

The Consolidated Plan and Healthy Housing

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**NATIONAL LOW INCOME
HOUSING COALITION**

National Low Income Housing Coalition

NLIHC is dedicated solely to achieving socially just public policy that assures that people with the lowest incomes have affordable and decent homes.

WHAT IS THE CONPLAN?

The Consolidated Plan (ConPlan)

- Merges into one process and one document, all planning and application requirements of HUD's block grants:
 - Community Development Block Grants (CDBG)
 - HOME Investment Partnership
 - Emergency Solutions Grants (ESG)
 - Housing Opportunities for Persons With AIDS (HOPWA)
 - National Housing Trust Fund

WHAT IS THE CONPLAN?

(continued)

- ConPlan is a long-range plan that must be done at least every 5 years (it can be more often).
- A separate 1-year "Action Plan" showing how the long-range plan is being carried out must be done every year.

WHAT IS THE CONPLAN?

(continued)

- ConPlan looks at
 - Housing and community development needs of low income people;
 - Inventory of housing in the community;
 - Money available, or could available, to meet housing and community development needs.
- ConPlan describes state's or local government's priorities for programs and policies to meet needs of low income people.

WHY SHOULD YOU CARE ABOUT CONPLAN?

Money, Money, Money

- CDBG, HOME, ESG, HOPWA, and National Housing Trust Fund require a Consolidated Plan.
- States, cities, and urban counties that automatically get money from HUD must have a ConPlan.

Federal Block Grants & Lead-Based Paint

- CDBG – Eligible to use CDBG to address lead-based paint as a rehabilitation activity.
[24 CFR 570.202(f)]
- HOME – Eligible to use HOME to abate lead-based paint hazards.
[24 CFR 92.206(a)(2)(ii)]
- National Housing Trust Fund
[24 CFR 92.731(a)(2) & 742(b)(4), *proposed*]

Code Enforcement

CDBG may be used for code enforcement

- Pay salaries of inspectors enforcing code
- Limited to deteriorating or deteriorated areas
 - Where code enforcement along with public or private improvements, rehab, or services to be provided
 - And, expect decline to be slowed or ended

[24 CFR 570.202(c)]

WHY SHOULD YOU CARE ABOUT CONPLAN?

(continued)

Advocacy Tool

- ConPlan is a tool advocates can use to influence how federal housing and community development dollars are spent in their communities.
- Action Plan must be made every year, offering ongoing chance to influence how money spent.

HOW CAN YOU GET INVOLVED?

Every year, ConPlan must be updated (as an Action Plan) and sent to HUD.

- Find out if your local government must have one.
- Find out who has the lead role in writing it.
- Find out what your "program year" is.
- Get a copy of ConPlan/ActionPlan documents.
- Get a copy of the formal public participation plan, learn about its process, and get plugged into it.

THE FIVE STEPS OF THE CONPLAN/ACTION PLAN CALENDAR

1. Identifying Needs

- Must be a public hearing to get people's views on housing and community development needs.
- Hearing must take place before a Proposed ConPlan/ActionPlan published for public comment.
- Jurisdictions must get ideas from social service agencies, especially about lead-based paint hazards.

FIVE STEPS

Identifying Needs

(continued)

- Jurisdictions must consult with state or local health and child welfare agencies and examine existing data related to lead-based paint hazards and poisonings, including health department data on the addresses of housing units in which children have been identified as lead poisoned.

[24 CFR 91.100(a)(3)]

FIVE STEPS

Identifying Needs

(continued)

Tips for Advocates

- Be sure your needs are heard.
- Don't allow jurisdiction to only use outdated data.
- Regs allow needs to be defined by other reliable sources such as university studies, school enrollment records, social service records, etc.

FIVE STEPS

2. The Proposed ConPlan/ActionPlan

- Jurisdiction must tell the public how much money it expects to get.
- Jurisdiction must consult with public and private agencies that provide housing, health services, and social services.
- Must be at least one public hearing "during the development of the ConPlan".
[This does not apply to states.]

FIVE STEPS

Proposed ConPlan/ActionPlan

(continued)

- Complete copies of Proposed ConPlan/ActionPlan must be in public places, such as libraries.
- A "reasonable number" of copies of must be provided for free.
- The public must have at least 30 days to review and comment on Proposed ConPlan/ActionPlan.

FIVE STEPS

3. The Final ConPlan/ActionPlan

- Due at HUD 45 days before start of jurisdiction's "program year".
- Jurisdiction must "consider" public's comments about Proposed ConPlan/ActionPlan.
- Summary of public comments must be attached to Final ConPlan/ActionPlan.
- Jurisdiction must explain why public suggestions were not used.

FIVE STEPS

Final ConPlan/ActionPlan

(continued)

- A copy of the Final ConPlan/ActionPlan must be available to the public.
- HUD can disapprove the Final ConPlan/ActionPlan:
 - If public participation requirements not followed;
 - If social service agencies not consulted;
 - If "certifications" are not accurate.
{Jurisdictions "certify", or pledge, they are obeying other laws such as fair housing law.}
- If "A plan fails to satisfy all of the required elements in this part."

FIVE STEPS

4. The Annual Performance Report (APR)

- Due at HUD 90 days after the end of "program year".
- Covers the time of the "program year".
- Jurisdiction shows what it actually did to meet housing and community development needs.

FIVE STEPS

Annual Performance Report (APR)

(continued)

Performance Report must include a description of:

- Money available and how it was spent.
- Location of projects.
- Number of families and individuals assisted.
- Number of people assisted by income category, including those with incomes below 30% of the area median.
- Race and ethnic status of those assisted.
- Actions taken to "affirmatively further" fair housing.

FIVE STEPS

Annual Performance Report (APR)

(continued)

CAPER (Consolidated Annual Performance and Evaluation Report)

- The "consolidated" performance report is called the CAPER.
- Lumps together the information listed above.
- You can't really judge the performance of particular activities.

FIVE STEPS

Annual Performance Report (APR)

(continued)

CDBG Grantee Performance Report – GPR

- Ask for the CDBG GPR if in an entitlement jurisdiction
 - City with population over 50,000
 - Urban county with more than 200,000
- You might have to ask for it as “IDIS Report # C04PR03”
- For states, ask for PER
(Performance and Evaluation Report).
- Jurisdiction must make the GPR, PER available to you.
- These give you the detail you need.

FIVE STEPS

Annual Performance Report (APR)

(continued)

Public Participation and the APR

- Must be "reasonable" notice that Performance Report is available.
- Public only has 15 days to review and comment before Performance Report is sent to HUD.
- Jurisdiction must "consider" public comments, and attach a summary of them to the Performance Report.
- Performance Report must be available to the public.
- Performance Report is a chance for advocates to review and challenge jurisdiction's performance.

FIVE STEPS

5. Amendments To TheConPlan/ActionPlan

- Amendments can happen at any point in the year.
- Must be amended if there are any changes in:
 - Priorities
 - Use of money to an activity not mentioned in the Action Plan
 - Purpose, location, "scope", or beneficiaries of an activity

FIVE STEPS

Amendments

(continued)

"Substantial Amendments"

If there is a "Substantial Amendment", some public participation is required:

- Must be reasonable notice of a proposed Substantial Amendment.
- Must be at least 30 days for public comment before goes into effect.
- Jurisdiction must "consider" public comments.
- Must attach summary of comments.
- Copy must be available to the public.

FIVE STEPS

Amendments

(continued)

"Substantial Amendments" *(continued)*

HUD allows a jurisdiction to decide what is a "substantial" change.

- At a minimum, regs say a "substantial" amendment must include change in use of CDBG from one use to another.
- Also "substantial" is change in the way state allocates money to small towns and rural areas.

FIVE STEPS

Amendments

(continued)

"Substantial Amendments" *(continued)*

Tips for Advocates

- Advocates should be on lookout for major changes
- Be sure major changes are treated as "Substantial Amendments"
- Be sure jurisdiction's public participation plan defines a "Substantial Amendment" better than HUD regs do

KEY PARTS OF THE CONPLAN

1. Housing and Community Development Needs

- Regs say needs in ConPlan should reflect
 - Public participation process
 - Ideas of social service agencies, and
 - Other information from reliable sources
- Must estimate housing needs for upcoming five years.

KEY PARTS

Needs

(continued)

Lead-based paint hazards

Jurisdictions must estimate number of units occupied by low income or moderate income families containing lead-based paint hazards.

[24 CFR 91.205(e)]

KEY PARTS

Needs

(continued)

Must estimate housing needs by:

- Income categories, including households with incomes:
 - Below 30% of the median income ("extremely low" income)
 - Between 30% and 50% of the median ("low" income)
 - Between 50% and 80% of the median ("moderate" income)
 - Between 80% and 95% of the median ("middle" income)

KEY PARTS

Needs

(continued)

Must estimate housing needs by:

- Family type, including:
 - Small families (2 to 4 people)
 - Large families (5 or more people)
 - Individuals
 - Elderly households
- Whether the household rents or owns their home.

KEY PARTS

Needs

(continued)

- Must estimate housing needs
 - For persons with HIV/AIDS
 - For persons with mental or physical disabilities
 - For victims of domestic violence
 - For public housing residents
 - For households on waiting lists for public housing or vouchers

KEY PARTS

Needs

(continued)

- For each income category and tenure type describe households:
 - Paying too much for housing (over 30% or 50% of their income, called “cost burden” and “severe cost burden”)
 - Living in overcrowded housing
 - Living in very poor quality housing (“substandard”)

KEY PARTS

Needs

(continued)

- Must focus on needs of any race or ethnic group,
 - broken down by income categories listed above,
 - when their needs are 10% greater than needs of whole population (by income categories).
- Must discuss nature and extent of homelessness.
- Must describe characteristics and needs of people who have housing, but are threatened with homelessness.
- Must show supportive housing needs of those with physical or mental disabilities.

Key Parts

Needs

(continued)

Tips for Advocates

- Just because data is "official" doesn't mean it's correct.
- You don't need to be an expert.
Don't get bogged down in the numbers.
- Trust your judgment and what you see happening in your community.
- Try to get information presented by neighborhood boundaries.



Key Parts

2. The Housing Market Analysis

- Requires description of:
 - Key features of housing market, such as supply of housing, demand for housing, and condition and cost of housing.
 - Housing available to serve people with disabilities and AIDS [does not apply to states].
 - Areas where different races and ethnic groups are concentrated [does not apply to states].
 - Areas where low income people are concentrated [does not apply to states].

Key Parts

Market Analysis

(continued)

Requires description of:

- Facilities and services for homeless people.
- Facilities and services for people who are not homeless but require supportive housing.
- Number and condition of public housing units [does not apply to states].
- Number of assisted housing units aided with other public money (eg, Section 8, Tax Credits)
 - Income level and type of household the units serve.
 - Assessment whether might be lost due to conversion or demolition.

Key Parts

3. The Strategic Plan

Strategic Plan is "long-term" plan, must be done at least every five years.

Priorities

- Must show jurisdiction's "general" priorities for distributing its money:
 - Geographically
 - Among different activities and needs
- Must explain why a "category of need" got a particular level of priority.

(HUD guidelines merely ask for "high" or "low" priority.)

Key Parts

Strategic Plan

(continued)

Priorities *(continued)*

- Must say how level of priority given and use of funds for each "category of need" is based on:
 - Analysis of housing market;
 - Severity of housing problems;
 - Needs of various income categories;
 - Needs of renters compared to owners; and
 - Homelessness and risk of homelessness.

Key Parts

Strategic Plan

(continued)

Priorities *(continued)*

Homelessness

- Must describe strategy to reduce and end homelessness:
 - Outreach
 - Addressing emergency and transitional housing needs
 - Helping make transition to permanent housing
 - Helping people to avoid homelessness

Key Parts

Strategic Plan

(continued)

Priorities *(continued)*

Special Needs

- Must summarize priority housing and supportive needs of:
 - People with disabilities (mental, physical, developmental)
 - People with HIV/AIDS
 - People with substance addiction
 - Elderly and frail elderly

Key Parts

Strategic Plan

(continued)

Specific Objectives

- For each "specific objective" jurisdictions must:
 - Explain how funds will be used to address needs.
 - Identify proposed accomplishments in numerical terms, or in some other measurable terms.
 - Estimate target dates for accomplishments.
- Obstacles to meeting "underserved" needs must be discussed.

Key Parts

Strategic Plan

(continued)

Lead-Based Paint Hazards

- Strategic Plan must outline:
 - Actions proposed or being taken to:
 - Evaluate and reduce lead-based paint hazards
 - Increase access to housing without such health hazards
 - How plan for reduction of lead-based hazards
 - Is related to the extent of lead poisoning and hazards
 - Will be integrated into housing policies and programs

[24 CFR 91.215(i)]

Key Parts

Strategic Plan

(continued)

Anti-Poverty Strategy

- Must summarize:
 - Goals, programs, and policies for reducing number of poverty-level households.
 - How affordable housing programs will be coordinated with other programs.
 - Extent these will reduce the number of people in poverty.

Key Parts

Strategic Plan

(continued)

Coordination

- Must summarize what will be done to improve coordination between entities that provide housing and entities that provide health, mental health, and other services.

Key Parts

4. The Annual Action Plan

Action Plan is the one-year plan jurisdiction must have to carry out Strategic Plan.

- Must identify all resources that could be used to meet priority needs in the upcoming year:
 - All federal resources, including Low Income Housing Tax Credits (LIHTC)
 - All state and local public sources
 - All private sources

Key Parts

Annual Action Plan

(continued)

- Must describe activities jurisdiction will carry out in upcoming year to address priority needs.
- Must estimate:
 - Proposed accomplishments
 - Number and type of households that will benefit
[Does not apply to states.]
 - Target date for completing activity

Key Parts

Annual Action Plan

(continued)

- Must describe reasons for allocation priorities.
- Must describe geographic areas that will get assistance in the upcoming year.
 - Must give reasons these areas have priority.
- Must identify obstacles to addressing underserved needs.

Key Parts

Annual Action Plan

(continued)

Affordable Housing

- Must give one-year goals for:
 - Number of households to be provided affordable housing through activities that:
 - Produce new homes
 - Rehabilitate existing homes
 - Buy existing homes
 - Provide rental assistance
 - Number of homeless and special needs households to be provided affordable housing

Key Parts

Annual Action Plan

(continued)

Homelessness

- Must describe one-year goals and action steps for reducing and ending homelessness:
 - Outreach
 - Addressing emergency and transitional housing needs
 - Helping make transition to permanent housing
 - Helping people to avoid homelessness

Key Parts

Annual Action Plan

(continued)

Special Needs

- Must specify activities will carry out to address priority housing and supportive needs of:
 - People with disabilities (mental, physical, developmental)
 - People with HIV/AIDS
 - People with substance addiction
 - Elderly and frail elderly

Key Parts

Annual Action Plan

(continued)

Other Actions

Must indicate actions will take in upcoming year to:

- Evaluate and reduce lead-based paint hazards

[24CFR 91.220(k)]

- Address obstacles to meeting underserved needs
- Reduce the number of poverty-level households
- Foster and maintain affordable housing
- Improve coordination between housing entities and social service entities

Key Parts

Annual Action Plan

(continued)

CDBG-specific

There must be enough detail about each activity (including location) so that the public can determine the degree to which they are affected.

Key Parts

Annual Action Plan

(continued)

States-specific

- Must describe how they will distribute funds to local governments and nonprofits.
 - Must describe all criteria used to select applications from localities.
 - Must describe how all CDBG money will be allocated among all funding categories.
 - Must describe all "threshold factors" and grant size limits.
- If state intends to carry out an activity itself, must describe it here.

MORE ON PUBLIC PARTICIPATION

Public Participation Plan

Must be a written public participation plan describing jurisdiction's policies and procedures for involving lower income people.

PUBLIC PARTICIPATION

(continued)

Encourage Public Participation

- Public participation plan must "provide for" and "**encourage**" public involvement in coming up with the ConPlan/ActionPlan, any "Substantial Amendment", and the Annual Performance Report.

PUBLIC PARTICIPATION

(continued)

Encourage Public Participation *(continued)*

- Plan must encourage involvement by low income people, especially those living in low income neighborhoods and areas where CDBG money might be spent.
- Jurisdictions are "**expected to take whatever actions are appropriate**" to encourage involvement by people of color, people who do not speak english, disabled people, and public and assisted housing residents.

PUBLIC PARTICIPATION

(continued)

Access to information

- Access must be reasonable and timely
 - Must be reasonable notice that standard ConPlan/ActionPlan documents (Action Plan, Performance Report) are available for people to review them and make comments about them.
 - Public must be able to review records from last five years.
 - Local jurisdictions must provide public with "reasonable and timely" access to local meetings (such as Community Advisory Committee meetings, City Council subcommittee meetings, etc.)

PUBLIC PARTICIPATION

(continued)

Public hearings

- Required at all stages of the process.
- At minimum, hearings must give the public chance to:
 - Identify community needs
 - Review proposed uses of money
 - Comment upon past use of money

PUBLIC PARTICIPATION

(continued)

Public hearings *(continued)*

- Must be "adequate" public notice of upcoming hearings
- Regs:
 - "Publishing small print notices in the newspaper a few days before the hearing is not adequate notice."
 - "two weeks notice is adequate".

PUBLIC PARTICIPATION

(continued)

Public hearings *(continued)*

- Must be at times convenient to people likely to be affected.
- Must be in places easy for lower income people to get to.
- If "significant" number of people do not speak english, public participation plan must say how they can be involved.

PUBLIC PARTICIPATION

(continued)

Public Complaints

- Jurisdiction must respond to written complaints from the public.
- Response must be in writing, be meaningful, and provided in 15 days.

PUBLIC PARTICIPATION

Suggestions for Better Public Participation

Public Notice

- Gives plenty of advance warning
- Not just in the "legal" section of newspaper
- Is in newspapers serving specific neighborhoods, languages, races, and ethnic groups.
- Is on radio and television as a public service announcement
- Goes to anyone asking to be on a mailing list.

PUBLIC PARTICIPATION

Suggestions for Better Public Participation

(continued)

Public Hearings

- Easy for people to attend:
 - At more places, especially neighborhoods where money should be spent
 - In places where people will feel most at ease, such as community centers, school halls, etc. (Not all at city hall)
 - At convenient times (not just 10 a.m. or 3 p.m.)
 - In other languages

PUBLIC PARTICIPATION

Suggestions for Better Public Participation

(continued)

Public Hearings *(continued)*

- Make sure hearings are "real"
 - Conducted by elected officials,
 - Not just "meetings" with paid staff
- ConPlan is "political" process
- You can only influence it when elected officials know your priorities

PUBLIC PARTICIPATION

Suggestions for Better Public Participation

(continued)

Free Copies

Standard information (Action Plans and Performance Reports) should be provided for **free** within 2 working days.

HUD's New ConPlan Mapping Tool

Link to ConPlan Mapping Tool

http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/about/conplan/cpdmaps.

- Advocates can use tool to create their own maps to demonstrate issues they consider most crucial using geographies they want to focus on.
- Add data from other local sources.

HUD's New ConPlan Template

Link to new ConPlan Template

http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/about/conplan/cp_idis.

- Only jurisdictions can enter information or manipulate information on the template.
- Can be helpful for advocates to be familiar with template because presents regulatory requirements in front of each part of the template.
- Advocates might consider using template format to create alternative ConPlan ahead of jurisdiction releasing draft for comment.)

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