



PUTTING PEOPLE FIRST

CITIZEN PARTICIPATION PLAN



CITY OF BIRMINGHAM, ALABAMA

The Citizen Participation Plan... Ever growing and adapting to meet the needs of the people - The Citizen Participation Program is designed to achieve improved communication, understanding and cooperation between citizens and city officials through a neighborhood and community structure. This structure provides for elected representation for each of the City's 99 Neighborhood Associations, whose officers make up 23 Community Advisory Committees, the presidents of which make up one city-wide Citizens Advisory Board.

The representational structure is called upon to help city government identify, analyze, prioritize and implement a whole range of programs.

The City's Community Resource Services, through the Mayor's Office, provides staff to support ongoing implementation of the Citizen Participation Plan. This support is available in six major areas: technical assistance, liaison, communications, complaint processing; training, and administration. The program operates as a partnership. It combines the organizational initiatives and priorities of neighborhood and with city resources and implementation processes to improve the quality of life for all our neighborhoods.

Established 1974

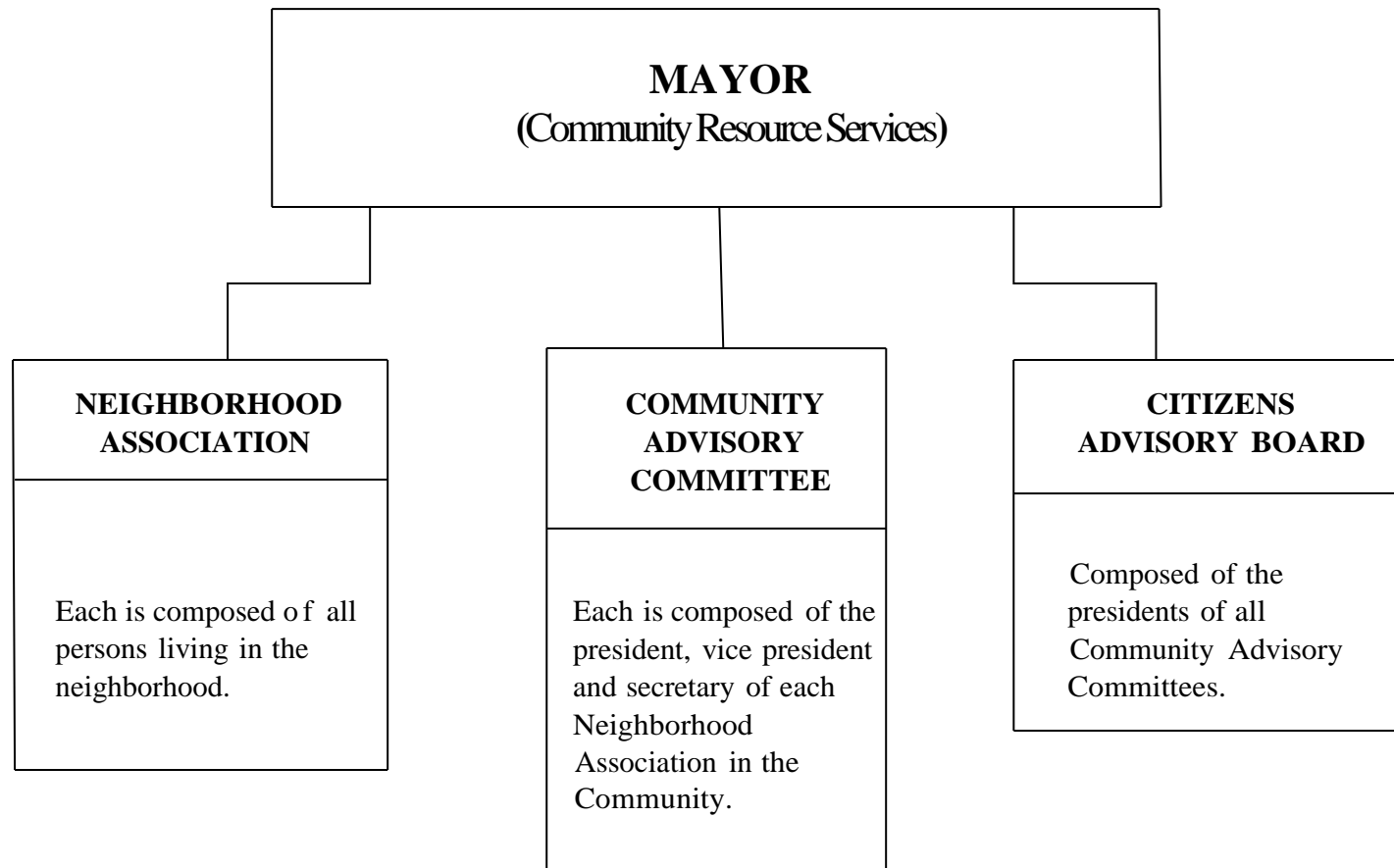
This DOCUMENT SUPERSEDES ALL Previous Citizen PARTICIPATION PLANS FOR THE CITY OF BIRMINGHAM, ALABAMA. IT WAS OFFICIALLY ADOPTED BY THE CITY OF BIRMINGHAM ON JULY 25, 2006 BY RESOLUTION NUMBER 1720-06.

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**Organizational Structure
City of Birmingham
Citizen Participation Program**



CITIZEN PARTICIPATION PLAN

INTRODUCTION

The City of Birmingham gratefully acknowledges the invaluable contributions made by thousands of residents throughout the City who have helped develop and implement the Citizen Participation Plan.

The Citizen Participation Plan which was adopted by the City Council in October 1974, was the result of more than nine months of effort by citizens and city officials.

In 1976, citizens and city officials carried out a ten-month evaluation of the plan. In 1978, the Citizen Participation Plan was again revised by citizens and elected officials through a process of workshops. Likewise, in 1980 and again in 1992 further revisions took place. The present plan is a result of this process.

As requested by citizens, the Citizen Participation Plan will be evaluated by citizens and city officials once every two years so that continued flexibility can be maintained. Thus, further modifications can be made when warranted. Flexibility also has been maintained concerning boundaries and names of neighborhoods and communities. Following these reviews, changes have been made in response to citizens' requests. This flexibility will be maintained, and future modifications can be made in order to meet the needs of residents and to enhance the effectiveness of the Citizen Participation Program. Neighborhood (the basic geographic unit) and community (comprised of two or more adjoining neighborhoods) boundaries and names will be reviewed no less than once every two years and where indicated, further changes can be made. Further modifications in boundaries and names can include expansion of the City by annexation. Residents of such new areas will be included in the Citizen Participation Program as soon as possible, and efforts will be made by the City to achieve this in accordance with needs and wishes expressed by citizens in those areas.

The Citizen Participation Program also recognizes special interest groups and provides two alternatives for their representation. First, they have the opportunity to participate actively in the Neighborhood Association and be represented on Neighborhood Advisory Groups. Second, special interest groups with concerns that extend beyond the geographic boundaries of a particular neighborhood or community, have the opportunity to petition the Citizens Advisory Board for assistance.

By continuing to develop closer relationships between citizens and their city officials, the Citizen Participation Program enables everyone to work together more effectively for community improvements. As a result, the program can help train citizens in how their city government functions and thus provide an ever-growing reservoir of experienced citizens for leadership positions. As a result, the Citizen Participation Program will benefit the total community.

I. Statement of Intent

The City of Birmingham recognizes the need and desirability of involving its citizens more directly and continuously in its community development efforts. To meet this need, the Citizen Participation Program is designed to achieve improved communication, understanding and cooperation between Birmingham citizens and city officials through increased personal contact between City Hall and neighborhoods and communities throughout the City. More specifically, the goals of the program include the following:

1. Provide for the institution and operation of a system whereby citizens are elected and function effectively in order to represent the geographic areas and the social, ethnic and economic groups of the City.
2. Provide for continuing, direct access for citizen representatives to the Mayor, the City Council and other city officials in order to increase citizen input and involvement in community improvement efforts in Birmingham.
3. Provide citizens with timely and current information concerning:
 - a. Public resources
 - b. Plans and programs for the utilization of these resources
 - c. Other activities and events of importance to citizens.
4. Provide city officials with timely and current information about citizen feelings concerning:
 - a. Community problems, plans and projects and their relative priorities
 - b. Self-help community development action being carried out by citizens
 - c. Recommendations by the City

The Citizen Participation Program operates as a joint undertaking by Birmingham residents and city officials. To assist in the operation of the program, the **Community Resource Services Division** has been delegated the responsibility for maintaining contact with citizens and city officials in matters dealing with the Citizen Participation Program. The **Community Resource Services Division** will make available official maps of neighborhoods and communities and the written description of the boundaries with street index by neighborhood per the Neighborhood Association (NA) request.

In accordance with established guidelines, the Citizen Participation Program shall not be involved in partisan politics, including the endorsement of candidates. In their capacity as a Neighborhood Association Officer, an individual will not openly endorse or campaign for any candidate for any political office. During the conducting of the Neighborhood Association meeting, officers will refrain from wearing or displaying candidate paraphernalia or demonstrating favoritism for one candidate over another. With this exception, the Citizen Participation Program is not limited in its scope of involvement. In keeping with the non-partisan concept, an official copy of the officers' names and addresses as well as the schedule of regular meeting times and locations is available for public use in the **Community Resource Services Division** during normal business hours.

Additionally, while citizen participation and engagement are of utmost importance in the planning and development process for City programs and investments, the requirements for citizen participation do not restrict the responsibility or authority of the City of Birmingham for the development and execution of the Consolidated Plan or Assessment of Fair Housing to meet the standards and requirements of HUD.

II. NEIGHBORHOOD ASSOCIATIONS (NAs)

The basic organizational element of the Citizen Participation Program is the Neighborhood Association (NA), one of which is in each neighborhood throughout the City.

All residents of a neighborhood are members of the Neighborhood Association in that neighborhood. Voting membership in each NA is open to all residents of the neighborhood who are sixteen (16) years or older. Other citizens having an interest in the neighborhood, such as those who work or own property there, are entitled to attend neighborhood meetings and express their views; however, they are not eligible to vote or hold an elected office in the NA.

Regular Citizen Participation Program elections for neighborhood officers (i.e., president, vice president, secretary) shall be held once every two (2) years in even number years in October on a specific date set by the City utilizing polling places provided by the City. NA elections shall be conducted in accordance with pertinent provisions of Section VI of this Plan. In addition to the president, vice president and secretary, a NA may elect additional officers in accordance with its bylaws (that will be reviewed by the City's Legal Department). Official recognition of their election is made jointly by the Mayor and City Council to each citizen elected as a president, vice president or secretary.

Any resident of the City of Birmingham who is at least eighteen (18) years of age, has resided in the neighborhood for at least one hundred twenty (120) days prior to the Declaration of Candidacy deadline and who has attended at least four (4) of that neighborhood's meetings during the previous twelve (12) months prior to the Declaration of Candidacy deadline, is eligible to run for neighborhood office. In order to have his/her name placed on the ballot for a regular NA election, a candidate shall submit a completed Declaration of Candidacy form to the **Community Resource Services Division** by the specified date. The **Community Resource Services Division** will use official meeting attendance sheets to verify that candidates fulfill the meeting requirement.

The NA Officers will be installed no later than January 15th of the year following the election and will assume their duties thereafter. The NA Officer will remain in office through December 31st of the year following the election. Moreover, training of NA officers shall take place (two to three weeks) after the installation so that each officer can assume their position. The only exception to this will be in those neighborhood associations and/or individual races in which the election winner has not been declared by the Council, in which case the incumbent officer shall continue to serve until an election winner is declared.

Neighborhood presidents, vice presidents and secretaries may succeed themselves indefinitely if the voters so desire. **In the event that an officer is elected or appointed to a local, State, or Federal office, he/she must give up his/her position as a neighborhood officer. A City of Birmingham employee may not serve as a neighborhood officer.** If a neighborhood officer is convicted of a felony (as defined by state law), his/her position becomes vacant upon conviction. If an elected neighborhood officer misses three consecutive meetings without an excuse of illness, absence from the City or unavoidable press of other business, the position becomes vacant and shall be filled in accordance with the procedures established in Section VI of this Plan. All neighborhood officers must reside within the geographical boundaries of the neighborhood in which they were elected for the entire period they hold their NA position. A temporary residency outside of the neighborhood may be allowed for periods up to sixty (60) calendar days upon written request due to an act of God or an unforeseen action deemed viable by the City's Legal Department and to the **Community Resource Services Division**.

All NA records and supplies should be turned over promptly by the outgoing officer(s) and given to their perspective CRR for reissuance to the incoming officer. To assist them in carrying out their responsibilities, NA officers are provided with opportunities for ongoing training as needed.

If the position of president becomes vacant, it will be filled automatically by the vice president for the remainder of the unexpired term. In the event that the vice president does not wish to serve as NA president, he/she is to preside over the meetings until a new president can be elected. In that case, and if either of the positions, vice president or secretary, becomes vacant, the vacancy will be filled through an election by secret ballot, following nominations from the floor during a regularly scheduled meeting. **This vacancy shall be announced at the next regularly scheduled neighborhood meeting following the occurrence of the vacancy and the election will take place at the regularly scheduled neighborhood meeting of the following month. If there is a tie in ANY position and candidates do not meet the required meeting criteria, then the four meeting qualifications will be waived and the person attending the most meetings will be elected to the position. Moreover, if each candidate has met all meeting requirements, a special election will be held and moderated by the Community Resources Representative (CRR).**

For each NA there may be an advisory group, the members of which are chosen by the president, in consultation with the vice president and secretary. The president is responsible for assuring that all geographic areas and interest groups within the neighborhood are represented on the Advisory Group. This group should include representatives of existing local organizations, the physically impaired, youth, aged, ethnic minorities and the economically disadvantaged. Non-residents interested in the neighborhood, such as citizens who work or own property there, also may be included on the Advisory Group. The Advisory Group should function to help the elected neighborhood leaders stay fully aware of local citizens' feelings on issues affecting the neighborhood or the City. They also should serve to assure that information is transmitted fully, accurately and promptly to and from residents in the neighborhood.

The first meeting at which the newly elected officers shall preside shall be held in January of the year immediately following the installation of the regular election of NA officers, at the same location and time that the meetings were held during the previous term of office. Exceptions to this may be approved by the Supervisor of **Community Resource Services**. Each NA should meet at least once per month throughout the year. At a minimum, each NA must meet at least once per month in six different months in any calendar year. Exception to the minimum number of meetings may be granted by the Supervisor of the Department of **Community Resource Services** in cases such as inclement weather, local/state/national times of emergency/mourning, etc. Official attendance and minutes must be taken for each meeting. In the event that an officer is absent, the minutes must reflect if it is an excused absence. If a president knows he/she will be absent prior to the meeting, notification should be made to the vice president and/or Community Resources Representative. The attendance list and minutes should be forwarded to the **Community Resource Services Division** within ten (10) business days of the meeting.

Each NA, guided by its president, other elected officers and members of the Advisory Group, regularly should analyze its own area in order to maintain a current listing of local problems, priorities, goals and objectives. The NA should endeavor to solve those problems that are within its capabilities. Concerning the problems which are beyond its capabilities, the NA has, through its president (or in his/her absence, its vice president or designated representative) alternatives for action which include the following:

1. It may go to the **Community Resource Services Division** which will forward and follow up on requests for information and/or assistance to appropriate departments of city government.
2. It may go to its Community Advisory Committee, unite with other neighborhoods within its community and thus gain support for its efforts.
3. It may go to the Citizens Advisory Board, unite with other areas outside of its community and thus gain support for its efforts.
4. It may go directly to other city departments with requests for information and/or assistance.
5. It may go directly to the Mayor and/or City Council to seek information and/or assistance.

Citizens are encouraged to utilize the Citizen Participation Program to present their concerns and opinions, since this can help city officials know on a continuing basis the magnitude and seriousness of citizens' concerns. In addition to this means of communication, all Birmingham citizens and organizations have, and will continue to have, the right to present their views directly to the Mayor and City Council.

Staff members of Birmingham's **Community Resource Services Division** are available to assist Neighborhood Associations in:

1. Developing and maintaining contact with NA officers, leaders of existing organizations and other recognized local leaders within each neighborhood.
2. Helping assure that NA records and supplies are turned over promptly to incoming officers by outgoing officers.
3. Making available to NA officers as soon as practical supplies and materials requested by them and, in the event of delays, notifying the NA officers of this information.
4. Notifying NA officers, when requested by them, of the balance and status of funds allocated to their neighborhoods, i.e., communications funds.
5. Making available to NA officers, opportunities for ongoing training as needed.
6. Transmitting to appropriate city departments, through the Supervisor of the **Community Resources Division**, requests from NA officers for information and/or action, and where appropriate, following up on these requests; as well as transmitting to NA officers replies to their requests for information and/or action from city departments.
7. Transmitting to NA officers other pertinent information included in Section V of this plan.

In addition to the aforementioned responsibilities, **Community Resource Services Division** staff members strive to carry out other activities when appropriate and requested by NA officials. These activities include the following:

1. Assisting in scheduling and publicizing neighborhood meetings.
2. Cooperating with each NA president in order to:
 - a. More effectively conduct meetings
 - b. Assure complete neighborhood representation on the Advisory Group
 - c. Form and maintain effective communication with members of the Advisory Group
 - d. Organize and follow up on committees
 - e. Assure effective two-way communication with neighborhood residents
 - f. Achieve other improvement action
3. Assisting each secretary in setting up and maintaining a system for recording and preserving meeting minutes, attendance lists and other information important to the NA.
4. Assisting each NA in planning and implementing a periodic neighborhood survey and other activities to secure accurate and complete information concerning local problems, goals, objectives and priorities.
5. Assisting each NA in planning and implementing self-help development action.

Community Resource Services Division staff members have the responsibility to encourage local leaders and other citizens to continue and increase their NA responsibilities and activities.

All meetings of all NAs and its committees shall be open to the public. Participation in the meetings by non-residents of the neighborhood will be in accordance with guidelines established by each Neighborhood Association. A NA may invite non-residents of the neighborhood to participate and cooperate with the Neighborhood Association and Advisory Group. These non-residents include the Mayor, City Council members, other city officials, ministers, educators, business persons, property owners, and others interested in the neighborhood.

BOUNDARY CHANGES

A Neighborhood that would receive additional property as a result of changes begins this process as follows:

They vote at a neighborhood meeting to approve proposed changes to their neighborhood boundary. (This is usually initiated by residents.) If the receiving neighborhood approves the change, they will then go to the neighborhood that will be losing property and make a request that the neighborhood vote to give up the portion that is being requested. If either neighborhood declines to approve, then the request is denied. However, if this is agreed to by both neighborhoods, then a form describing the change is filled out and signed by both the receiving and the losing neighborhood. A copy of the neighborhood minutes from each neighborhood reflecting the changes is attached.

Once the description is on file, then a copy should be forwarded to GIS section of Planning, Engineering and Permits so that the changes can be made to maps, etc.

III. COMMUNITY ADVISORY COMMITTEES (CACs)

A community is defined, for the purposes of the Citizen Participation Program, as a geographic area made up of two (2) or more adjoining neighborhoods.

Within each community there is a Community Advisory Committee (CAC), voting membership of which is composed entirely of the presidents, vice presidents and secretaries of the Neighborhood Associations (NAs) within the community. Proxy votes are not permitted as each member has only one vote. During their time of membership on the CAC, all members must continue to reside within the geographic boundaries of the neighborhood in which they lived at the time of their election to NA office.

Members of each CAC shall elect a president, a vice president and a secretary in regular elections which shall be held once every two (2) years and within fifteen (15) calendar days after the regular election of NA officers in every neighborhood in that community. Officers shall be elected by secret ballot in accordance with pertinent provisions of the Citizen Participation Program Election Process (Section VI). In addition to these officers, a CAC may elect additional officers in accordance with its bylaws (reviewed by the City's Legal Department). CAC presidents, vice presidents and secretaries may succeed themselves indefinitely if the voters so desire.

In the event that a community officer misses three consecutive community meetings without an excuse of illness, absence from the City or unavoidable press of other business, the position becomes vacant and shall be filled in accordance with the procedures established in Section VI of this Plan.

If the position of CAC president becomes vacant, it will be filled automatically by the vice president for the remainder of the unexpired term. Should the Vice President choose not to assume the position of President, it will be filled through an election by secret ballot, following nominations from the floor, which should take place during the first meeting after the meeting at which the vacancy is announced. The vice president is to preside over the meetings until a new president can be elected. If either of the positions of vice president or secretary becomes vacant, it will be filled through an election by secret ballot, following nominations from the floor, which should take place during the first meeting after the meeting at which the vacancy is announced. Such elections shall be carried out in accordance with pertinent provisions of Section VI of this Plan. The replacement officers will serve for the remainder of the unexpired terms.

It is recommended that CACs meet quarterly, and more often if needed. CAC presidents are responsible for scheduling and calling these meetings. They can secure assistance in publicizing the meeting from the **Community Resource Services Division**. Official attendance and minutes must be taken for each meeting. In the event that a community officer is absent, the meeting minutes must reflect if it is an excused absence. The attendance list and minutes should be forwarded to the **Community Resource Services Division within ten** (10) business days after the meeting.

The CAC is responsible for receiving, evaluating and taking appropriate action regarding information about problems, priorities, goals and objectives received from Neighborhood Associations and other sources. The CAC should endeavor to solve those problems that are within its capabilities. Concerning the problems which are beyond its capabilities, the CAC has, through its president (or in his or her absence, its vice president or designated representatives), alternatives for action which include the following:

1. It may go to the Citizens Advisory Board, unite with other communities and thus gain support for its efforts.
2. It may go to the **Community Resource Services Division** which will forward and follow up on its requests for information and/or assistance to appropriate departments of city government.
3. It may go directly to other city departments with requests for information and/or other assistance.
4. It may go directly to the Mayor and/or the City Council to seek information and/or assistance.

All CAC members have the responsibility for securing current information concerning the feelings of citizens in their respective communities about public problems, projects and plans. The CAC president (or in his or her absence, the vice president) has the responsibility to communicate to all NA presidents, as soon as possible after meetings with city officials, information concerning what took place during meetings with these officials. In turn, the NA presidents are responsible for transmitting this information as soon as possible to other NA officers, members of NA Advisory Groups and other residents of their respective neighborhoods. NA members then have the opportunity to express their views about the information to the CAC representatives.

Staff members of Birmingham's **Community Resource Services Division** are available to assist Community Advisory Committees. Where applicable, this assistance is similar to the help given by staff members to Neighborhood Associations.

All meetings of all CACs shall be open to the public. Participation in these meetings by non-CAC members will be in accordance with guidelines established by each CAC. A CAC may invite non-residents to the community to participate and cooperate with the CAC. These non-residents include the Mayor, City Council members, other city officials, ministers, educators, business persons, property owners and others interested in the community.

IV. CITIZENS ADVISORY BOARD (CAB)

On the city-wide level of the Citizen Participation Program, there is a Citizens Advisory Board (CAB) that meets regularly with the Mayor, City Council and other city officials in order to achieve increased citizen input and involvement in governmental and community development efforts of the City of Birmingham. The membership of the CAB is composed entirely of the presidents of all Community Advisory Committees (CACs).

In the absence of a CAC president at a Citizens Advisory Board meeting, the CAC vice president (as first alternate) or the CAC secretary (as second alternate) may participate in the CAB meeting and vote as a representative of his or her community. When absences of a CAC president occur, it is his or her

responsibility to assure that the CAC is represented at CAB meetings by the vice president or the secretary. During their time of membership on the Citizens Advisory Board, all CAB members must continue to reside within the geographic boundaries of the neighborhoods in which they lived at the time of their election to NA office.

Members of the CAB shall elect a president, a vice president and a secretary in regular elections which shall be held once every two (2) years and within fifteen (15) calendar days after the regular election of CAC presidents in all communities throughout the City. These CAB officers shall be elected by secret ballot in accordance with pertinent provisions of Section VI of this Plan. In addition to these officers, the CAB may elect additional officers in accordance with its bylaws (reviewed by the City's Legal Department).

The CAB president, vice president and secretary may succeed themselves indefinitely if the voters so desire. If a CAB officer or member is absent for three consecutive regular meetings without an excuse of illness, absence from the City or unavoidable press of other business, the position becomes vacant and shall be filled in accordance with the procedures established in Section VI of this Plan.

If the position of CAB president becomes vacant, it will be filled automatically by the vice president for the remainder of the unexpired term. Should the Vice President choose not to assume the position of President, it will be filled through an election by secret ballot, following nominations from the floor, which should take place during the first meeting after the meeting at which the vacancy is announced. The vice president is to preside over the meetings until a new president can be elected. If either of the positions of vice president or secretary becomes vacant, it will be filled through an election by secret ballot, following nominations from the floor, which should take place during the meeting at which the vacancy is announced. Such elections shall be carried out in accordance with pertinent provisions of Section VI of this Plan. The replacement officers will serve for the remainder of the unexpired terms. All CAB records and supplies should be turned over promptly to incoming officers by the outgoing officers.

The CAB shall meet monthly on a designated regular meeting date and at least one meeting of the CAB with the Mayor and City Council should be held quarterly throughout the year. The CAB President is responsible for coordinating the scheduling of these meetings with the Mayor and the City Council President.

In order to assure that city officials most concerned with agenda topics are invited to CAB meetings, the CAB president is responsible for giving to the **Community Resource Services Division**, at least ten (10) days prior to each meeting, information concerning topics to be considered during the meeting. In cooperation with the CAB president, **Community Resource Services** staff members assist in preparing and distributing copies of meeting agendas to all CAB members, to all NA presidents and to appropriate city officials.

The CAB is responsible for receiving, analyzing, evaluating and taking appropriate action regarding information about problems, priorities, goals and objectives from Community Advisory Committees and other sources. To assist in analysis and evaluation of matters considered by the CAB, the CAB president shall create standing committees and special committees and shall appoint members to those committees in accordance with CAB Bylaws (reviewed by the City's Law Department). The CAB should endeavor to solve those problems that are within its capabilities. Problems which need city administrative capabilities should be presented to the Mayor, City Council members and other city officials for their consideration and appropriate action.

All CAB members and their alternates are responsible for securing current information concerning the feelings of citizens in their communities about public problems, projects and plans. These CAB members and their alternates have the added important responsibility of communicating to all of the Neighborhood Association presidents in their communities, as soon as possible after meetings with city officials, complete information concerning what took place during meetings with these officials. In turn, the NA presidents are responsible for transmitting this information as soon as possible to other NA elected officers, members of NA

Advisory Groups and other residents of their respective neighborhoods. NA members then have the opportunity to express their views about the information to their CAC and CAB representatives.

Staff members of Birmingham's **Community Resource Services Division** are available to assist the CAB. Where applicable, this assistance is similar to the help given by staff members to Neighborhood Associations.

All meetings of the Citizens Advisory Board shall be open to the public. Participation in the meetings by persons other than the Mayor, City Council members and CAB members will be in accordance with guidelines established by the CAB.

V. INFORMATION TO CITIZENS AND CITIZEN INVOLVEMENT

A goal of the Citizen Participation Program is to create and maintain a two-way communication structure between residents and city officials whereby all can be better informed about matters of common interest and concern. The program offers citizens both the chance to express their views and the opportunity to learn more about city government matters that can affect them. Another important function of the Citizen Participation Program is to fulfill the requirements of citizen involvement in the Community Development Program of the City of Birmingham under guidelines established by the Department of Housing and Urban Development (HUD) for the Housing and Community Development Acts. It is the purpose of this section of the Citizen Participation Plan to outline how the City involves the Citizen Participation mechanism in local matters as well as the role it assumes in compliance with Section 570.303 of the Housing and Community Development Block Grant Program Regulations.

A. The City of Birmingham's Responsibilities to the Citizen Participation Program.

Formal information flow in the Citizen Participation Program usually is carried out in writing between city officials and presidents of Neighborhood Associations. Upon receiving communications from city officials, each NA president is responsible for the timely transmittal of pertinent information to other neighborhood residents so that they can have the opportunity to make their views known and can be adequately represented.

Information that is sent from city officials to NA presidents include:

1. Agendas of the City Council meetings, all meetings of which are open to the public. Every citizen has the opportunity to speak by requesting to be included on the meeting agenda.
2. Notification of public hearings set by the City Council. Every citizen has the right to attend and to speak at all public hearings.
3. Notification of all positions on boards and agencies appointed by the City Council which currently are vacant or will become vacant during the next calendar month. Citizens have the opportunity to nominate candidates to fill these vacancies.
4. Notices of requests for restaurant liquor licenses, off premises beer and wine licenses, pool table permits and dance permits. These notices are sent to NA presidents of affected neighborhoods, and local citizens are encouraged to express their views about whether the requests should be granted.
5. Notices of proposed zoning changes and notices of public hearings about these proposed zoning changes. These are sent to NA presidents of affected neighborhoods. As noted, every citizen has the right to attend and speak at public hearings, including those dealing with proposed zoning changes.
6. Agendas of the Birmingham Planning Commission, Subdivision Committee, Zoning Advisory Committee and the Zoning Board of Adjustments. These are sent to NA presidents of affected neighborhoods.
7. Agendas and minutes of the Citizens Advisory Board. These are sent to all NA presidents.
8. Notification of community development projects undertaken by the City of Birmingham. These are

sent to NA presidents of affected neighborhoods.

9. Notification of information and/or action in response to citizens' requests received from NA presidents.
10. Information about other matters of concern to citizens in particular geographic areas or in the entire city.

B. The Relationship of the Citizen Participation Program to the Consolidated Plan Process.

In addition to receiving information from the City and responding to it, Birmingham residents have the opportunity to participate in the development of important documents through the Citizen Participation Program. Some of the most significant of these documents are city budgets and annual applications to the Federal Government for Community Development Block Grant funds. By utilizing the Citizen Participation Program, citizens have the opportunity to help their elected officials better understand the type and magnitude of their feelings, concerns and hopes. In this way, citizens have a greater input in governmental decisions.

In accordance with the guidelines established by Community Resource Services (CSR) and in fulfillment of the principles of the Citizen Participation Program, the City of Birmingham encourages its residents to participate in an active advisory role in the planning, implementation and assessment stages of the Consolidated Plan Process.

More specifically the requirements of Section 24 CFR 91.105 are met by the following:

1. General -

Adequate information shall be sent to all neighborhood organizations announcing any hearings, workshops, etc. designed for the receipt of input into the Consolidated Plan Process.

2. Written Citizen Participation Plan -

The purpose of this written Citizen Participation Plan in addition to describing the purpose and function of the City of Birmingham's Citizen Participation Program, is to additionally serve as a procedural guideline by which citizen input is solicited in the Consolidated Plan Process.

3. Standards/Encouragement of Participation -

The Citizen Participation Program of the City of Birmingham is comprehensive and city-wide. Involvement in the Citizen Participation process is open to all residents of the City [regardless of income level, minority groups (ethnic as well as religious and political), physically impaired, civic affiliation, business affiliation, etc.] who are concerned about and interested in the program. As a means of assuring continuity of involvement of citizens throughout the Citizen Participation Program, neighborhood officers are elected at the same time, serve the same length of term, and receive on a regular basis, the same information regardless of their area of the City, income level or minority status. All citizens of the City live in an officially recognized neighborhood, thus assuring the opportunity for low and moderate income involvement in the program. The primary function of a neighborhood's Advisory Group (required for each neighborhood) is to further assure total neighborhood representation and involvement.

The City of Birmingham, in conjunction with public housing authorities, particularly encourages the residents of public assisted housing developments and low income residents of targeted revitalization areas in which the developments are located, to participate in the development and implementation of the Consolidated Plan and Citizen Participation Plan.

4. *Citizen Participation Plan and Amendments -*

The City of Birmingham will provide citizens the opportunity to comment on the original Citizen Participation Plan and any amendments to the plan. Copies of the Citizen Participation Plan are distributed to all neighborhood associations and available to all citizens upon request **in the Community Resource Services Division**.

All of the requirements in the Citizen Participation Plan are subject to change in the event of guidance or waivers issued by HUD. In the event that HUD issues guidance or waivers that affect citizen participation in the planning process City Staff will attempt to provide as much notice as is possible while still complying with the guidance or waiver received from HUD.

5. *Development of the Consolidated Plan and Assessment of Fair Housing*

- a. Prior to the adoption of the Consolidated Plan and Assessment of Fair Housing, the City of Birmingham shall make available to citizens, public agencies, and other interested parties, information that includes the amount of Consolidated Plan Formula Allocation funds it expects to receive (including grant funds and program income), the range of activities that may be undertaken, including the estimated amount that will benefit persons of low and moderate income, and potential impediments to fair housing. Additionally, the funds will be used in such a way as to minimize the displacement of persons. However, should the proposed Consolidated Plan indicate the displacement of persons, the types and levels of assistance will be made available through the City of Birmingham's Department of Community Development. Information regarding the types and levels of assistance for displaced persons will be available through the Department of Community Development's Housing Division prior to adoption of the Consolidated Plan.
- b. The proposed Consolidated Plan and Assessment of Fair Housing shall be published in a manner whereby citizens, public agencies and other interested parties have an opportunity to examine its contents and to submit comments. The City of Birmingham will publish a summary of the proposed Consolidated Plan in local newspapers of general circulation and make the Assessment of Fair Housing to the public. A fifteen (15) day period will be provided to receive comments, written or oral, on the proposed Consolidated Plan and Assessment of Fair Housing. Additionally, copies of the proposed Consolidated Plan and Assessment of Fair Housing will be available at city libraries and the Office of Community Development. The City of Birmingham will provide copies of the entire proposed Consolidated Plan and Assessment of Fair Housing to citizens and groups, upon request and will be accessible to those with disabilities. Additionally, a summary of comments and views shall also be attached to the Assessment of Fair Housing.
- c. At least one public hearing shall be conducted during the development of the Consolidated Plan and Assessment of Fair Housing. A period, not less than thirty (30) days, shall be provided to receive citizens' comments on the Consolidated Plan. The City of Birmingham shall consider comments and views, written or oral, from citizens when preparing the final Consolidated Plan and attach a summary of comments and views. Additionally, a summary of comments and views not accepted, and the reasons, shall also be attached.

- d. The final versions of the Consolidated Plan and Assessment of Fair Housing, as they are submitted to HUD, will be published on the City of Birmingham's Community Development website, along with links to or the collection of HUD-provided data and any other supplemental information incorporated into or used as part of the analysis for the Assessment of Fair Housing.

Submission of Views and Proposals –

The City of Birmingham provides for and encourages all levels of the Citizen Participation structure to submit views and proposals for the Community Development Program. Low and moderate income neighborhoods are especially encouraged to submit their views and suggestions. Submission of such information should be forwarded to the Office of the Mayor for the Community Development Department during the planning period prior to the first required public hearing on the application. Additionally, citizens are encouraged to submit their views and proposals to the neighborhood/community/or Citizens Advisory Board. The proper mechanism for this is at the regular scheduled meetings of the various components of the Citizen Participation Program.

All proposals submitted shall be answered by the City of Birmingham no later than three weeks (twenty-one days) from the receipt of the proposal. The response shall include the reasons for the City taking such action on the proposal. The City shall endeavor to respond to all proposals submitted prior to the final hearing on the grant application.

7. Objections to Applications -

Any Citizen Participation Program organization or individual citizen may object to the approval of the City's application by forwarding such objections to the HUD Area Office, within thirty (30) days of the publication of the legal notice stating that the application has been submitted to HUD. As required by HUD, objections will only be considered that meet established HUD criteria for objection.

8. Complaints -

Complaints submitted to the City shall be handled in a timely and responsive manner. Any complaint received concerning the Consolidated Plan or Assessment of Fair Housing Assessment shall be answered no later than fifteen (15) working days from the receipt of such complaint. In the event that a response can not be provided within the fifteen day period, the complainant shall be notified in writing of same by the end of the fifteenth day.

9. Technical Assistance -

In order to enhance citizen participation, the City of Birmingham shall endeavor to provide appropriate technical assistance. Such assistance is available upon request to all levels of the Citizen Participation Program as well as to low and moderate income groups and blighted neighborhoods. Any technical assistance rendered will be by a specialist jointly selected by the City of Birmingham and the organizations/groups that are to be assisted.

10. Adequate Information -

The City of Birmingham shall strive to provide complete public access to information concerning the Consolidated Plan. In order to assure total dissemination of information, each neighborhood organization shall receive the following:

- a. Total amount of Consolidated Plan Formula Allocation Funds available to the City of Birmingham for the next program year.
- b. Eligible activities that may be undertaken with the funds and the types of activities previously funded.
- c. The processes established for consideration of expenditures for the next program year including a schedule of meetings and public hearings.
- d. Roles which the Citizen Participation Program mechanism is expected to fulfill during the process of consideration of recommendations for funding.
- e. All pertinent documents referred to the program shall be provided to neighborhood presidents in either complete or summarized form. All documents will be available for public use in the office of the Community Development Department during normal working hours, on an appointment scheduled. Documentation includes: all mailings and promotional materials; records of hearings; key documents (prior applications, letters of approval, grant agreements, the Citizen Participation Plan, performance reports, evaluation reports, substantial amendments proposed and approved Consolidated Plan application for the current year); and as well, any other required documentation (i.e., regulations, contract procedures, fair housing, equal opportunity requirement, relocation provision, etc.).
- f. At all times, the City of Birmingham will provide for full and timely disclosure of the program records and information consistent with the applicable state and federal laws regarding personal privacy and obligations of confidentiality. Upon submission of the application to HUD and upon completion of clearinghouse reviews, the City of Birmingham will publish a notice in a local newspaper(s) of general circulation that the application has been submitted and is available to the general public for their review. The City of Birmingham will provide each neighborhood with at least one copy of the following: Proposed and approved application; Citizen Participation Plan; and annual performance report. Additionally, all city libraries shall be provided with the same publications. Additional copies shall be available for public view during the normal work hours in the office of the Department of Community Development.

11. *Public Hearings -*

At least two public hearings shall be conducted by the Community Development Department for the purpose of obtaining citizen views and to respond to citizen proposals and questions. The hearings shall address housing and community development needs, development of proposed activities and view of program performance. One hearing shall be held prior to the publication of the proposed Consolidated Plan in order to obtain citizens' views on housing and community development needs, including priority non-housing community development needs. Hearings will be held at times that are convenient to potential and actual beneficiaries. Location of the hearings shall be a site easily accessible for physically impaired citizens as well as convenient for low and moderate income citizens. At least two meetings should be conducted by the Mayor and City Council with the Citizens Advisory Board in conjunction with obtaining input from the Citizen Participation Program prior to submission of the application.

As a means of reviewing program performance and progress, the City of Birmingham will hold a public hearing no earlier than sixty (60) days but no later than thirty (30) days prior to the beginning of the planning process for the next program year. Notice of such a hearing shall be provided to all neighborhoods at least two (2) weeks prior to the hearing. Fliers for the

neighborhood shall be provided upon request announcing the hearing. Copies of press releases and other publicity as necessary will be provided to the neighborhoods upon request. Additionally, notices of the public hearing will be published in the non-legal section of local daily newspapers as well as in minority newspapers.

If virtual hearings are used, real-time responses and accommodation for persons with disabilities and/or with limited English proficiency will be made available to the greatest extent possible. Also, the virtual hearing method will only be used in lieu of in-person hearing if national or local health authorities recommend social distancing and limit public gatherings for public health reasons.

The draft CAPER will be made available for public review for a 15-day period prior to the scheduled public hearing. Written comments will be accepted by the City's Director of Community Development or designee during public . A summary of the comments received, written and verbal, will be attached to the CAPER prior to submission to HUD.

12. *Bilingual -*

Since the City of Birmingham does not possess a significant number of low and moderate income non-English speaking residents, or blighted neighborhoods of same, bilingual requirements are not applicable at this time. The Community Development Department is presently devising procedures to address the increasing number of non-English speaking residents and will respond to multilingual accommodations and requests on a case-by-case basis.

13. *Contingency and Local Option Activities -*

In the event that the City of Birmingham establishes a contingency fund and/or fund for local option activities or designates in the application, activities to be substituted in the event of a denial by HUD of certain activities, adequate notice shall be given to all aspects of the Citizen Participation Program for selection of new projects to be funded. The Citizens Advisory Board will have the opportunity to meet with city officials to discuss such before a final decision is made.

14. *Disaster Recovery -*

In the event that the City of Birmingham experiences a disaster, the City of Birmingham shall amend its Consolidated Plan to allocate resources to rebuilding the affected areas. Prior to amending its Consolidated Plan, the City shall provide citizens with reasonable notice of, and opportunity to comment on such proposed changes in its use of funds. The City shall consider any such comments and, if the City deems appropriate, modify the proposed changes. The City shall make available to the public, and shall submit to HUD, a description of any changes adopted. Funds may be used to fund a broad range of recovery activities.

15. *Consolidated Plan and Assessment of Fair Housing Amendment Policy -*

The City of Birmingham, Alabama shall amend its Consolidated Plan statement whenever it decides not to carry out an activity described in the Plan or decides to carry out an activity not previously described or decides to substantially change the purpose, scope, location, beneficiaries, or budgeted dollar amount of an activity. The amendment of a budgeted dollar amount of an activity in an existing final statement by more than 50 percent, plus or minus, shall be considered to be a substantial change for purposes of requiring a written amendment.

Prior to amending its Consolidated Plan, the City shall provide citizens with reasonable notice of, and opportunity to comment on such proposed changes in its use of funds. The City shall consider any such comments and, if the City deems appropriate, modify the proposed changes. The City shall make available to the public, and shall submit to HUD, a description of any changes adopted.

Meanwhile, revisions to an Assessment of Fair Housing previously accepted by HUD must be revised and submitted to HUD for review under the following circumstances and in accordance with HUD regulations at 24 CFR 5.164:

1. A material change occurs. A material change is a change in circumstances in the jurisdiction of a program participant that affects the information on which the AFH is based to the extent that the analysis, fair housing contributing factors, or the priorities and goals of the AFH no longer reflect actual circumstances.
2. Upon HUD's written notification specifying a material change that requires the revision.
3. The timeframe for revision will be carried out in accordance with 24 CFR 5.164.

Additionally, the City of Birmingham will provide a period, not less than thirty (30) days, to receive comments, written or oral, on the substantial amendment or revision prior to its adoption. A summary of comments and views shall be attached to the substantial amendment of the Consolidated Plan and Assessment of Fair Housing.

16. *COVID-19 Pandemic –*

In response to the COVID-19 pandemic, on March 31, 2020 HUD issued a memorandum titled “Availability of Waivers of Community Planning and Development (CPD) Grant Program and Consolidated Plan Requirements to Prevent the Spread of COVID-19 and Mitigate Economic Impacts Caused by COVID-19”. Among other things, the memorandum and related guidance directed Grantees receiving Community Development Block Grant funding to amend their 2019 Annual Action Plan and current Citizen Participation Plan to incorporate flexibilities, suspensions, and waivers granted by HUD in response to the Coronavirus AID, Relief, and Economic Security (CARES) Act. The CARES act included provisions that:

- reduced the 30 day public comment period for amendments to not less than 5 days; and
- enables virtual public hearings and the ability for grantees to determine what constitutes reasonable notice and opportunity to comment; and
- enabled the 5 day comment period for the Citizen Participation Plan Amendment and the 5 day comment period for plan amendments to run concurrently rather than consecutively.
- For the purposes of this amendment, The City of Birmingham has determined that reasonable notice constitutes 5 days’ notice and opportunity to comment constitutes the opportunity to submit written comments during the comment period or submit comments at virtual and/or in person public hearings.

City Staff provided the required 2 day notice to HUD that it intended to make use of these waivers on April 16, 2020. HUD has stated that these waivers will be in effect through the end of the 2020 program year, which for the City of Birmingham is June 30, 2021.

In summary, the comprehensiveness of the City of Birmingham's Citizen Participation Program encourages citizen involvement at all levels of participation. The requirements for citizen participation do not restrict the responsibility or authority of the City of Birmingham for the development and execution of its Consolidated Plan or Assessment of Fair Housing. Yet, by utilizing the Citizen Participation Program, citizens have the opportunity to help their elected officials understand the kind and magnitude of their feelings, concerns and

hopes. In this way, citizens have a greater understanding of and greater input into the governmental decision-making process in the City of Birmingham.

CITY OF BIRMINGHAM
RANDALL WOODFIN, MAYOR

COMMUNITY DEVELOPMENT DEPARTMENT
CHRISTOPHER HATCHER, DIRECTOR

COMMUNITY RESOURCE SERVICES DIVISION
ALICE WILLIAMS, DEPUTY DIRECTOR



ASSISTANT SECRETARY FOR
COMMUNITY PLANNING AND DEVELOPMENT

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
WASHINGTON, DC 20410-7000

MEMORADUM FOR: All Community Planning and Development Field Office Directors,
Deputy Directors and Program Managers

FROM: John Gibbs, Assistant Secretary, Acting, D

SUBJECT: Availability of a Waiver and Alternate Requirement for the
Consolidated Annual Performance and Evaluation Report
(Performance Report) for Community Planning and Development
(CPD) Grant Programs in Response to the Spread of Corononavirus

This memorandum authorizes and explains a waiver of the regulatory requirement at 24 CFR 91.520(a), that within 90-days of the end of a jurisdiction's program year a grantee shall submit to HUD a performance report known as the Consolidated Annual Performance and Evaluation Report (CAPER). The CAPER is associated with several CPD grant programs. Please disseminate this memorandum to all affected grantees.

As a result of the COVID -19 virus, a majority of States have declared a state of emergency with most shutting down large gathering places and limiting the movement of residents. Moreover, State and local governments are operating under extenuating circumstances and may need additional time for certain administrative requirements.

Under the authority of 24 CFR 5.110 and 24 CFR 91.600, HUD may, upon a determination of good cause and subject to statutory limitations, waive regulatory provisions. As Acting Assistant Secretary for Community Planning and Development, I have determined that there is good cause to waive the following regulatory requirement, subject to the condition that grantees comply with the following modified requirement for the program year 2020:

Requirement: The Consolidated Annual Performance and Evaluation Report (performance report) submission to HUD within 90-days after the close of a jurisdiction's program year.

Citations: 24 CFR 91.520(a).

Explanation: The regulation at 24 CFR 91.520(a) requires each grantee to submit a performance report to HUD within 90 days after the close of the grantee's program year.

Justification: Under the authority at 24 CFR 91.600, HUD is authorized to waive this requirement when a determination of good cause is made and supported by documentation. Given the outbreak of the coronavirus known as SARS-CoV-2 and the extenuating circumstances placed on state and local governments, and citizens, HUD has determined that there is good cause for

waiving this provision. The extenuating circumstances and administrative strain supporting this waiver are well-documented in the broad public news coverage related to the outbreak.

Applicability: The requirement that grantees submit a performance report within 90 days after the close of a jurisdiction's program year is waived, subject to the condition that within 180 days after the close of a jurisdiction's program year the jurisdiction shall submit its performance report.

We appreciate your efforts in this challenging time. If you need additional information regarding this waiver, please contact your Headquarters program office desk officer(s).