop:** A workshop will be held in English (with Spanish and/or Vietnamese translation if necessary) to gather citizen input on perceived community needs during the development of the Consolidated Plan. A written Community Needs Survey will also be provided to establish spending priorities for CDBG and HOME funds.
3. **Request for Proposals (RFP):** The City will periodically distribute RFPs to nonprofit organizations and City departments to facilitate public service activities.
4. **Input from Institutions:** The City will seek comments from local and regional institutions, the Continuum of Care, and other organizations—including businesses, developers, nonprofits, and community-based organizations—during the development and implementation of the Consolidated Plan.
5. **Public Housing Resident Participation:** The City will collaborate with public housing agencies to encourage participation from residents of public and assisted housing developments, as well as low-income residents from targeted revitalization areas. Information about consolidated plan activities will be shared with public housing agencies to facilitate discussions at their annual public hearings.



6. **Public Hearings:** Before publishing the City’s Consolidated Plan, the first of two public hearings will be held to solicit public comments (oral and written) on the use of CDBG and HOME funds. Notices for the public hearings, including the date, time, location, and a summary of proposed actions, will be published in a local newspaper at least fifteen (15) days in advance. Public hearings will be conducted at 6:00 p.m. in the City Council Chambers at 8200 Westminster Boulevard, which is accessible to individuals with disabilities.
7. **Public Summary:** A summary of the proposed Consolidated Plan and/or Annual Action Plan will be published in a local newspaper, including information on where complete drafts can be reviewed. The summary will outline the expected grant assistance, range of activities, and estimated number of low- and moderate-income individuals benefiting from each activity.
8. **Draft Review by City Council:** The City Council will accept the draft Consolidated Plan/Annual Action Plan to initiate the 30-day public review period.
9. **30-Day Public Comment Period:** The publication of the summary will initiate a 30-day public comment period, allowing residents to review the proposed plans and submit comments to the City’s Housing Division. Complete drafts will be available at:
  - City Hall Public Service Counter, 8200 Westminster Boulevard, Westminster, CA 92683
  - Westminster Senior Center, Community Services Building, 8200 Westminster Boulevard, Westminster, CA 92683
  - Westminster Family Resource Center, 7200 Plaza St, Westminster, CA 92683
10. **Second Public Hearing:** A second public hearing will be held before the City Council to provide further opportunities for citizen input on the plans, which must be adopted by the Council. This hearing will again seek input on housing and community development needs. A summary of public comments, including those not accepted and the reasons for their exclusion, will accompany the final Consolidated Plan/Annual Action Plan. Public hearing notices will be published in a local newspaper at least fifteen (15) days prior to the hearing, and these hearings will also take place at 6:00 p.m. in the City Council Chambers, accessible to individuals with disabilities.

#### Orange County Regional Assessment of Fair Housing (AFH) Plan

1. **Data Availability:** Westminster staff will, at or as soon as feasible after initiating the public participation process, make HUD-provided data and any supplemental information planned for inclusion in the AFH available to residents, public agencies, and other interested parties. This data may be accessible by cross-referencing with HUD’s website.

2. **Public Hearing for Community Input:** To gather community feedback on AFH-related data and to promote fair housing within Westminster’s housing and community development programs, at least one public hearing will be held before the proposed AFH is published for comment. This hearing may be combined with the first of two public hearings conducted as part of the Consolidated Plan and Annual Action Plan process.
3. **Public Notice and Comment Period:** A summary describing the contents and purpose of the proposed AFH will be published in a local newspaper at least thirty (30) days prior to the public hearing. This notice will also initiate a 30-day public comment period, allowing citizens to examine the proposed AFH and submit feedback to the City’s Housing Division. The notice will include details about the date, time, and location of the public hearing for the adoption of the AFH. Public hearings are held in the City Council Chambers at 8200 Westminster Boulevard, which is accessible to individuals with disabilities.
4. **Document Access:** Complete copies of the draft AFH will be available for review at the following locations, as well as on the City’s website at [www.westminster-ca.gov](http://www.westminster-ca.gov):
  - City Hall Public Service Counter, 8200 Westminster Boulevard, Westminster, CA 92683
  - Westminster Senior Center, Community Services Building, 8200 Westminster Boulevard, Westminster, CA 92683
  - Westminster Family Resource Center, 7200 Plaza St, Westminster, CA 92683
5. **City Council Hearing:** A public hearing before the City Council will be held to provide citizens with further opportunities to comment on the draft AFH, which must be adopted by the Council. A summary of public comments, along with any comments not accepted and the reasons for their exclusion, will be attached to the final AFH.

## Plan Amendments and Revisions

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### Consolidated Plan/Annual Action Plan Amendments

Consolidated Plans and/or Annual Action Plans may be revised during the program year.

- **Minor Amendments:** Any revisions not classified below as a Substantial Amendment are considered minor amendments and do not require public notification or citizen participation prior to implementation. Once completed, the City will publicly disclose the amendment by posting it on the City’s website and will notify HUD of the change. The City will submit a copy of each amendment to HUD as it occurs or at the close of the program year. Minor changes and corrections may be made as long as they do not constitute a substantial amendment. These minor changes, including but not limited to modifications of goal outcome indicators, do not require public review or a public hearing.

- **Substantial Amendments:** The following changes to the City’s Consolidated Plan and/or Annual Action Plan are classified as substantial amendments, requiring public notification and review in accordance with the citizen participation process outlined in 24 CFR 91.105 and 24 CFR 91.115:
  1. A change in allocation priorities or in the method of fund distribution.
  2. An addition, modification, or elimination of a goal in the Consolidated Plan.
  3. The execution of an activity not previously described in the Annual Action Plan using funds covered by the Consolidated Plan, including Program Income.
  4. A proposal to cancel an activity described in the Annual Action Plan, if funded, in the federal Integrated Disbursement Information System (IDIS).
  5. A change in the purpose, scope, location, or beneficiaries of an activity in the Annual Action Plan.
  6. A cumulative change in the use of CDBG or HOME funds from one activity to another in the Annual Action Plan that exceeds 30 percent of the entitlement award for the program year. For example, if the CDBG award is \$1 million, the activity budget could be adjusted by up to \$300,000.

If an amendment qualifies as a substantial change, citizens will have the opportunity to participate in the planning process by following these steps:

1. The City will publish a notice detailing the contents and purpose of the proposed substantial amendment to the Consolidated Plan and/or Annual Action Plan in a newspaper of general circulation. This notice will also provide a list of locations where a complete draft of the amended documents can be reviewed.
2. The publication of the notice will initiate a 30-day public comment period, allowing citizens to examine the proposed amendments and submit feedback to the City’s Housing and Grants Division.
3. After the 30-day comment period concludes, the City Council will consider the approval of the substantial amendment to the Consolidated Plan and/or Annual Action Plan. All substantial amendments, along with any amendments to the Citizen Participation Plan, will be reviewed and approved by the City Council. A summary of public comments, including any not accepted and the reasons for their exclusion, will be attached to the final amended document

An AFH previously accepted by HUD must be revised and submitted to HUD for review under the following circumstances:

1. **Material Changes:** A material change refers to any significant alteration in the circumstances within the jurisdiction that affects the information on which the AFH is based, such that the analysis, fair housing contributing factors, or priorities and goals no longer reflect current conditions. Examples include:
  - Presidentially declared disasters under Title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) that significantly impact the steps necessary to affirmatively further fair housing.
  - Significant demographic changes.
  - New substantial contributing factors within the jurisdiction.
  - Civil rights findings, determinations, settlements (including Voluntary Compliance Agreements), or court orders.

A revised AFH due to a material change must be submitted within 12 months of the change, unless HUD provides a later date. If the change results from a Presidentially declared disaster, the submission deadline is automatically extended to two years from the disaster declaration date, with potential further extensions granted by HUD upon request for good cause.

2. **HUD Notification:** If HUD issues written notification of a material change requiring revision, it will specify a due date for the revised AFH, considering the nature of the change and the program participant's capacity. The due date may be extended upon a written request from the participant explaining the reasons for the delay.

Within 30 calendar days of HUD's notification, Westminster may inform HUD in writing if it believes a revision is unnecessary, detailing the specific reasons for this belief. HUD will respond within 30 days of receiving the City's correspondence, indicating whether it agrees or disagrees. If HUD disagrees, the City must proceed with the revision, and HUD may establish a new due date.

The revised AFH will involve amending analyses, assessments, priorities, and goals to reflect the material change, including any new fair housing issues or contributing factors. The revision does not require a complete overhaul of the AFH; it should focus solely on the material change and relevant adjustments.

Westminster will adhere to the citizen participation guidelines established for a Consolidated Plan Substantial Amendment, which includes publishing a public notice at least 30 days prior to a public hearing for adopting the Revised AFH and allowing for a 30-day public comment period.

## Consolidated Annual Performance Evaluation Report (CAPER)

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The City will prepare an annual CAPER to evaluate the progress of the Consolidated Plan and review accomplishments from the previous program year. Once the CAPER is completed, a public notice will be published in a newspaper of general circulation, announcing its availability for review and comment before submission to HUD.

- **Public Review and Comment Period:** This review period will last a minimum of 15 days, commencing on the publication date. During this time, citizens will have the opportunity to examine the CAPER and submit comments to the City’s Housing Division.
- **Public Hearing:** A public hearing will be held to gather citizens' views on program performance prior to the submittal of the CAPER to HUD.
- **Summary of Comments:** A summary of public comments, including those not accepted and the reasons for their exclusion, will be attached to the final CAPER.

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## PUBLIC COMMENT

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Public comments, both verbal and written, are welcomed throughout the program year, with particular emphasis during designated public comment periods. Public hearings provide a vital opportunity for citizen input on proposed neighborhood improvement programs, activities, and policies. Each year, the City will conduct at least three public hearings: one to solicit comments on needs and priorities for the development of the Consolidated Plan and Annual Action Plan, a second for adopting the Consolidated Plan and/or Annual Action Plan, and a third to accept the Consolidated Annual Performance and Evaluation Report (CAPER) after reviewing program performance. These hearings will be scheduled at convenient times for potential and actual beneficiaries and will be accessible to individuals with disabilities.

Notices for public comment periods will be published on the first day of the period and will conclude with the public hearing before the City Council. To ensure that all residents are informed, public hearing notices—including date, time, and location—will be published in a local newspaper of general circulation at least 15 days prior to the hearing. Additionally, public notices will be issued for citywide projects, such as the Consolidated Plan, Annual Action Plan, and CAPER, ensuring transparency and community engagement.

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## BACK-UP PROJECTS

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The Annual Action Plan may include a list of “back-up” projects to be funded for the program year under certain circumstances. For instance, if additional funding becomes available from the closeout of past or current projects completed under budget, or if more program income is generated than originally estimated, these funds can be allocated to activities listed as “back-up” projects in the Annual Action Plan. Additionally, if staff has not definitively chosen which public facility or infrastructure improvement project to fund during the development of the Annual Action

Plan, the City may categorize these projects as "back-up" options until further planning is completed. The initiation and funding of these back-up projects will not be considered a substantial amendment, as defined in the Citizen Participation Plan.

Preferential consideration will be given to projects that can effectively utilize CDBG funds in a timely manner, aligning with the City's goal of meeting CDBG timeliness requirements. The City Council will approve the list of back-up projects, which may include various public facility and infrastructure improvements. These back-up projects can be activated whenever funding becomes available, provided that the City receives HUD approval for both the back-up projects and any approved and funded projects as part of its Annual Action Plan submission.

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## **ACCESS TO INFORMATION AND RECORDS**

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Any citizen, organization, or other interested party may submit written requests for information regarding the Consolidated Plan, Annual Action Plan, AFH, or CAPER, including the City's use of funds under the CDBG and HOME programs and the benefit to low- to moderate-income residents during the preceding five years. Copies of the Consolidated Plan, Annual Action Plan, Citizen Participation Plan, CAPER, AFH, amendments or revisions to these Plans, and documents regarding other important program requirements including contracting procedures, environmental policies, fair housing/equal opportunity requirements and relocation provisions, are available to the public during the City's regular business hours, Monday through Thursday 7:30 am-5:30 pm and every other Friday from 7:30 am-4:30 pm, in the City's Housing Division located at Westminster City Hall, 8200 Westminster Boulevard, Westminster, CA 92683. Additional information may be obtained by calling (714) 548-3170. Upon request, the City will make all information available in a format accessible to persons with disabilities.

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## **TECHNICAL ASSISTANCE**

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To encourage the submission of views and proposals regarding the Consolidated Plan and Annual Action Plan—especially from residents of target areas and groups representing low- and moderate-income individuals—the City will offer technical assistance to those seeking funding under these programs. This assistance, available upon request, will include resources such as sample proposals, as well as program regulations and guidelines. The goal is to facilitate meaningful participation and ensure that all voices are heard in the planning process.

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## **COMMENT AND COMPLAINT PROCESS**

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The City will consider any comments from citizens received in writing or orally at public hearings in preparing this Citizen Participation Plan, the Consolidated Plan, Annual Plan, CAPER, AFH, and/or substantial amendments to these plans. A summary of all comments will be attached and submitted to HUD.

The City will respond to written complaints received relating to the Consolidated Plan, Annual Plan, AFH, CAPER, and/or substantial amendments. Written complaints must describe the

objection and provide contact information of the complainant. The city will respond to complaints within fifteen (15) working days of receiving the written complaint, acknowledging the letter and identifying a plan of action, if necessary.

Correspondence may be addressed to:

City of Westminster  
Housing Division  
C/O Michael Son, Housing Specialist  
8200 Westminster Boulevard  
Westminster, CA 92683

Persons wishing to contact the Los Angeles Area Field HUD Office may address correspondence to:

U.S. Department of Housing and Urban Development  
C/O Aknesa M. Ananikyan, HUD Representative  
300 North Los Angeles Street  
Suite 4054  
Los Angeles, CA 90012

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## **CHANGES IN FEDERAL FUNDING LEVEL**

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Any changes in the federal funding level after the comment period of either the Draft Consolidated Plan and/or the Draft Annual Action Plan has expired, the resulting effect on the distribution of funds will not be considered an amendment or a substantial amendment.

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## **ASSURANCES**

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The City of Westminster assures that the most diligent effort will be made to comply with the process and procedures outlined in this 2025/26-2029/30 Citizen Participation Plan.

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## **ANTI-DISPLACEMENT**

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The City of Westminster strives to avoid and minimize the displacement of individuals as a result of HUD funded activities. Therefore, to the greatest extent possible, the City:

- Will consider the impact of displacement in the site selection, during the project planning phase.

- Will provide information to displaced individuals on available assistance and relocations benefits.

To minimize displacement of persons and to assist any persons displaced by governmental actions, the City of Westminster adopted a Residential Anti-Displacement and Relocation Assistance Plan in April 2020, which is updated here.

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## **RESIDENTIAL ANTI-DISPLACEMENT AND RELOCATION ASSISTANCE PLAN**

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This Residential Anti-Displacement and Relocation Assistance Plan (RARAP) is prepared by the City of Westminster (City) in accordance with the Housing and Community Development Act of 1974, as amended; and Department of Housing and Urban Development (HUD) regulations at 24 CFR 42.325 and is applicable to the City’s Community Development Block Grant (CDBG), including the Section 108 Loan Guarantee Program, and HOME Investment Partnerships Act (HOME)-assisted projects.

Section 104(d) of the Housing and Community Development Act of 1974, as amended (HCD Act), and U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant (CDBG) program regulations provide that, as a condition for receiving assistance, as a grantee, the City must certify that it is following a Residential Anti-Displacement and Relocation Assistance Plan (RARAP), which contains two major components:

1. A requirement to replace all occupied and vacant occupiable low-moderate-income dwelling units that are demolished or converted to a use other than low-moderate-income housing in connection with an activity assisted under the HCD Act and 24 CFR 570.606(c)(1)); and
2. A requirement to provide certain relocation assistance to any lower income person displaced as a direct result of (1) the demolition of any dwelling unit or (2) the conversion of a low/moderate-income dwelling unit to a use other than a low/moderate-income dwelling in connection with an assisted activity.

### Minimize Displacement

Consistent with the goals and objectives of activities assisted under the Act, Westminster will take the following steps to minimize the direct and indirect displacement of persons from their homes:

- Coordinate code enforcement with rehabilitation and housing assistance programs;
- Stage rehabilitation of apartment units to allow tenants to remain in the building complex during and after the rehabilitation, working with empty units first;
- Where feasible, give priority to rehabilitation of housing in lieu of demolition to minimize displacement;



- If feasible, demolish or convert only dwelling units that are unoccupied or vacant occupiable<sup>1</sup> dwelling units, especially if units are lower-income units as defined in 24 CFR 42.305; and
- Target only those properties deemed essential to the need or success of the project.

### Relocation Assistance to Displaced Persons

The City will provide relocation assistance for lower-income tenants who, in connection with an activity assisted under the CDBG and HOME Programs, move permanently or move personal property from real property as a direct result of the demolitions of any dwelling unit or the conversion<sup>2</sup> of a lower-income dwelling unit<sup>3</sup> in accordance with requirements of 24 CFR 42.350. A displaced person who is not a lower-income tenant will be provided relocation assistance in accordance with the Uniform Act, as amended, and implementing regulations at 49 CFR Part 24.

### One-for One Replacement of Lower-Income Dwelling Units

In accordance with section 104(d) of the Housing and Community Development Act of 1974, as amended (HCD Act) (Pub. L. 93-383, 42 U.S. C. 5301 et seq) and the implementing regulations at 24 CFR 42.375, the City will fulfill its obligation of providing one-for-one replacement housing by replacing all occupied and vacant occupiable lower-income dwelling units<sup>4</sup> demolished or converted to a use other than lower-income housing in connection with a project assisted with funds provided under the CDBG and HOME Programs.

To that end, the City, in fulfillment of 24 CFR 42.375, will replace all units triggering replacement-housing obligations with comparable lower-income dwelling units. Acceptable replacement units that are provided by the City or private developer will meet these requirements:

- The units will be located within the city and, to the extent feasible and consistent with other statutory priorities, located within the same neighborhood as the units replaced.

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<sup>1</sup> A **vacant occupiable dwelling** unit means a vacant dwelling unit that is in a standard condition; a vacant dwelling unit that is in a substandard condition, but is suitable for rehabilitation; or a dwelling unit in any condition that has been occupied (except by a squatter) at any time within the period beginning three months before the date of execution of the agreement by the recipient covering the rehabilitation or demolition.

<sup>2</sup> The term **conversion** means altering a housing unit to either use the dwelling for non-housing purposes, continue to use a unit for housing; but it fails to meet the definition of lower-income dwelling unit; or it is used as an emergency shelter. If a housing unit continues to be used for housing after completion of the project is not considered a “conversion” insofar as the unit is owned and occupied by a person who owned and occupied the unit before the project.

<sup>3</sup> A **lower-income dwelling unit** means a dwelling unit with a market rent (including utility costs) that does not exceed the applicable Fair Market Rent.

<sup>4</sup> The term **dwelling** as defined by the URA at 49 CFR 24.2(a)(10) includes transitional housing units or non-housekeeping units (SRO) commonly found in HUD programs. An emergency shelter is generally not considered a “dwelling” because such a facility is usually not a place of permanent, transitional or customary and usual residence.

- The units must be sufficient in number and size to house no fewer than the number of occupants who could have been housed, as determined by the City’s local housing occupancy codes, in the units that are demolished or converted.
- The units must be provided in standard condition.
- Replacement units must initially be made available for occupancy up to one year prior to the City publishing information regarding the project initiating replacement housing requirements and ending three years after commencing demolition or rehabilitation related to the conversion.
- Replacement units must remain lower income dwelling units for a minimum of ten years from the date of initial occupancy. Replacement lower-income dwelling units may include public housing or existing housing receiving Section 8 project-based assistance.

### Disclosure and Reporting Requirements

Before entering into a contract committing the City to provide funds for a project that will directly result in demolition or conversion of lower income dwelling units, the City will make public by publishing in a newspaper of general circulation and will submit to HUD the following information in writing:

1. A description of the proposed assisted project.
2. The address, number of bedrooms and location on a map of lower-income dwelling units that will be demolished or converted to a use other than as lower-income dwelling units as a result of and assisted project.
3. A time schedule for the commencement and completion of the demolition or conversion.
4. To the extent known, the address, number of lower-income dwelling units by size (number of bedrooms) and location on a map of at the replacement lower-income housing that has been or will be provided.
5. The source of funding and a time schedule for the provision of the replacement dwelling units.
6. The basis for concluding that each replacement dwelling unit will remain a lower income dwelling unit for at least ten years from the date of initial occupancy.
7. Information demonstrating that any proposed replacement of lower-income dwelling units with smaller dwelling units (e.g., a two-bedroom unit with two one-bedroom units), or any proposed replacement of efficiency or single-room occupancy (SRO) units with units or a different size, is appropriate and consistent with the housing needs and priorities identified in the HUD-approved Consolidated Plan and 24 CFR 42.375(b).

To the extent that the specific location of the replacement dwelling units and other data in items four through seven are unavailable at the time of the general submission, the City will identify the general locations of such dwelling units on a map and complete the disclosure and submission requirements as soon as the specific data is available.

#### Replacement not Required Based on Unit Availability

Under 24 CFR 42.375(d), the City may submit a request to HUD for a determination that the one-to-one replacement requirement does not apply based on objective data that there is an adequate supply of vacant lower income dwelling units in standard condition available on a non-discriminatory basis within the area.

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## DEFINITIONS

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Annual Action Plan. A one-year (July 1 – June 30) planning document detailing approved funding allocations for specific eligible activities. The Annual Action Plan is submitted to HUD 45 days prior to the beginning of the program year.

Code of Federal Regulations (CFR). The general and permanent rules and regulations published in the Federal Register by the executive departments and agencies of the U.S. government.

Community Development Block Grant (CDBG). Authorized under Title I of the Housing and Community Development Act of 1974, as amended, the CDBG Program combined multiple federal categorical grants under one regulation. The funds are a block grant that can be used to address critical and unmet community needs including those for housing rehabilitation, public facilities, infrastructure, economic development, public services, and more. The City is provided an annual grant on a formula basis as a CDBG Entitlement recipient. Funds are used to develop a viable urban community by providing decent housing and a suitable living environment, and by expanding economic opportunities, principally for low- and moderate-income persons.

Consolidated Annual Performance and Evaluation Report (CAPER). The CAPER is prepared at the end of the program year to detail how funds were actually expended and the extent to which these funds were used for activities that benefitted low- and moderate-income people. The CAPER is submitted to HUD within 90 days of the program year end.

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

HOME Investment Partnerships Program (HOME). HOME funds are awarded annually as formula grants to participating jurisdictions (PJs), States and localities, that are used - often in partnership with local nonprofit groups - to fund a wide range of activities including building, buying, and/or rehabilitating affordable housing for rent or homeownership or providing direct rental assistance to low-income people. HOME is the largest Federal block grant to state and local governments designed exclusively to create affordable housing for low-income households.

HUD. U.S. Department of Housing and Urban Development is the federal agency which administers and provides guidance for the Consolidated Plan process and use the federal funds such as CDBG and HOME.

Low- and Moderate-Income Persons. Individuals from households with a total income that does not exceed 80 percent of the median household income for the area adjusted for family size.