



# **CDBG**

## **Community Development Block Grant**

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**City of Hot Springs, Arkansas**

# **Citizen Participation Plan**

**Version April 2020**

## **Summary of Proposed Revisions to the Citizen Participation Plan April 2020**

Includes virtual hearings as an allowed method for citizen participation;

Updates the types of declared disasters or emergency events to include terrorism and infectious diseases, such as the recent coronavirus 19 (COVID-19) pandemic, that may necessitate expedited substantial amendments;

Provide details on possible actions, including reprogramming of funding and types of possible activities that may be undertaken in response to the COVID-19 pandemic;

Includes provisions relative to Consolidated Plan citizen participation and CDBG waivers made available under the Coronavirus Aid, Relief, and Economic Security (CARES) Act;

Includes citizen participation in regards to Changes to Real Property and Environmental Review Records;

Minor edits and formatting that do not change current citizen participation policies.

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## Citizen Participation Plan

In 1994, the U.S. Department of Housing and Urban Development (HUD) issued new rules consolidating the planning, application, reporting and citizen participation processes of four formula grant programs: Community Development Block Grants (CDBG), Home Investment Partnerships (HOME), Emergency Shelter Grants (now Emergency Solutions Grants), and Housing Opportunities for Persons with AIDS (HOPWA). The new single-planning process was intended to more comprehensively fulfill three basic goals: to provide decent housing, to provide a suitable living environment and to expand economic opportunities.

Provision of decent housing may involve assisting homeless persons in obtaining appropriate housing, retaining the affordable housing stock, increasing the availability of affordable housing for low-income households without discrimination, and/or increasing supportive housing to assist persons with special needs.

Providing a suitable living environment might entail improving the safety and livability of neighborhoods, including adequate public facilities; restoring and preserving natural and/or physical features with historic, architectural or aesthetic value; or conserving energy resources.

Expanding economic development opportunities may involve creation of accessible jobs for low- and moderate-income persons or households to achieve self-sufficiency, job training or small business loans.

The Consolidated Plan is actually a three-part planning process required by HUD. It comprises the development of a five-year strategic plan, preparation of annual action plans, and submission of annual performance reports. These parts are intended to furnish the framework whereby the City of Hot Springs can identify its housing, homeless, community and economic development needs, identify resources and actions to be taken that will address the needs, as well as assess and evaluate the City's progress toward achieving its strategic goals. Completing these documents on time and in a manner that is acceptable to HUD ensures compliance and continued CDBG program funding.

The precursor to the planning process is the Citizen Participation Plan (CPP). The objectives of the CPP are to ensure that the citizens of Hot Springs, particularly persons of low- and moderate-income, persons living in slum and blight areas, limited clientele, units of local government, housing agencies, and other interested parties are providing with the opportunity to participate in the planning and preparation of the Consolidated Plan, including amendments to the Consolidated Plan, Annual Action Plans including amendments to Annual Action Plans, and Consolidated Annual Performance Evaluation Reports (CAPERs). In doing so, the CPP sets forth general policies and procedures for implementing and carrying out the Consolidated Planning process, such as how plans will be developed, dates and milestones, and methods for citizens to offer opinions, assistance and Guidance to the City of Hot Springs in the formulation of plans. Furthermore, the provisions of the CPP fulfill statutory and regulatory requirements for citizen participation specified in the U.S. Housing and Urban Development's rules.

### Encouraging Citizen Participation

In order to ensure maximum participation among all populations and needs groups, and in order to ensure that their issues and concerns are adequately addressed, the CDBG Administrator and Planning & Development Director, and other staff or consultants involved as necessary, will follow the standards set forth in the CPP during development of the Consolidated Plan, Annual Action Plans, Consolidated Annual Performance Evaluation Reports, and such substantial amendments as required, and seek opportunities to expand participation.

Interested groups and individuals are encouraged to provide input into all aspects of Hot Springs' CDBG activities, from assessing needs to setting priorities through performance evaluation. By following the CPP, numerous opportunities for citizens to contribute information, ideas and opinions about ways to improve our neighborhoods, promote housing affordability and enhance delivery of public services to local residents will occur.

The City of Hot Springs is committed to keeping interested groups and individuals informed using a combination of communication methods during each phase of the consolidated planning process and of activities being proposed or undertaken under the HUD CDBG program. Opportunities to comment on or participate in planning community development and affordable housing activities and projects will be publicized and disseminated throughout the City of Hot Springs.

### Public Hearings and Meetings

#### **Consolidated Plans & Annual Action Plans:**

The City will conduct at least two (2) public hearings to obtain citizens' views and to respond to proposals and questions during the development of the Consolidated Plan and Annual Action Plans. At least one will occur prior to the development of a draft plan, intended to solicit public input regarding distinct issues, thereby aiding policy formation and project selection. At least one more will occur to publicly review the draft plan, allowing interested parties an opportunity to review the strategies or projects, and how they were developed, designed and presented.

#### **Consolidated Annual Performance Evaluation Reports (CAPER), Substantial Amendments to the Consolidated Plan and/or Annual Action Plan(s):**

The City will conduct at least one (1) public hearing in addition to a City Board of Directors' public meeting to obtain resident input on the Consolidated Annual Performance Evaluation Report, and substantial amendments to either the Consolidated Plan and/or Annual Action Plan(s). A draft of the reports will be available for public review at the time of public notice in hard copy in the City Planning & Development office and online at cityhs.net, and for each attendee at the public hearing, allowing interested parties to review and comment.

Information about the time, location and subject of each hearing will be provided to citizens at least five (5) calendar days in advance through public notice in the local Sentinel Record newspaper and outreach procedures. CDBG-involved staff may also attend other meetings and

community events in the City throughout the year, thereby providing an opportunity for additional public participation.

Every effort will be made to ensure public hearings are inclusive. Hearings will be held at convenient times and locations and in places where people most affected by proposed activities can attend. Facilities on public transit that are accessible to persons with mobility impairments will be utilized. Public notices will include instructions for requesting reasonable accommodations, and if a request is received at least three (3) days before a hearing date the City of Hot Springs will provide appropriate materials, equipment and interpreting services to facilitate the participation persons with Limited English Proficiency (LEP) and persons with visual and/or hearing impairments. Interpreters will be provided at public hearings where a significant number of non-English speaking residents can be reasonably expected to participate. All public hearings and public meetings associated with the Consolidated Planning process will conform to applicable Arkansas open meeting laws.

Community Development Advisory Committee meetings regularly scheduled for the first Thursday of each month at 1:00pm may be used for public hearings. The Planning & Development Director may, at its discretion or direction of the CDBG Administrator or other consultant, actively solicit input on housing and community development issues during the course of the year with other forums, town hall meetings and other events as they may present themselves.

#### **Access to Meetings for Persons with Disabilities and Non-English-Speaking Persons**

The City shall ensure that architectural barriers do not preclude the attendance of disabled persons at meetings and hearings convened under this Citizen Participation Plan. In addition, accommodations will be made, upon request, for attendees who are either visually or hearing impaired.

For requests for special accommodations or materials in an alternative format, please contact the Planning & Development office at (501) 321-6850.

For local meetings with significant non-English speaking population, translators shall be provided and meeting materials made available in the appropriate languages.

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 the City of Hot Springs offices are closed, or an emergency has been declared, or national or local health authorities recommend social distancing and limit public gatherings for public health reasons.

## Plan Review

The City will publish draft plans, amendments and CAPERs for public review at or before the time of public notice in a manner that affords citizens, public agencies and other interested parties a reasonable opportunity to examine its contents and submit comments.

A summary of plans will be published in the Sentinel Record newspaper of local general circulation at the beginning of the public comment period. The summary will describe the contents and purpose of the plan, amendment or report and include locations where copies of the entire proposed plan, amendment or report may be obtained or examined. A hard copy must be made available in the City of Hot Springs Planning & Development office at 133 Convention Blvd, and an electronic copy must be made available online at cityhs.net.

The following locations are among other locations where copies of plans may be made available:

- Online at <https://www.cityhs.net/563/Community-Development>
- The lobby of City Hall, 133 Convention Boulevard
- City of Hot Springs Transportation Depot, 100 Broadway Terrace
- Garland County Public Library, 1427 Malvern Avenue
- Webb Community Center, 127 Pleasant Street
- United Way of the Ouachitas, 233 Hobson Avenue

Citizens and groups may obtain a reasonable number of free copies of the proposed plans and reports by contacting the Planning & Development Director or CDBG Administrator, or the document may be downloaded from the City's website at cityhs.net. Public hearing attendees will have access to a copy of the plan, amendment or report being discussed.

The CDBG Administrator will inform those on the CDBG email list of the availability of draft and final plan, report and amendment documents, and opportunities for public comment.

## Public Comments

The City of Hot Springs Planning & Development Department, as lead agency, will receive comments from residents on proposed Consolidated Plans and Annual Action Plans for a period not less than thirty (30) days prior to submission to HUD.

All comments or views of citizens received in writing during the applicable public comment period will be considered in preparation of the final Plans or amendments. A summary of these comments and views including whether they were not accepted and the reasons shall be included in the final plan or amendment submission to HUD.

Public comments received in writing that include an email or mailing address will be responded to in writing within three (3) days of receipt.

## Public Notice and Outreach

The key element in a successful Community Development Block Grant is continual open communication and collaborative partnerships between the City of Hot Springs and the public to understand needs, rank priorities, allocate resources, set goals, execute projects, evaluate results and continuously improve. Informed residents are critical to effective and responsive housing and community development programs. Efforts to engage and educate residents, and encourage their participation are an ongoing component of the City's consolidated planning process.

The fundamental means of notifying citizens about the Consolidated Plan and related activities, such as the Annual Action Plan, Consolidated Annual Performance and Evaluation Report and related amendment, utilizes public notices in the local Sentinel Record newspaper of general circulation. Such notices will be published at least five (5) calendar days prior to public hearings and earlier as often as possible. All notices will be written in plain, simple language where HUD statutory or regulatory language is not required, and direct efforts will be undertaken to publish and/or post information in a variety of methods and locations that will elicit maximum low- and moderate-income and minority participation.

Outreach methods may also include, but are not limited to:

- Direct emails or mailings
- Citizen participation surveys
- Press releases through the City of Hot Springs Public Information Department
- City12 TV recording through the City of Hot Springs Public Information Department
- City Highlights weekly online newsletter
- CDBG email distribution list
- Neighborhood association, Continuum of Care, and other organization meetings
- Business community / leadership gatherings
- Community Reinvestment Act committee meetings
- Local radio interviews
- Community event participation

## Technical Assistance

Groups or individuals interested in obtaining technical assistance to develop project proposals or applications for funding assistance through HUD formula grant programs covered by the Consolidated Plan may contact the Planning & Development Director or CDBG Administrator. Such assistance may be of particular value to community organizations, non-profit service providers, neighborhood associations, businesses, for-profit and non-profit housing developers that serve to represent persons or areas of low- and moderate-income. Pre-application workshops offer basic program information and materials to potential project applicants, and the Planning & Development Director or CDBG Administrator will provide in-depth guidance and assistance to applicants and program participants on an on-going basis. Emphasis is placed on capacity development of community-based organizations.

## Amendments

Pursuant to Title 24 of the Code of Federal Regulations, Part 91.505(a) an amendment to the Consolidated Plan or an Annual Action Plan is required whenever the City:

- Changes allocation priorities or its method of distributing grant funds
- Revises policies, data, or goals
- Utilizes grant funds, including program income, to carry out activities not previously described in the Annual Action Plan, and/or
- Modifies the purpose, scope, location or beneficiaries of an activity

Amendments that are not considered substantial shall be referred to as standard amendments. Standard amendments do not require citizen participation. Changes to the Consolidated Plan that do not meet the criteria for standard or substantial amendments and do not require citizen participation are defined as administrative updates. Examples of administrative updates include grammatical or structural edits that do not substantially change the scope or meaning of an activity; and changes in the eligibility determination of a project that does not change the scope, location, or beneficiaries.

## Substantial Amendments

The City of Hot Springs has determined that an amendment is substantial when:

- A new activity that was not included in the Annual Action Plan is proposed;
- A funded activity described in the Annual Action Plan is cancelled during the program year; or
- A project listed in the Annual Action Plan is changed from one eligible activity to another.

Substantial amendments to the Consolidated Plan or Annual Action Plan are subject to a formal citizen participation process. Notice and the opportunity to comment will be given to citizens through public notices in the local newspaper and other appropriate means, and a public comment period not less than thirty (30) days will be provided prior to implementing any substantial amendment to the Consolidated Plan. Notification to the public shall advise citizens of how and where to submit comments on the proposed changes. A summary of these comments, and a summary of comments not accepted and the reasons shall be attached to the substantial amendment that is submitted to HUD.

**For CDBG funding under fiscal year 2019, fiscal year 2020 and the Coronavirus Aid, Relief and Economic Security Act or CARES Act, the City of Hot Springs may provide a 5-day notice of a proposed change or substantial amendment beginning April 8, 2020 as allowed under a HUD waiver.**

Acceptable methods of meeting the citizen participation requirements include:

- Publication of the availability of the substantial change(s) in the local newspaper whose primary circulation is within Hot Springs;
- Publication of the substantial amendment on the City of Hot Springs website;
- Providing copies for review in public building(s);
- Holding a meeting with the Community Development Advisory Committee. Citizens will be informed of the public hearing through citywide newspaper notification at least five (5) days prior to the hearing.

Occasionally, public comments warrant an amendment to the Consolidated Plan. The criteria for whether to amend are referred to by HUD as Substantial Amendment Criteria. The following conditions are considered “Substantial Amendment Criteria”:

1. Any change in the described method of distributing funds to local governments or non-profit organizations to carry out activities; Elements of a method of distribution are:
  - a. Application process for non-profits
  - b. Allocation among funding categories
  - c. Grant size limits, and
  - d. Criteria selection
  
2. An Administrative decision to reallocate funds allocated to an activity in the Annual Action Plan to other activities of equal or lesser priority need level, unless the decision is a result of:
  - a. Federal government recall of appropriated funds, or appropriates are so much less than anticipated that the City makes an administrative decision not to fund one or more activities; or
  - b. The governor declares a state of emergency and reallocates federal funds to address the emergency; and,
  - c. A unique economic development opportunity arises where the City administration asks that federal grants be used to take advantage of the opportunity

### **Disaster/Emergency Events That May Require Expedited Substantial Amendments**

It may be necessary to amend the Consolidated Plan in the event of a declared disaster or emergency. There are three (3) types of disasters/emergency events that may necessitate an expedited substantial amendment including (1) Man-made-disasters, (2) Natural disasters, and (3) Terrorism. Man-made disasters can include chemical spills, mass rioting, power outages, dam failure, plant explosions, etc. Natural disasters can include flooding, tornadoes, earthquakes, wildfires and public health issues such as wide-spread disease such as the recent coronavirus disease 2019 (COVID-19). Terrorism events include bomb threats, biochemical attacks like the spread of anthrax, or cyber-attacks like hacking, phishing and virus distribution, etc.

These expedited amendments may include funding new activities and/or the reprogramming of funds including canceling activities to meet community development needs resulting from a declared disaster or emergency. Therefore, the City of Hot Springs may utilize CDBG funds to meet these needs with a 5-day public comment period instead of a 30-day public comment period, which is otherwise required for substantial amendments. For CDBG funding under fiscal year 2019, fiscal year 2020, and the Coronavirus Aid, Relief and Economic Security Act or CARES Act, the City of Hot Springs may provide a 5-day notice of a proposed change beginning April 8, 2020 as allowed under a HUD waiver.

With respect to a declared disaster, the City of Hot Springs may elect to use CDBG funds to address needs not provided for by the Federal Emergency Management Agency (FEMA) and the Small Business Administration (SBA), or other disaster relief efforts. Funding for disaster relief may not duplicate other efforts undertaken by federal or local sources unless allowed by the federal government. Potential eligible uses of funds are those that are included in this Citizen Participation Plan, the Consolidated Plan, or any other CDBG eligible use. HUD may provide new guidance on eligible uses in which the City will comply and may utilize as well.

All eligible CDBG activities, including those to address declared disasters or emergencies, must meet one of three (3) national objectives which are: (1) Benefit to low- and moderate-income (LMI) persons; (2) Aid in the prevention of slums or blight; and (3) Meet a need having a particular urgency. The City of Hot Springs may carry out eligible CDBG activities to meet needs resulting from declared disasters or emergencies under any one of the three (3) national objectives.

In the event that the City of Hot Springs is closed to the public, or has declared an emergency, or for as long as national or local health authorities recommend social distancing and limiting public gatherings for public health reasons, virtual public meetings and hearings may be used to fulfill applicable public hearing requirements instead of in-person. Real-time responses and accommodations for persons with disabilities and/or limited English proficiency will be made available to the greatest extent possible.

**Urgent Need Objective:** To comply with the national objective of meeting community development needs having a particular urgency, an activity will alleviate existing conditions that the City of Hot Springs certifies:

- Pose a serious and immediate threat to the health and welfare of the community;
- Are of recent origin or recently became urgent;
- The City is unable to finance the activity on their own; and
- Other resources of funding are not available to carry out the activity.

A condition will generally be considered to be of recent origin if it developed or became critical within eighteen (18) months preceding the City's certification.

If HUD allows, such as through a waiver, activities under the urgent need national objective to be funded without the requirements that the City is unable to finance the activity on its own and other resources of funding are not available to carry out the activity, the City will only certify that the activity poses a serious and immediate threat to the health and welfare of the community and is of recent origin or recently became urgent.

Urgent need activities may include, but not limited to, the following:

- Clearance of debris;
- Provision of extra security patrols;
- Demolition, clearance and/or reconstruction of damaged property posing an immediate threat to public safety;
- Emergency reconstruction of essential water, sewer, electrical, medical, and telephone facilities;
- Emergency repair of streets and sidewalks; and
- Providing a variety of relief services to individuals

### **Responding to the COVID-19 Pandemic**

The City may reprogram fiscal year 2019, 2020 and future CDBG funding to respond to the COVID-19 pandemic.

Potential eligible CDBG activities that may be undertaken to support the COVID-19 response include, but are not limited to:

- Building and improvements including public facilities such as constructing testing and diagnosis, or treatment facility; rehabilitation of a community facility to establish an infectious disease treatment clinic; acquisition and rehabilitation, or construction of a group living facility that may be used to centralize patients undergoing treatment; rehabilitation of a commercial building or closed school building to establish an infectious disease treatment clinic, e.g. by replacing the HVAC system; acquisition and rehabilitation of a motel or hotel building to expand the capacity of hospitals to accommodate isolation of patients during recovery; or to make interim improvements to private properties to enable an individual patient to remain quarantined on a temporary basis.
- Assistance to Businesses, including Special Economic Development Activities such as providing grants or loans to support new business expansion to create jobs and manufacture medical supplies necessary to respond to infectious disease; avoid job loss caused by business closures related to social distancing by providing short-term working capital assistance to small businesses to enable retention of jobs held by low- and moderate-income persons; or to provide technical assistance, grants, loans, and other financial assistance to establish, stabilize, and expand microenterprises that provide medical, food delivery, cleaning, and other services to support home health and quarantine;

- Public Services such as job training to expand the pool of health care workers and technicians that are available to treat a disease within a community; provide testing, diagnosis or other services at a fixed or mobile location; increase the capacity and availability of targeted health services for infectious disease response within existing facilities; provide equipment, supplies and materials necessary to carry out a public service; delivery meals on wheels to quarantined individuals that need to maintain social distancing due to medical vulnerabilities;
- Planning, Capacity Building and Technical Assistance such as gathering data and developing non-project specific emergency infectious disease response plans; and
- Any other activity allows under current CDBG regulations.

### Complaints and Grievances

Citizens, administering agencies and other interested parties may submit complaints and grievances regarding the Consolidated Plan. Complaints should be in writing, specific in their subject matter, and include facts to support allegations. The following are considered to constitute complaints to which a response letter is due:

- The administering agency has purportedly violated a provision of this Citizen Participation Plan;
- The administering agency has purportedly violated a provision of federal CDBG program regulations;
- The administering agency, or any of its contractors, has purportedly engaged in questionable practices resulting in waste, fraud or mismanagement of any program funds.

Residents may also present complaints and grievances orally or in writing at community meetings and/or public hearings. All public comments, including complaints and grievances, made either orally or in writing within the thirty (30) day public comment period, will be included in the final Consolidated Plan. Such complaints or grievances shall be directed to the CDBG Administrator and Planning & Development Director.

### Timely Response to Complaints or Grievances

Upon receipt of a written complaint, the City shall respond to the complainant within three (3) calendar days and maintain a copy of all related correspondence, which will be subject to review. If, due to unusual circumstances, the City is unable to properly respond within the prescribed time limit, the limit may be extended by written notice to the complainant. The notice must include the reason for the extension and the date on which a response is expected to be generated, which may be based on the nature and complexity of the complaint. Public review materials and performance reports will include data, as appropriate under confidentiality regulations, on any written complaints received and how each was resolved.

### Availability of the Citizen Participation Plan

Copies of the Citizen Participation Plan may be obtained online at <https://www.cityhs.net/563/Community-Development> or by contacting the Planning & Development office at (501) 321-6850 or by mail:

CDBG-Planning & Development  
 City of Hot Springs  
 133 Convention Boulevard  
 Hot Springs, AR 71901

Upon request, the Citizen Participation Plan will be made available in an alternate format accessible to persons with disabilities or Limited English Proficiency.

### Changes in Use of Real Property

The standards described in this section apply to real property that is acquired or improved in whole or in part using CDBG funds. These standards shall apply from the date CDBG funds are expended for the property until a set period after closeout of the grant from which the assistance to the property was provided. These periods as described in the Affordable Housing Underwriting Policy:

CDBG Required Affordability Periods		
Activity	CDBG Funds Expended	Minimum Affordability Period
Public Improvements in an existing residential neighborhood in which at least 51% of residents are low-to moderate-income AND the improvements are made available to all residents (e.g. sidewalks, playground)	Any Dollar Amount	None
Acquisition, Clearance, Rehabilitation, Privately Owned Utilities, Soft Costs, and other Public Improvements	<\$5,000	2 Years
	\$5,000 - \$9,999	3 Years
	\$10,000 - \$19,999	4 Years
	\$20,000 - \$24,999	5 Years
	\$25,000 - \$49,999	10 Years
	\$50,000 - \$75,000	15 Years
	>\$75,000	20 Years

A recipient cannot change the use or planned use of any property including beneficiaries of such use from that for which the acquisition or improvement was made unless the recipient provides affected citizens with an opportunity to comment on, any change, and either:

1. The new use of such property qualifies as meeting one of the national objectives and is not a building for the general conduct of government; or
2. The recipient determines, after consultation with affected citizens, that it is appropriate to change the property's use to another use which does not meet a national objective and reimburses the CDBG program in the amount of the current fair market value of the property, less any portion of the value attributable to expenditures of non-CDBG funds for the acquisition of and improvements to the property.

Citizens will be informed of changes in the use or planned use of the property by means of a notice, which will be published in a newspaper of general circulation that services the community of affected citizens. The notice will provide a description of the proposed change in use or planned use of the property and will also advise citizens of how and where to submit comments. Citizens will have an opportunity to comment on the proposed change in use or planned use of the property for a period of not less than 15 days.

Further details on changes in use requirements are set forth in the CDBG regulations Title 24 of the Code of Federal Regulations, Part 570.505.

#### **Citizen Participation for Environmental Reviews**

In accordance with the provisions of 24 CFR Part 58, the City has assumed from HUD the role of "Responsible Entity" for certain federally funded programs within Hot Springs. As a "Responsible Entity", the City must assume the responsibility for environmental review, decision making and action that would otherwise apply to HUD under the National Environmental Policy Act of 1969 (NEPA) and other provisions of law that further the purposes of NEPA.

The City maintains a written record of the environmental review undertaken for every project or program receiving CDBG funds. This environmental review record (ERR) is available for public inspection. Moreover, certain projects require publication of specific actions/findings, which include a description of the activity, its location, and identification of any measures required to mitigate potentially significant adverse effects. Public notices and comment periods are included in the review process as prescribed by NEPA and 24 CFR Part 58.