



CDBG-I PROGRAM APPLICATION PUBLIC HEARING REQUIREMENTS

As stated in Executive Order 163, Phase 2.5 of the COVID-19 Public Health Emergency (a State of Emergency), in-door gathering limits have increased from 10 to 25 people starting September 4, 2020 until October 2, 2020.

As our potential applicants move forward with their funding applications, the public hearing that is needed prior to the submission of a CDBG-I funding application is still required for our program. This is a federal requirement under 24 CFR 570.486 and cannot be waived by NCDEQ/WIF CDBG-I. Additional information is included below from HUD on virtual hearings if your local governing body determines a virtual public hearing (alone, or in concert with an in-person hearing) is necessary due to concerns from local health authorities.

Per the CARES Act (*Part III.B.4. (a)(ii) Virtual Hearings*), published in the Federal Register on August 20, 2020, and applicable since August 7, 2020, as long as national or local health authorities recommend social distancing and limiting public gatherings for public health reasons, the CARES Act authorizes virtual hearings in lieu of in-person public hearings for fiscal year 2020 CDBG grants.

Virtual Public Hearing:

- Local governments may use online platforms to hold virtual hearings that facilitate public access to all questions and responses and provide timely responses from local officials.
 - Virtual hearing methods could include, but are not limited to conference calls, Google Hangouts, Adobe Connect, Facebook Live, a video streaming service (WebEx, Zoom, etc.), local community television stations, live streaming on county/city website, or other virtual platforms can help accommodate these meetings. A call-in option that does not require internet connection is strongly recommended.
 - A local government must provide the public with access to a recording of any telephonic or videoconference meeting.
- All virtual hearings held shall provide reasonable notification and access for citizens, timely responses from local officials to all citizen questions and issues, and public access to all questions and responses.
- Local governments must take appropriate actions to encourage the participation of all residents, including the elderly, minorities, persons with limited English proficiency, as well as persons with disabilities. Therefore, a virtual hearing method or platform must be selected and appropriate accommodations made for those individuals that may not have access to phone or internet so they can participate in the hearing.
- Whether hearings are in-person or virtual, local governments must take appropriate steps to ensure effective communication with persons with disabilities consistent with the requirements of accessibility laws, such as Section 504 of the Rehabilitation Act and the Americans with Disabilities Act.
 - Thus, a local government must provide appropriate auxiliary aids and services where necessary to afford individuals with hearing and vision impairments an equal opportunity to access and participate in such hearings.



- These may include effective methods that make aurally delivered information available to individuals who are deaf or hard of hearing, and visually delivered materials available to individuals who are blind or have low vision.
 - The type of auxiliary aid or service necessary to ensure effective communication will vary in accordance with the method of communication used by the individual; the nature, length, and complexity of the communication involved; and the context in which the communication is taking place.
 - In determining what types of auxiliary aids and services are necessary, a local government shall give primary consideration to the requests of individuals with disabilities. In order to be effective, auxiliary aids and services should be provided in accessible formats, in a timely manner, and in such a way as to protect the privacy and independence of the individual with a disability.
 - For virtual hearings, such steps should include ensuring that information is provided on an accessible website, that e-mails and other digital notifications are accessible, and that the application or platform used to host the hearing is also accessible. Additional services such as audio description or captioning may also be needed to provide effective communication in a digital context.
 - There are some helpful guidelines for ensuring the accessibility of web-based and digital materials are available through the World Wide Web Consortium's Web Accessibility Initiative at <https://www.w3.org/WAI/>. Examples of auxiliary aids and services that may be necessary when conducting hearings online can be found at 28 CFR 35.104.
- Local governments are highly encouraged to use various forms of social media, and we will accept public comments in written form (i.e. emailed comments, mailed, comments collected via social media, and other communication types made possible by web-based platforms or digital materials).
 - Local governments must document their efforts and the reason for them and update their citizen participation plans as soon as possible to add the use of virtual hearings if the plan doesn't already mention them.
 - Additional information on public hearing requirements can be found in Appendix B: Public Hearings.
 - Local governments should consult with their attorney before undertaking such meetings to ensure conformance with the NC Senate Bill 704.

Additional legal resources are:

- Session Law 2020-3: Act to Provide Aid to North Carolinians in Response to the Coronavirus Disease 2019 (COVID-19)
<https://www.ncleg.gov/Sessions/2019/Bills/Senate/PDF/S704v6.pdf>
- School of Government's summary of Session Law 2020-3:
<https://canons.sog.unc.edu/new-rules-for-meetings-of-public-bodies-during-state-level-declared-emergencies/>



**MODIFIED NOTICE OF PUBLIC HEARING
RELATIVE TO APPLICATION
BY CITY/TOWN/COUNTY
FOR FUNDING UNDER THE HOUSING AND COMMUNITY
DEVELOPMENT ACT OF 1974, AS AMENDED**

Notice is hereby given that the **CITY/TOWN/COUNTY** will conduct an **in-person and/or virtual** public hearing on _____ at _____ AM/PM, or as soon thereafter as the agenda will allow, at the **LOCATION OF IN-PERSON HEARING** relative to the intention of the _____ to apply for **FY _____** CDBG funding under Title I of the Housing and Community Development Act. The **public hearing will be virtual through xxxx and conference call. The live hearing can be accessed at xxxx and the Conference Call-In number is xxxxx and the conference code is xxxxx.**

CITY/TOWN/COUNTY intends to submit an application for a grant of approximately **\$xxxx** in CDBG Infrastructure funds **to xxxxxx (project description -must match grant application and include all streets with proposed improvements and any alternative streets if time and budget allows).**

The following is a tentative list of proposed activities and an estimated budget. The final application will be reviewed at the public hearing.

Infrastructure Improvements Activities and Grant Administration Estimated Budget

The proposed project will provide benefits to **xxx, xxxx%** of whom are low and moderate income individuals based on **(surveys or statistics)** performed by **xxx** (use if surveyed). No individuals will be displaced nor will any require temporary relocation assistance as a result of the proposed project (this phrase may or may not be true for your particular project).

Due to public health and safety concerns amid the Covid-19 and Executive Order 163 restricting the number of persons allowed to gather in public places the meeting will be CLOSED to the public. However, citizens are asked and encouraged to submit written comments on past and proposed use of CDBG funds. All interested citizens are encouraged to participate in the following ways:

- 1. Present your comments at the public hearing.**
- 2. Send written comments to NAME at LOCATION or at xxx@gmail. All comments received 24 hours (or less) prior to the hearing will be read into the record.**

Also, all citizens are encouraged to view and listen to the hearing online via live video at xxxxx; in addition, following the hearing, the recording of the public hearing will be made available.

If additional information is needed, please contact the **NAME** at **CONTACT INFORMATION**. Formal written complaints or comments concerning the application process that are submitted to the **NAME AFTER THE ABOVE WRITTEN COMMENT** prior to or following the public hearing will be responded to within ten working days by **NAME**. A copy of the completed project application will be available for public review after **xxxx**, at the **LOCATION (if public building is closed to public, make other accommodations – website, etc.)**.

Persons with disabilities or who otherwise need assistance should contact **XXXX**, at **XXXX** or **EMAIL ADDRESS**, (TDD # **XXX** or Relay North Carolina **XXX**) by **XXXX**. Accommodations will be made for all who request assistance with participating in the public hearing.



This information is available in Spanish or any other language upon request. Please contact **NAME** at **XXX**, or at the **XXX** for accommodations for this request.

Esta información está disponible en español o en cualquier otro idioma bajo petición. Por favor, póngase en contacto con **NAME**, al **phone number** o en **Location**, de alojamiento para esta solicitud.

