

Legal Counsel Approval _____

RL15-088

Introductory No. R15-54

Permanent No. R15-55



THE COUNCIL OF THE CITY OF BINGHAMTON
STATE OF NEW YORK

Date: May 20, 2015

Sponsored by Council Members: Mihalko, Matzo, Berg, Papastrat

Introduced by Committee: Planning & Community Development

RESOLUTION

entitled

A RESOLUTION AUTHORIZING THE
ADOPTION OF A CITIZEN PARTICIPATION
PLAN AS REQUIRED UNDER THE NYS
COMMUNITY DEVELOPMENT BLOCK
GRANT DISASTER RECOVERY PROGRAM

WHEREAS, the City of Binghamton is a subrecipient receiving New York State Community Development Block Grant-Disaster Recovery (CDBG-DR) funds, as administered by the Housing Trust Fund Corporation, Governor's Office of Storm Recovery (GOSR) to assist in addressing unmet needs from either Hurricane Irene, Tropical Storm Lee, or Superstorm Sandy; and,

WHEREAS, participation in the New York State Community Development Block Grant-Disaster Recovery (CDBG-DR) Program requires the adoption and implementation of a Citizen Participation Plan to comply with Section 508 of the Housing and Community Development Act of 1974, as amended; and,

WHEREAS, the purpose of this plan is to provide for and encourage citizen participation, with particular emphasis on participation by persons of low and moderate income who are residents of slum and blighted areas and of areas in which funds are proposed to be used.

NOW, THEREFORE, the Council of the City of Binghamton, duly convened in regular session, does hereby:

RESOLVE that the Mayor of the City of Binghamton, or his designee, is authorized to execute any all documentation necessary, approved as to form and content by the Office of Corporation Counsel, to adopt the attached New York State Community Development Block Grant-Disaster Recovery (CDBG-DR) Citizen Participation Plan for implementation in the City of Binghamton's New York State CDBG-DR Program.

I hereby certify the above to be a true copy
of the legislation adopted by the Council
of the City of Binghamton at a meeting
held on 6/3/15. Approved by the
Mayor on 6/4/15.

A handwritten signature in black ink, appearing to read "Jay Pelletti".

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Mihalko, Matzo, Berg, Papastrat

A RESOLUTION AUTHORIZING THE ADOPTION OF
A CITIZEN PARTICIPATION PLAN AS REQUIRED
UNDER THE NYS COMMUNITY DEVELOPMENT
BLOCK GRANT DISASTER RECOVERY PROGRAM

The within Resolution was adopted by the Council of
the City of Binghamton.

Date June 3, 2015

City Clerk Judy P. [Signature]

Date Presented to Mayor June 1, 2015

Date Approved 6/4/15
[Signature]
Mayor

	Ayes	Nays	Abstain	Absent
Motsavage	✓			
Mihalko	✓			
Rennia	✓			
Webb	✓			
Papastrat	✓			
Matzo	✓			
Berg	✓			
Total	7	0	0	0

Code of the City of Binghamton

Adopted Defeated

7 Ayes 0 Nays 0 Abstain 0 Absent

**THE CITY OF BINGHAMTON
NEW YORK STATE
GOVERNOR'S OFFICE OF STORM RECOVERY (GOSR)
COMMUNITY DEVELOPMENT BLOCK GRANT-DISASTER RECOVERY PROGRAM**

CITIZEN PARTICIPATION PLAN

The City of Binghamton has adopted the following Citizen Participation Plan to meet the citizen participation requirements of Section 508 of the Housing and Community Development Act of 1974, as amended, and the program policies of the New York State Community Development Block Grant-Disaster Recovery (CDBG-DR) Program.

The City of Binghamton is committed through adoption of this plan to the full and total involvement of all residents of the community in the composition, implementation, and assessment of its Community Development Block Grant-Disaster Recovery (CDBG-DR) Program. Attempts will be made to reach all citizens, with particular emphasis on participation by persons of low and moderate income, residents of slum and blighted areas, and of areas in which funds are proposed to be used. A copy of this plan will be made available to the public upon request.

As part of the citizen participation requirements and to maximize citizen interaction, the City of Binghamton shall:

- 1) Provide citizens with reasonable and timely access to local meetings, information, and records relating to the State's proposed method of distribution, as required by the Secretary of Housing and Urban Development, and relating to the actual use of funds under Title I of the Housing and Community Development Act of 1974, as amended;
- 2) When applicable, provide for public hearings and respond to proposals and questions at all stages of the community development program. These hearings will consist of the development of needs and proposed activities and review of program performance. These hearings will be held after adequate notice, a minimum of five (5) calendar days, at times and locations convenient to potential or actual beneficiaries with accommodations for persons with disabilities;
- 3) Provide for and encourage citizen participation with particular emphasis on participation by persons of low and moderate income and residents of slum and blighted areas as well as those affected by the proposed project;
- 4) Provide technical assistance to groups representative of persons of low and moderate income that request such assistance in developing proposals;
- 5) Where applicable, identify how the needs of non-English speaking residents will be met in the case of public hearings; and

- 6) Provide for a formal written procedure that will accommodate a timely written response, within fifteen (15) days where practicable, to written complaints and grievances.

I. PUBLIC HEARINGS

If a public hearing is held to obtain citizen input, notices informing citizens of any public hearings will appear in the official newspaper or in a newspaper having general circulation within the municipality, of the City of Binghamton a minimum of five (5) calendar days prior to the hearing. In addition, notices will also be posted publicly in municipal office buildings and the hearing will be publicized through local community organizations, and/or posting of information in LMI areas. Hearings will be held at times and locations convenient to potential or actual beneficiaries with accommodations for individuals with disabilities and non-English speaking persons. Whenever possible, these hearings will be held within or near the LMI areas, at times affording participation by the most affected residents.

Written minutes of the hearings and an attendance roster will be maintained by the City of Binghamton.

II. APPLICATION

1. Seven (7) calendar days, at a minimum, prior to the scheduled submittal of the application for project funding through the NY Rising Community Reconstruction Program or Infrastructure Program, a notice shall appear in the official newspaper, if applicable, or in a newspaper having general circulation within the municipality, informing the citizens of the following:
 - a. Proposed submittal date of the application;
 - b. Proposed objectives;
 - c. Proposed activities;
 - d. Location of proposed activities;
 - e. Dollar amount of proposed activities; and
 - f. Location and hours the application is available for review.

In addition, the notice shall state "all citizens, particularly persons of low and moderate income and residents of slum and blighted areas as well as those affected by the proposed project, are encouraged to review the proposed application and submit any written comments on the application to:

City of Binghamton
38 Hawley Street, 4th Floor
Binghamton, New York 13901

2. The public notice will also state that the following information is available:
 - a. The amount of funds, including program income, available for proposed community development disaster recovery activities for the current fiscal year;
 - b. The range of CDBG-DR activities that may be undertaken,
 - c. The estimated amount of CDBG-DR funds proposed to be used for activities that will meet the national objective of benefitting low and moderate income persons; and
 - d. The plan(s) designated for minimizing displacement of persons as a result of activities assisted with such funds and the benefits to be provided by the City of Binghamton to persons actually displaced as a result of such activities.
3. In addition, the application will be published on the City of Binghamton's website.

Comments received, along with the response, will be incorporated in the application to the New York State Governor's Office of Storm Recovery (GOSR) or the application will be withdrawn if necessary.

III. AMENDMENTS

Program amendments, which substantially alter the CDBG-DR project from that approved in the original application, shall not be submitted to the State without publication of notice in the official newspaper, if applicable, or in a newspaper having general circulation within the municipality, informing citizens of the following:

- a. Proposed submittal date of the amendment;
- b. Proposed objectives;
- c. Proposed activities;
- d. Location of proposed activities;
- e. Dollar amount of proposed activities; and
- f. Location and hours the application is available for review.

In addition, the notice shall state "all citizens, particularly persons of low and moderate income and residents of slum and blighted areas as well as those affected by the proposed project, are encouraged to review the proposed application and submit any written comments on the application to:

City of Binghamton
38 Hawley Street, 4th Floor
Binghamton, New York 13901"

Any comments received including the responses will be submitted with the request for the amendment.

Citizens may, at any time, contact GOSR directly to register comments, objections, or complaints concerning the subrecipient's CDBG-DR application(s), amendment(s), and/or performance. Citizens are encouraged, however, to attempt to resolve any complaints at the local level as outlined above prior to contacting GOSR.

IV. CONSIDERATION OF OBJECTION TO APPLICATION OR AMENDMENT

Persons wishing to object to approval of an application or amendment by the State may make such objection known to:

New York State
Governor's Office of Storm Recovery
25 Beaver Street
Post Office Box 230
New York, New York 10004
Email: citizenparticipation@stormrecovery.ny.gov

V. LIMITED ENGLISH PROFICIENCY

Whenever a significant number of persons and/or residents of blighted neighborhoods communicate with a primary language other than English attend public hearings, the City of Binghamton will provide an interpreter for dissemination of information to them provided the City of Binghamton is given sufficient notification of three (3) calendar day(s). Documents will be available in the appropriate languages for the geographic area served by the City of Binghamton.

VI. TECHNICAL ASSISTANCE

Technical assistance may be provided directly by the City of Binghamton to any citizen, particularly to low and moderate income persons, residents of blighted neighborhoods and minorities, who request assistance in the development of proposals and statement of views concerning the CDBG-DR Program. Local officials will conduct informational meetings with the residents of the low to moderate income areas if a written request is received by the City of Binghamton with at least a one (1) week notification. The persons who conduct the technical assistance meetings will disseminate information on the program and answer all pertinent questions.

VII. TIMELY ACCESS AND ADEQUATE INFORMATION

The City of Binghamton shall provide timely disclosure of records, information and documents related to the CDBG-DR program activities. Documents will be made available for copying upon request at the City of Binghamton Offices, Monday thru Friday, 9:00 a.m. thru 5:00 p.m. Such documents may include the following:

1. All meetings and promotional materials;
2. Records of hearings and meetings;
3. All key documents, including prior applications, letters, grant agreements, citizen participation plans, and proposed applications;
4. Copies of the regulations (final statements) concerning the program; and,
5. Documents regarding other important requirements, such as Procurement Procedures, Fair Housing, Equal Employment Opportunity, Uniform Act, Labor Provisions, and Environmental Procedures.

VIII. CITIZEN COMPLAINT PROCEDURE

SECTION 1

It is the policy of the City of Binghamton to review all complaints received.

SECTION 2

The following procedures will be followed on all complaints received by the City of Binghamton:

1. The complainant shall notify the City Engineer of the complaint. The initial complaint may be expressed orally or by written correspondence.
2. The City Engineer will notify the Chief Elected Official or designated representative of the complaint within three (3) working days.
3. The Chief Elected Official or designated representative will investigate the complaint and will report the findings to the City Engineer within five (5) working days.
4. The City Engineer will notify the complainant of the findings of the Chief Elected Official or designated representative in writing or by telephone within five (5) working days.
5. If the complainant is aggrieved by the decision, he must forward the complaint in writing (if previously submitted orally) to the City Engineer who will forward the complaint and all actions taken by the Chief Elected Official or designated

representative to the appropriate committee for its review. This will be accomplished within thirty (30) working days of receipt of the written complaint.

6. The reviewing committee will have fifteen (15) working days to review the complaint and forward its decision to the complainant in writing.
7. If the complainant is aggrieved with the decision of the committee, he must notify the City Engineer in writing that he desires to be afforded a hearing by the City Council. The complainant will be placed on the next regularly scheduled agenda. The City Engineer will notify the complainant in writing of the date of the hearing.
8. The complainant must bring all relevant data, witnesses, etc., to the hearing. The City Council, at the hearing, will review the complaint and forward within fifteen (15) days a certified copy of the minutes of the meeting at which the hearing was conducted and a decision was rendered to the complainant. If a decision is not reached at the hearing, the City Engineer will inform complainant of an appropriate date to expect a response. Within five (5) working days of reaching a decision, the complainant will be notified in writing of the decision.

SECTION 3

All citizen complaints relative to Fair Housing/Equal Opportunity violations alleging discrimination shall be forwarded for disposition to the:

Fair Housing Complaints
New York State
Office of the Attorney General
Civil Rights Bureau
120 Broadway
New York, New York 10271
(212) 416-8250 (Voice)
(800) 788-9898 (TDD)
Email: civil.rights@ag.ny.gov
Website: www.ag.ny.gov

Complaints of Discrimination
New York State
Division of Human Rights
One Fordham Plaza, 4th Floor
Bronx, New York 10458
(718) 741-8300 (Voice & TDD)
Website: www.dhr.state.ny.us

SECTION 4

The City of Binghamton will maintain a file for the purpose of keeping reports of complaints.

SECTION 5

This policy does not invalidate nor supersede the personnel or other policies of the City of Binghamton which are currently adopted, but is intended to serve as a guide for complaints.

SECTION 6

This policy may be amended by a majority vote at any of the City of Binghamton's regularly scheduled meetings.

ADOPTION

This Citizen Participation Plan was adopted by the City of Binghamton in regular session on the ____ day of _____, _____, under Resolution No. _____.

