



COMMON COUNCIL

Date: 05-06-2020

Time: 6:00 PM

Location: [City of Ithaca Public Meetings YouTube Channel](#)

AGENDA ITEMS

Item	Voting Item	Presenter(s)	Time Allotted
Call to Order	No	Mayor Svante L. Myrick	10 Mins
1.1 Additions to or Deletions from the Agenda			
1.2 Proclamations/Awards			
1.3 Special Order of Business			
1.4 Special Presentations Before Council			
• Reports of Municipal Officials			
2.1 Public Hearing Regarding Proposed Amendments to the HUD Entitlement Citizen Participation Plan	Yes	*Note: See instructions on how to participate on page 2 of the agenda.	30 Mins
2.2 Public Hearing Regarding the Allocation of \$190,000 of CDBG-CV funds to Emergency Rental Assistance Program			
2.3 Petitions and Hearings of Persons before Council	No		
2.4 Privilege of the Floor – Mayor and Council			
3. Consent Agenda Items	Yes	Common Council	5 Mins
3.1 Capital Project Engineering Phase for Boiler Room Evaluation at the Ithaca Area Wastewater Treatment Facility (IAWWTF)			
3.2 Capital Project for Replacement Pumps and Piping for the Actiflow High Rate Sand Ballasted Tertiary Treatment Phosphorus Removal System at the Ithaca Area Wastewater Treatment Facility (IAWWTF)			
3.3 Establishment of Fee for Use of Right of Way and to Authorize Approval of a Master License Agreement for Small Cell Facilities with 4G and 5G Capability			
4. City Administration Committee Items			
4.1 Report of the City Controller	No	City Controller Thayer	15 Mins
5. Planning & Economic Development Committee Items			
No items were submitted for the agenda			

Item	Voting Item	Presenter(s)	Time Allotted
6. Individual Member Filed Resolutions			
6.1 Adoption of 3 rd Amendment to HUD Entitlement Citizen Participation Plan - COVID-19	Yes	Aldersperson Lewis and Community Development Director Bohn	15 mins
7.1 Reports of Special Committees	No	Common Council Staff	15 mins
7.2 Reports of Common Council Liaisons			
7.3 Report of City Clerk			
7.4 Report of City Attorney			
8.1 Approval of Minutes	No	Common Council	5 mins
8.2 Adjournment			

For the scheduled public hearings, there are two options to submit comments:

1.) You may submit written comments no later than 4:00 pm on the day of the meeting by using this form: <https://www.cityofithaca.org/FormCenter/Common-Council-16/Public-Comment-Form-95> Each comment is limited to three minutes. Please indicate on the form which public hearing your comment is for. Your comment will be read into the record.

2.) To speak at the public hearing by computer, smartphone, or other device, go to <https://us02web.zoom.us/j/85300889799> The meeting ID is: 853 0088 9799

To join by telephone, dial (646) 558-8656 and enter meeting ID: 853 0088 9799

Please note: The first time you join a Zoom meeting, you will be prompted to download the Zoom client and will have the option to create a free Zoom account (this is not required to attend the meeting). After downloading the app, click the link provided again to join the meeting.

Upon joining the Zoom meeting, you will be placed in the “waiting room”. You will be admitted to the Zoom meeting only during the public hearings, so follow the meeting’s progress on the City’s YouTube channel at https://www.youtube.com/channel/UC7RtJN1P_RFaFW2IVCnTrDg

Once in the waiting room, you will be admitted into the meeting when it is your turn to speak. You will be asked to leave the meeting when your three minutes has expired.

Only written comments will be accepted for the regular Public Comment portion of the meeting. You can submit your comments here: <https://www.cityofithaca.org/FormCenter/Common-Council-16/Public-Comment-Form-95> Written comments should be submitted no later than 5:00 pm on the day of the meeting so Common Council and the Mayor has an opportunity to read them.

Questions about how to participate in the meeting can be forwarded to City Clerk Julie Conley Holcomb at (607) 274-6570 or jholcomb@cityofithaca.org in advance of the meeting.

CONSENT AGENDA

3.1 Capital Project Engineering Phase for Boiler Room Evaluation at the Ithaca Area Wastewater Treatment Facility (IAWWTF)

WHEREAS, the Ithaca Area Wastewater Treatment Facility is in need of reliable boilers used for comfort heating of indoor spaces and for process heating of the anaerobic digesters, and

WHEREAS, the current boilers are reaching the end of their useful service life and are increasingly unreliable and maintenance intensive, and

WHEREAS, an evaluation of heating requirements and energy sources for current as well as future anticipated plant and process needs is necessary, and

WHEREAS, an Engineering Evaluation Cost Estimate has been prepared by MRB Group for a lump sum of \$18,500 which includes:

- A. Boiler Evaluation -
 - a. Assess existing boilers.
 - b. Identify replacement boiler options (number, styles, sizes, dual fuel options).

- B. Energy Evaluation –
 - a. Evaluate Biogas and Natural Gas usage at plant.
 - b. Evaluate redundancy needs.
 - c. Evaluate biogas use in microturbines with heat recovery vs. use for heating.
 - d. Consider potential heating needs for future sludge processing projects.
 - e. Check for current grant funding opportunities to see if either the study/design phase or construction phase might be eligible, and

WHEREAS, the Special Joint Committee (SJC) approved said Capital Project at their regular meeting of March 18, 2020; now, therefore, be it

RESOLVED, That Common Council hereby establishes the IAWWTF Capital Project 423J Boiler Room Evaluation in an amount not to exceed \$18,500, and be it further

RESOLVED, That Common Council hereby recommends to the IAWWTF Owners that this project be authorized and funded from the IAWWTF Capital Reserve fund in an amount not to exceed \$18,500 for the Engineering costs required for Ithaca Area Wastewater Treatment Facility Boiler Room Evaluation.

3.2 Capital Project for Replacement Pumps and Piping for the Actiflow High Rate Sand Ballasted Tertiary Treatment Phosphorus Removal System at the Ithaca Area Wastewater Treatment Facility (IAWWTF)

WHEREAS, the Ithaca Area Wastewater Treatment Facility requires tertiary treatment for phosphorus removal to meet discharge permit limits; and

WHEREAS, the current system has lost redundancy due to sand pump and chemical pump failures; and

WHEREAS, the current style and age of pumps have contributed to redundancy and reliability concerns, and

WHEREAS, piping associated with the system has worn thin in places due to the abrasive sand pumped in the system; and

WHEREAS, electronic and control systems associated with the chemical feed system do not meet current standards; and

WHEREAS, Koester Associates are the exclusive local representative for the Kruger ActiFlow system; and

WHEREAS, a proposal has been provided by Koester Associates for \$93,350.00 which includes:

- A. Supply and install 2 McLanahan 3X3 Sand Pumps,
 - a. Removal/demo of old pumps and piping.
 - b. Provide all material and labor for the purpose of replacing and installing new pumps.

- B. Supply and install 2 Verder 5000 peristaltic chemical feed pumps
 - a. Provide skid with valves, pressure dampeners and calibration column.
 - b. Provide all PVC valves, unions, piping required to retrofit into existing process.
 - c. Includes labor, start up and training.

WHEREAS, a contingency fund of 10% (\$9,335.00) is necessary to allow for replacement of piping discovered to be deteriorated/failing that is not covered by the above work, subject to a time and material proposal, in addition to electrical/instrumentation work associated with new pump installation; and

WHEREAS, the Special Joint Committee (SJC) approved said project at their regular meeting of April 15, 2020; now, therefore be it

RESOLVED, That Common Council hereby establishes the IAWWTF Capital Project 424J Replacement Pumps and Piping for the Actiflow Tertiary Treatment Phosphorus Removal System to be funded from the issuance of serial bonds in an amount not to exceed \$102,685, and be it further

RESOLVED, That Common Council hereby recommends authorization of this project contingent upon action by all wastewater partners committing their percentage of reimbursement shares to the Joint Activity Fund allocated per the Joint Sewer Agreement as follows:

Municipality	Percentage	Project Cost
City of Ithaca	57.14	\$58,674.21
Town of Ithaca	40.88	\$41,977.63
Town of Dryden	1.98	<u>\$2,033.16</u>
		\$102,685.00

3.3 Establishment of Fee for Use of Right of Way and to Authorize Approval of a Master License Agreement for Small Cell Facilities with 4G and 5G capability.

WHEREAS, Verizon has expressed interest in installing small cell or wireless facilities with 4G and 5G capability on poles primarily situated within the City's right of way; and

WHEREAS, through the Master License Agreement and design guidelines, the City will retain ultimate control and authority over installations within the City's right of way, including small cell or wireless facilities; now therefore be it

RESOLVED, That Common Council authorizes the following fees, which may be updated from time to time, for small cell or wireless facilities using poles within the right of way:

One-Time Pole License Application Fees:	\$500.00 for an application for attaching to up to 5 facilities, and \$100.00 for each additional attachment beyond 5, and \$1,000.00 for an application for a new pole.
City-owned Poles Recurring Fee:	\$270.00 - per pole per year
Privately Owned Poles Previously Permitted for Installation Recurring Fee:	\$135.00 – per pole per year; and

RESOLVED, That the Acting Mayor, subject to the advice of the City Attorney, is authorized to enter into an agreement substantially similar to the Master License Agreement included herewith requiring that Verizon comply with the included preliminary design guidelines, which guidelines may be updated at any time on the determination of the Director of Planning.

6.1 3rd Amendment to HUD Entitlement Citizen Participation Plan - COVID-19

WHEREAS, the Citizen Participation Plan establishes the City of Ithaca's (City's) procedures for involving the public in development and implementation of the HUD Entitlement Program, and

WHEREAS, on March 31, 2020, in response to the COVID-19 pandemic, the U.S. Department of Housing and Urban Development (HUD) issued a Mega-waiver covering HUD-administered programs that included flexibility regarding citizen participation and public hearings for HUD-administered funds awarded to the City, and

WHEREAS, the City contracts with the Ithaca Urban Renewal Agency (IURA) to administer, implement and monitor the City's HUD Entitlement program in compliance with all applicable regulations, and

WHEREAS, the City seeks to establish expedited procedures necessary to quickly and effectively administer federal funding made available to respond to the COVID-19 Pandemic in accordance with the HUD Mega-waiver, and

WHEREAS, the HUD Mega-waiver authorizes a minimum 2-day notice period for public hearings and a 5-day public comment period will temporarily satisfy citizen participation requirements through July 31, 2021 on the use of HUD funds awarded to the City; and

WHEREAS, on April 23, 2020, the Ithaca Urban Renewal Agency recommended that the City of Ithaca adopt proposed amendments to expedite approval of funding of activities responding to the COVID-19 pandemic, including the following:

- Notice for Public Hearings:
Reduce the minimum notice period for public hearing to two (2) days from ten (10) days.
- Public Comment Period on Proposed Uses of Funds:
Reduce the minimum time period for opportunity for public comment on proposed uses of funds to five (5) days rather than thirty (30) days as normally required.
- Virtual Public Hearings:
A virtual public hearing, rather than an in-person public hearing, will meet public hearing requirements when:
 1. National/local health authorities recommend social distancing and limiting public gatherings for public health reasons, and
 2. Virtual hearings provide reasonable notification and access for citizens to comment in real time, and
 3. A record of comments received, and responses shall be made available for public review within 5 days following the public hearing.
- Applicability of Temporary COVID-19 Pandemic Amendments:
April 2, 2020 – July 31, 2021

now, therefore, be it

RESOLVED, That the City of Ithaca Common Council hereby adopts the proposed 3rd amendment to the City of Ithaca HUD Entitlement Citizen Participation Plan, dated April 23, 2020.

April 23, 2020

COVID-19 Pandemic
Proposed 3rd Amendment to the
CITIZEN PARTICIPATION PLAN
CITY OF ITHACA
ITHACA URBAN RENEWAL AGENCY¹

Three important documents are described in this plan and for clarity, they will be identified here:

The Citizen Participation Plan describes the City of Ithaca's procedures for involving the public in development and implementation of the Consolidated Plan and the annual Action Plan. This Plan also stipulates public notice of important communications between the City of Ithaca and the U.S. Department of Housing and Urban Development.

The Consolidated Plan identifies top priority community development needs for a five-year period and has a distinct set of requirements for its development. It describes the general over-arching community development needs of the City and describes strategies for addressing these needs.

The annual Action Plan contains a description and budget for individual activities to be undertaken in each program year with funding made available through the U.S. Department of Housing & Urban Development ("HUD"). The activities of the Action Plan will address the needs identified in the Consolidated Plan and must also meet the selection criteria listed below.

The Assessment of Fair Housing (AFH) is an analysis of fair housing issues in the City of Ithaca and surrounding region is designed to lead to meaningful actions to overcome historic patterns of segregation, promote fair housing choice, and foster inclusive communities that are free from discrimination. The AFH is undertaken in preparation for the Consolidated Plan.

The provisions included in this Citizen Participation Plan are intended to inform the citizens of Ithaca about funding programs available to address community development needs and their regulatory requirements, and identify opportunities to recommend program activities, express views, and comment on the City's proposed activities to be undertaken. In addition, citizens will be given a reasonable opportunity to comment on the City's past performance implementing program activities and any substantial amendments to the Citizen Participation Plan or the Consolidated Plan.

¹ Originally adopted by the IURA/CDA, March 22, 1983
amended, November 12, 1998
amended, March 8, 2000
comprehensive revisions adopted, February 4, 2004
fair housing revisions adopted 6-9-17

The Common Council shall have ultimate responsibility and authority for the development and execution of its Consolidated Plan. Common Council has selected the Ithaca Urban Renewal Agency (IURA) as the lead agency with primary responsibility for development and administration of the Consolidated Plan, including the implementation of the activities funded through HUD's Entitlement program.

This Citizen Participation Plan shall become effective immediately upon adoption and shall remain in effect until all activities assisted by HUD funds pursuant to the Consolidated Plan are completed, or until it is superseded by a new or revised plan.

The plan shall provide a process for citizen participation at the community-wide level, at the neighborhood level, and in other areas where multi-component projects are proposed or ongoing. This plan is designed to especially encourage participation by residents of predominantly low and moderate-income neighborhoods and any residents of slum or blighted areas.

IURA Responsibilities

The IURA will be responsible for:

1. Overseeing the development and implementation of the five-year Consolidated Plan, including the following four components:
 - A housing and homeless needs assessment;
 - A housing market analysis;
 - A strategic plan, including identification of non-housing community development needs;
 - An annual one-year Action Plan containing a description and budget for activities to be undertaken in the current program year;
2. Amendments to the Consolidated Plan;
3. Development and implementation of the Citizen Participation Plan;
4. Administration of the Consolidated Plan, including preparation of an annual performance report; and
5. Assessment of Fair housing.

I. CONSOLIDATED PLAN

A. Organization Meetings

At the beginning of the cycle to develop or substantially amend the Consolidated Plan, the IURA will hold an organizational meeting describing the goals, regulatory requirements and process to be used in developing the Consolidated Plan. During this time, efforts will be made to solicit informal program suggestions from the general public through various media.

B. Neighborhood Public Input

IURA staff will hold a minimum of four (4) public input meetings at different neighborhood locations. These meetings will acquaint residents with the provisions of the program and obtain citizens' views on community development needs and proposals to effectively

address these needs. These meetings will present information to citizens on:

1. the total amount of CDBG funds, and other funds, anticipated to become available to the City on an annual basis;
2. eligible and ineligible activities and mandatory national objectives that each activity must meet;
3. process to be followed to develop the Consolidated Plan, including schedule of meetings and hearings;
4. the citizen participation plan;
5. a summary of other important program requirements, and;
6. presentation of the activities funded in previous years.

Public input meetings will be held at locations convenient to residents of predominantly low- and moderate-income neighborhoods. Meetings will generally take place in the evenings or on weekends. All meetings will be held in buildings that are accessible for persons with disabilities. Notice of these meeting will be published as display ads in *The Ithaca Journal* at least six (6) days prior to any meeting notifying the public of the date, time, location, purpose of the meeting and will include language regarding the availability of accommodations for persons needing special assistance to participate in the meetings.

In addition, notice of the public input meetings will be mailed or e-mailed to a distribution list developed and maintained by the IURA that includes neighborhood organizations, past beneficiary organizations, interested persons and elected officials. The IURA will expand the list to include any individual or organization upon request and will post notices of the meetings in public places as appropriate

Development of the Consolidated Plan shall also be informed by the community development needs and recommendations to address those needs identified in recently completed neighborhood plans or available from an ongoing participatory neighborhood-based planning process.

C. Public Hearings

A minimum of two public hearings will be held to obtain citizens' views and to respond to proposals and questions. One hearing will be held during development of the Consolidated Plan. This first public hearing will be held by the IURA to obtain the views of citizens on the highest priority housing and non-housing community development needs, suggested activities to address these needs, and proposed strategies and actions for affirmatively furthering fair housing. The second public hearing will be held by the Common Council or a Committee of the Common Council after publication of the proposed Consolidated Plan to allow citizens to comment and suggest modifications prior to its adoption. All public hearings will be held in buildings that are accessible for persons with disabilities.

Notice of these public hearings will be published as legal notices in the *Ithaca Journal* at least ten (10) days prior to the public hearing. Notices will include the date, time, location, purpose of the hearing and will contain language regarding the availability of accommodations for persons needing special assistance to participate in the meetings. In

addition, the IURA will request that announcements regarding the public hearings be made at a meeting of the following groups prior to the hearing:

- City of Ithaca Common Council;
- Appropriate City of Ithaca Common Council committee(s);
- City of Ithaca Board of Public Works;
- City of Ithaca Planning & Development Board;
- Ithaca Urban Renewal Agency;
- Housing & Homeless Housing Task Force;
- other venues as appropriate.

Effective April 2, 2020, consistent with the Mega-waiver issued by HUD on March 31, 2020, and for a period ending July 31, 2021, this section is modified to require a single public hearing with a minimum five (5) day public comment period. Notice of the public hearing and comment period will be posted in a variety of platforms at least two (2) days prior to the public hearing.

D. Consultations with Public and Private Organizations

In addition to neighborhood meetings and public hearings, a minimum of four topical focus group meetings will be convened with public agencies, non-profit organizations, private entities, and interested persons. The topics will include:

- Housing;
- Downtown Revitalization and Economic Development;
- Infrastructure and Public Facilities;
- Public Services.

The focus meetings will be advertised and agencies and interested individuals will be contacted directly to encourage their participation at these meetings. Notice of focus meetings will be mailed or e-mailed to a distribution list of organizations and individuals by focus topic, including organizations that have submitted funding applications in the past. The IURA will expand the list to include any individual or organization upon request.

E. Consultation with the Ithaca Housing Authority

The Ithaca Housing Authority and Housing Authority residents will be encouraged to participate in the development of the Consolidated Plan using two strategies. First, at least one of the neighborhood public input meetings will be held at a location convenient to Housing Authority residents. In addition, the Housing Authority staff, board and resident councils will be contacted directly and encouraged to participate in the housing focus meeting. Finally, a meeting will be held directly with Housing Authority staff to ensure coordination of the Consolidated Plan with the Housing Authority's Comprehensive Grant program and other project planning.

F. Publication of the Proposed Consolidated Plan

The IURA will publish copies of the proposed Consolidated Plan on behalf of the City of Ithaca at least 30 days prior to its submission to HUD. Copies will be made available at the

following locations:

- the office of the IURA;
- the City Clerk's Office
- the Tompkins County Public Library
- the Tompkins County Human Service Coalition office;
- other venues as appropriate.

An electronic version of the proposed plan will also be posted on the City of Ithaca web page (www.cityofithaca.org).

G. Publication of the Notice of Availability of the Proposed Consolidated Plan

Legal notice of the availability of the proposed Consolidated Plan, including a brief summary of the document, will be published in the *Ithaca Journal* during the 30-day public comment period. The summary will describe the contents and purpose of the Consolidated Plan and will include a list of the locations where copies of the entire proposed Consolidated Plan may be examined. In addition, the City Clerk will be requested to announce the availability of the proposed Consolidated Plan for public comment at a Common Council meeting during the 30-day public comment period.

Effective April 2, 2020, consistent with the Mega-waiver issued by HUD on March 31, 2020, and for a period ending July 31, 2021, this section is modified to provide a minimum 5-day public comment period, to include a virtual public hearing with opportunity for citizens to comment in real time. Notice of the public comment period will be posted on a variety of platforms.

H. Citizen Review of Proposed Consolidated Plan

A minimum thirty (30) day period, from the date of the legal notice of the availability of the proposed Consolidated Plan, will be provided to receive comments from citizens on the Consolidated Plan. All written comments received during this period will be addressed by the staff of the IURA, in writing, no later than 15 days after receipt. A summary of comments received in writing, or orally at the public hearings, and the IURA response to such comments will be attached to the final Consolidated Plan.

Following the second public hearing and close of the 30-day public comment period, the Common Council will vote to adopt a final Consolidated Plan.

Effective April 2, 2020, consistent with the Mega-waiver issued by HUD on March 31, 2020, and for a period ending July 31, 2021, this section is modified to provide a minimum 5-day public comment period for the proposed action plan, to include a virtual public hearing with opportunity for citizens to comment in real time.. All written comments received during this period will be addressed by the staff of the IURA, in writing within five (5) days. Notice of the public comment period will be posted on a variety of platforms.

II. ANNUAL ACTION PLAN

A. Organizational Meeting

At the beginning of each annual action plan cycle, the IURA will hold an organization meeting so that staff can explain the program and the relation between the action plan and consolidated plan. During this time, efforts will be made to solicit informal program suggestions from the general public through various media.

B. Neighborhood Public Input

IURA staff will hold a minimum of two (2) neighborhood meetings during development of the annual proposed Action Plan. These informal meetings will acquaint residents with the provisions of the program and obtain citizens' views on community development needs and proposals to effectively address these needs. These meetings will be held in locations convenient to residents of predominantly low- and moderate-income neighborhoods, especially those neighborhoods targeted for revitalization. These meetings will present information to citizens on:

1. the total amount of funds anticipated to become available to the City on an annual basis;
2. eligible and ineligible activities and mandatory national objectives that each activity must meet;
3. process to be followed for development of the proposed Action Plan, including schedule of meetings and hearings;
4. the citizen participation plan and opportunities for input;
5. a summary of other important program requirements; and
6. presentation of the activities funded in previous years.

Meetings will generally take place in the evenings or on weekends. All meetings will be held in buildings that are accessible for persons with disabilities. Notice of these meetings will be published as a display ad in *The Ithaca Journal* at least six (6) days prior to any meeting notifying the public of the date, time, location, purpose of the meeting and will include language regarding the availability of accommodations for persons needing special assistance to participate in the meetings. A summary of the input received will be presented to the Ithaca Urban Renewal Agency and will be used to inform funding decisions.

Effective April 2, 2020, consistent with the intent of the Mega-waiver issued by HUD on March 31, 2020, and for a period ending July 31, 2021, this section is waived for plans to address the COVID-19 Pandemic, including but not limited to funds awarded through the Coronavirus Aid Relief and Economic Security Act (CARES) Act.

C. Public Hearings

A minimum of two public hearings will be held to obtain citizens' views and to respond to proposals and questions. One hearing will be held during development of the Action Plan. This first public hearing will be held by the IURA to obtain the views of citizens on the highest priority housing and non-housing community development needs, suggested activities to address these needs, and proposed strategies and actions for affirmatively

furthering fair housing. The second public hearing will be held by the Common Council or a Committee of the Common Council after publication of the proposed Action Plan to allow citizens to comment and suggest modifications prior to its adoption.

All public hearings will be held in buildings that are accessible for persons with disabilities. Notice of these public hearings will be published as legal notices in the *Ithaca Journal* at least ten (10) days prior to the public hearing. Notices will provide the public of the date, time, location, purpose of the hearing and will include language regarding the availability of accommodations for persons needing special assistance to participate in the meetings.

In addition, the IURA will request that announcements regarding the schedule of public hearing be made at a meeting of the following groups prior to the hearing:

- City of Ithaca Common Council;
- Appropriate Common Council Committee(s);
- City of Ithaca Planning & Development Board;
- Ithaca Urban Renewal Agency;
- Housing & Homeless Housing Task Force; and
- other public meetings as appropriate.

Effective April 2, 2020, consistent with the Mega-waiver issued by HUD on March 31, 2020, and for a period ending July 31, 2021, this section is modified to require a single public hearing with a minimum five (5) day public comment period. Notice of the public hearing and comment period will be posted in a variety of platforms at least two (2) days prior to the public hearing. The public hearing may be conducted virtually pursuant to NYS executive order number 202.15 as amended or updated. A virtual public hearing is authorized if:

1. National/local health authorities recommend social distancing and limiting public gatherings for public health reasons;
2. Virtual hearings provide reasonable notification and access for citizens to comment on proposed use of funds, activities to be undertaken, and raise issues; and
3. A record of comments received and responses shall be made available for public review within 5 days following the virtual public hearing.

D. Development of Proposed Action Plan

The IURA will select recommended activities through a limited application process that includes a public solicitation of funding proposals to address community development needs identified in the Consolidated Plan and implement community revitalization and neighborhood stabilization goals. The IURA will review the initial funding applications and narrow the number of applications under final consideration based on the projected amount of available funding for the upcoming program year and selection criteria, including, but not limited to the following:

- Eligibility;
- Need;
- Impact;
- Feasibility;
- Capacity of the sponsor organization to successfully implement the proposed

- activity in a timely manner, including past performance of the sponsor organization;
- Leveraging of other funding sources;
 - Coordination with other initiatives, plans or other submitted proposed activities.

Sponsors of selected activities will be requested to submit additional detailed information as needed during the selection process. New proposed activities may be considered by the IURA at any time during the process.

Following analysis of the funding applications review of detailed information, the IURA will prepare a proposed Action Plan including the following:

- A description of the activities to be undertaken;
- Budgeted amounts for each activity;
- Number and type of persons and families that will benefit;
- Priority needs addressed;
- Program income anticipated; and
- Target completion dates.

E. Publication of the Notice of Availability of the Proposed Action Plan

Legal notice of the availability of the proposed Action Plan will be published in the *Ithaca Journal*, and will include a summary of the selected activities to be undertaken and budgeted amounts allocated to each activity as well as a list of the locations where copies of the entire proposed Action Plan may be examined. In addition, the City Clerk will be requested to announce the availability of the proposed Action Plan for public comment at a Common Council meeting during the 30-day public comment period.

Effective April 2, 2020, consistent with the Mega-waiver issued by HUD on March 31, 2020, and for a period ending July 31, 2021, this section is modified to provide a minimum 5-day public comment period.

F. Citizen Review of Proposed Action Plan

A minimum thirty (30) day period, from the date of the legal notice of the availability of the proposed Action Plan, will be provided to receive comments from citizens on the proposed Action Plan. All written comments received during this period will be addressed by the staff of the IURA, in writing, within 15 days. A summary of comments received in writing, or orally at the public hearings, and the IURA response to such comments will be attached to the final Action Plan.

Following the second public hearing and close of the 30-day public comment period, the Common Council will vote to adopt a final Action Plan.

Effective April 2, 2020, consistent with the Mega-waiver issued by HUD on March 31, 2020, and for a period ending July 31, 2021, this section is modified to provide a minimum 5-day public comment period for the proposed action plan,, to include a virtual public hearing with opportunity for citizens to comment in real time. All written comments received during this period will be addressed by the staff of the IURA, in

writing within five (5) days.

G. Joint Development of Action Plan with Consolidated Plan

In program years when the Action Plan is being developed jointly with the Consolidated Plan, the citizen participation process for the Consolidated Plan shall serve to satisfy the Action Plan citizen participation requirements.

III. ASSESSMENT OF FAIR HOUSING (AFH)

The IURA will follow the process and procedures described below in the development of the Assessment of Fair Housing.

A. HUD-approved Data for Public Review

The IURA will make available to the general public the HUD-provided data and other supplemental information that the IURA plans to incorporate into the AFH. The IURA will make this data available no later than 60 days after the initiation of the AFH document.

B. Stakeholder Consultation and Citizen Outreach

In the development of the AFH, the IURA will consult with other public and private agencies including, but not limited to, the following:

- Local public housing authorities;
- Other assisted housing providers;
- Social service providers including those focusing on services to minorities, families with children, the elderly, persons with disabilities, persons with HIV/AIDS and their families, homeless persons, and other protected classes;
- Community-based and regionally-based organizations that represent protected class members and organizations that enforce fair housing laws;
- Regional government agencies involved in metropolitan-wide planning and transportation responsibilities; and,
- A variety of mechanisms may be utilized to solicit input from these entities. These include telephone or personal interviews, mail surveys, internet-based feedback and surveys, focus groups, and/or consultation workshops.

C. Public Hearing

To obtain the views of the general public on AFH-related data and affirmatively furthering fair housing in the City's housing and community development programs, the City will conduct at least one public hearing before the draft AFH is published for comment.

The public hearing will be held in a building that is accessible for persons with disabilities. Notice of the public hearing will be published as legal notices in the *Ithaca Journal* at least ten (10) days prior to the public hearing. Notices will provide the public of the date, time, location, purpose of the

hearing and will include language regarding the availability of accommodations for persons needing special assistance to participate in the meetings.

D. Publication and Notice of Availability of Draft Assessment of Fair Housing

Legal notice of the availability of the draft AFH will be published in the *Ithaca Journal* newspaper and the draft AFH shall be made available on the City of Ithaca official government Web site. The public notice shall include the purpose of the AFH, the dates of the public comment period, the locations where copies of the proposed document can be examined, and how to submit comments. In addition, the City will make available a reasonable number of free copies of the proposed document to residents and groups that request them.

E. Comments Received on the Draft Assessment of Fair Housing

A minimum thirty (30) day period, from the date of the legal notice of the availability of the draft AFH, will be provided to receive comments from citizens and interested parties on the proposed AFH. All written comments received during this period will be addressed by the staff of the IURA, in writing, within 15 days. A summary of comments received in writing, or orally at the public hearing, and the IURA response to such comments will be attached to the final AFH.

F. Submission to HUD

The Assessment of Fair Housing will be submitted to HUD 270 days prior to the beginning of the Program Year in which a Consolidated Plan is due, unless HUD grants a waiver for an alternative submission deadline. .

G. Revisions

An AFH previously accepted by HUD must be revised and submitted to HUD for review under the following circumstances:

1. *A material change occurs. A material change is a change in circumstances in the City of Ithaca that affects the information on which the AFH is based to the extent that the analysis, the fair housing contributing factors, or the priorities and goals of AFH no longer reflect actual circumstances. Examples:*
 - *Presidentially declared disasters within the City of Ithaca that significantly impact the steps the City may need to affirmatively further fair housing*
 - *significant demographic changes*
 - *new significant contributing factors within the City; and*
 - *civil rights findings, determinations, settlements (including Voluntary Compliance Agreements) or court orders; or*
2. *Upon HUD's writing notification specifying a material change that requires the revision.*

In the event of a Revised AFH, A revision may not necessarily require the submission of an entirely new AFH. The revision need only focus on the material change and appropriate adjustments to the analyses, assessments, priorities and goals.

- a. *Timeframe for revision*
- b. *Where revision is required due to a material change, such a revision shall be submitted within 12 months of the onset of the material change, or at such later date as HUD may provide.*
- c. Community Participation

Revisions to AFH, as described in this section are subject to community participation. The City must follow the notice and comment process applicable to consolidated plan substantial amendments under the City's citizen participation plan.

- d. Submission to HUD of the revised AFH.

Upon completion, any revisions to the AFH must be made public and submitted to HUD at the time of the revision.

IV. PROGRAM AMENDMENTS

A. Amendments to the Consolidated Plan

A HUD-approved Consolidated Plan shall be amended whenever a decision is made to:

- To change the purpose, scope, location or beneficiaries of an activity;
- To carry out an activity, using funds from any program covered by the Consolidated Plan not previously described in the Action Plan; or
- Change its allocation priorities or a change in the method of distribution of funds.

B. Substantial Amendments

The following criteria will be used to determine what changes in planned or actual activities constitute a substantial amendment to the Consolidated Plan, that are subject to a citizen participation process. Substantial program amendments will require an amendment to the Consolidated Plan, Common Council approval, and submission to HUD.

- A substantial change in the use of Entitlement Grant funds from one eligible activity to another eligible activity is defined as any change in the allocation of funds for a specific activity that constitutes more than \$25,000 or more than twenty percent (20%) of the total funds available or allocated to that actual activity, whichever amount is greater.
- A substantial change to use funds for an activity not previously described in the Action Plan shall be defined as an activity allocated more than \$25,000 of federal funds.
- A substantial change in the location of an activity is defined as any relocation of an activity outside the Census designated neighborhood it was intended to serve, but not including the expansion of a target area after all qualified beneficiaries within the primary target neighborhood have been reasonably offered to be assisted.
- A substantial change to the method of distribution of funds is defined as any change to the original approved terms of assistance to beneficiaries that results in increased costs to the intended beneficiaries (e.g. changing a matching grant home owner rehabilitation program to repayable loan program), or any change to the original approved recapture terms of federal assistance in the event that beneficiaries do not comply with requirements of receiving assistance (e.g., waive recapture of portion of federal assistance in event landlord does not comply with the requirement to rent

- apartments to low-income persons at affordable rents for five years) .
- A substantial change to the purpose, scope or beneficiaries of an activity shall be determined by the IURA based on an analysis of the individual characteristics of proposed change to determine whether the change significantly changes the objective, or category of beneficiaries, of the activity.

Amendments that fall below the threshold for a substantial amendment may be approved by the IURA with notice provided to the Common Council.

C. Citizen Review of Proposed Substantial Program Amendments

To assure citizen participation on proposed substantial program amendments, the IURA shall develop and make available to the public at no charge a summary of the proposed substantial program amendment in such manner as to afford affected and interested citizens an opportunity to submit informed comment on the proposal prior to the mandatory public hearing.

A minimum of one (1) public hearing will be held by the Common Council or a Common Council Committee with jurisdiction over the issue to obtain citizens' views on the proposed substantial program amendment. The public hearing will be held in a building that is accessible for persons with disabilities. Notice of these public hearings will be published as legal notices at least seven (7) days prior to the public hearing. The legal notice shall provide the public of the date, time, location, purpose of the hearing and will include language regarding the availability of accommodations for persons needing special assistance to participate in the meetings. Following the public hearing the Common Council may vote to approve the substantial program amendment. HUD shall be notified of all substantial program amendments.

Effective April 2, 2020, consistent with the Mega-waiver issued by HUD on March 31, 2020, and for a period ending July 31, 2021, this section is modified to require a public comment period of a minimum of five(5) days, to include a virtual public hearing with opportunity for citizens to comment in real time. Notice of the public comment period will be posted on a variety of platforms at least two (2) days prior to the public hearing. All written comments received during the public comment period will be addressed by the staff of the IURA, in writing, within five (5) days.

IV. CITIZEN COMMENT ON THE CITIZEN PARTICIPATION PLAN AND AMENDMENTS

Citizens will be provided a reasonable opportunity to comment on the original Citizen Participation Plan and on substantial amendments to the plan. The Citizen Participation Plan will be made available to the public and will be made available in a format accessible to persons with disabilities, upon request.

A minimum of one (1) public hearing will be held by the Common Council or a Common Council Committee with jurisdiction over community development issues to obtain citizens' views on the proposed Citizen Participation Plan or any substantial amendments. The public hearing will be held in a building that is accessible for persons with disabilities.

Notice of these public hearings will be published as legal notices at least seven (7) days prior to the public hearing. The legal notice shall provide the public of the date, time, location, purpose of the hearing and will include language regarding the availability of accommodations for persons needing special assistance to participate in the meetings.

Following the public hearing, the Common Council may vote to approve the Citizen Participation Plan or amendment.

Effective April 2, 2020, consistent with the Mega-waiver issued by HUD on March 31, 2020, and for a period ending July 30, 2021, this section is modified to require a minimum five (5) day public comment period, to include a virtual public hearing, to include opportunity for citizens to comment in real time. Notice of public hearing will be posted a variety of platforms. .

V. PERFORMANCE REPORTS AND OTHER IMPORTANT COMMUNICATIONS FROM HUD

IURA staff will report periodically at public meetings of the IURA on the implementation of the Consolidated Plan and prepare an annual performance report reviewing the performance of the city in meeting objectives of the Consolidated Plan, HUD goals and applicable regulations. Citizens will be provided with reasonable notice and an opportunity to comment on an annual performance report prepared by the IURA. Notice of the availability of the annual performance report for citizen review will be published in the *Ithaca Journal* including information on where to review the document. In addition, the IURA will request that an announcement of the availability of the performance report be made at a meeting of the Ithaca Common Council.

A minimum fifteen (15) day period, from the date of the legal notice of the availability of the performance report, will be provided to receive comments from citizens on the performance report. The IURA shall consider any comments or views of citizens received in writing, or orally at any public hearing in preparing the performance report. A summary of these comments or views shall be attached to the performance report.

Periodically HUD communicates important information to the City of Ithaca regarding the implementation and oversight of the Entitlement Program. Such communications will be made available for public inspection and the public will be notified of these communications through announcements made at Ithaca Urban Renewal Agency and Common Council meetings.

VI. DISPLACEMENT

The City of Ithaca seeks to minimize the displacement of persons as a result of activities assisted with programs covered by the Consolidated Plan.

For activities assisted with programs covered by the Consolidated Plan that displaces a person or persons, the City of Ithaca will comply with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended.

VII. MISCELLANEOUS

A. Availability to the Public

The Consolidated Plan as adopted, substantial amendments, performance reports and other important communications from HUD will be available to the public, including the availability of materials in a form accessible to person with disabilities.

All records, reports, applications and regulations related to the Consolidated Plan will be available to the public for use and review at the office of the IURA, 108 East Green Street, Ithaca, NY 14850, during normal working hours (8:30 a.m. - 4:30 p.m.). The City and the IURA reserve the right to require the public to abide by the process of the public's right of information under the Freedom of Information Act.

B. Access to Records

The IURA and City of Ithaca will provide citizens, public agencies, and other interested parties with reasonable and timely access to information and records relating to the City's Consolidated Plan and the use of assistance under the programs covered by the Consolidated Plan during the preceding five years.

C. Complaints

Complaints regarding the Citizen Participation Plan, Comprehensive Plan, the Action Plan, or amendments or the performance report will be accepted by the IURA office at any time. A citizen who submits a written complaint to the IURA Office will receive a written substantive response as soon as possible and no later than 15 working days upon receipt of the complaint. The response will be handled by the lead IURA staff person assigned to the project and will include an explanation of the Citizen Complaint process and further appeals available to the complainant. Copies of all complaints will be provided to the IURA Executive Director and the Mayor and be filed in a Citizen Complaint file.

If the issue is not satisfactorily resolved, the complainant may appeal to first the Executive Director, then to the appropriate IURA subcommittee, and finally to the full Agency. Written complaints and disposition of these complaints are included in annual performance reports submitted to the funding agency.

The IURA staff will notify the IURA about the complaints and the resolution of the complaints at the first available opportunity.

D. Technical Assistance

The IURA staff will provide reasonable technical assistance to groups representing persons of low- and moderate-income that request such assistance in developing proposals for funding assistance under any programs covered by the Consolidated Plan. The assistance need not include the provision of funds to the groups.

END

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DRAFT

2020 CDBG-CV: EMERGENCY RENTAL ASSISTANCE

WHEREAS, the City of Ithaca (City) has received an initial supplemental funding allocation of Community Development Block Grant (CDBG) funds from *The Coronavirus Aid, Relief, & Economic Security* (CARES Act), which funding is hereafter referred to as CDBG-CV, and

WHEREAS, additional supplemental CDBG-CV funding may be forthcoming, and

WHEREAS, HUD is providing administrative flexibility and waivers to speed approval and delivery of funds for activities responding to the COVID-19 Pandemic, and

WHEREAS, the 15% cap on public service activities is waived for CDBG-CV funds, and

WHEREAS, the initial CDBG-CV allocation to the City provides \$321,299 to invest in CDBG-eligible activities, and

WHEREAS, the City has contracted with the Ithaca Urban Renewal Agency (IURA) to administer, implement and monitor the City's HUD Entitlement program in compliance with all applicable regulations, and

WHEREAS, in order to expedite delivery of funding to the community, IURA has gathered information from stakeholders and solicited proposals for disaster response/recovery/prevention projects, and

WHEREAS, the IURA is following a two-prong approach to determine recommended uses of CDBG-CV funding:

- Directed activities to address priority needs where a capable sponsor is pre-identified, and
- Activities selected through an open competitive process, and

WHEREAS, the IURA has preliminarily identified the following priority community needs:

1. Renter households whose ability to pay rent has been reduced by COVID-19 impacts
2. Persons experience homelessness and homeless prevention
3. Small businesses adversely impacted by public health mandates and guidelines
4. Anchor non-profits entities with at least 51% earned income adversely impacted by public health mandates and guidelines

WHEREAS, according to the City's *2019-2023 Consolidated Plan* for HUD Entitlement Funding, 74% of the City's residents are renters, of whom 56% are cost-burdened, and 41% of these are severely so, and

WHEREAS, at least 25 million Americans have filed jobless claims since March 2020 and the beginning of the coronavirus pandemic, including many renters in the City of Ithaca, and

WHEREAS, emergency grant payment for a household's rent for up to three consecutive months is an eligible CDBG public service activity authorized at 24 CFR §570.201(e), and

WHEREAS, Ithaca Neighborhood Housing Services, Inc. (INHS) proposes to implement an emergency rental assistance activity in partnership with Tompkins County and other funders with the following preliminary parameters subject to finalization:

- rent/current income ratio > 31%
- proof of adverse COVID-19 impact/client statement
- landlord signs a form agreeing to accept rent, waive late fees, not pursue eviction for non-payment, no code violations
- household AMI < 80%
- asset cap of \$5,000 liquid assets (netting out stimulus payment)
- must have a current lease or landlord willing to sign for current rent amount, waive late fees, accept payments
- building must pass environmental requirements for CDBG
- tenant NOT to pay any portion of the rent, because it is only three months of relief and this will hopefully allow clients to build savings,
- the projected average total assistance per renter household is \$3,700, and

WHEREAS, Tompkins County CDBG funding of approximately \$590,000 for the activity can only be used to assist renter households located outside of a HUD Entitlement community, such as the City, and

WHEREAS, INHS possesses the knowledge and administrative capacity necessary to effectively administer such a program, and

WHEREAS, supporting housing stability in the form of three consecutive months rental assistance for people in vulnerable groups with extremely low- and/or very-low-income (0-60%) AMI can prevent widespread eviction, homelessness and economic hardship for tenants and landlords, and

WHEREAS, emergency rental assistance furthers disaster recovery goals by stabilizing neighborhoods and communities, and

WHEREAS, the City can take final action to approve use of CDBG-CV funds following a Public Hearing and a 5-day Public Comment period; now, therefore be it

RESOLVED, that the IURA recommends the City authorize an allocation of \$190,000 from the CDBG-CV funding source to the Emergency Rental Assistance Program activity to be implemented by Ithaca Neighborhood Housing Services, Inc., and be it further

RESOLVED, CDBG-CV funds shall be used first to assist renter households earning 0-60% of AMI with less than \$5,000 in liquid assets, before assisting other CDBG-eligible renter households, and be it further

RESOLVED, that the calculation of current household income for eligible households to be assisted with CDBG-CV funds shall include unemployment benefits, but exclude any one-time CARES Act stimulus payment, and be it further

RESOLVED, that the City requests INHS to conduct affirmative marketing to underserved persons, such as persons who speak English as a Second Language (ESL), to provide them with an equitable opportunity to take advantage of the program, and be it further

RESOLVED, that should availability of CDBG-CV funding be delayed, the IURA hereby authorizes use of the Housing Development Action Grant (HODAG) funding source to pay eligible costs in the first instance and be reimbursed when CDBG-CV funds become available, and be it further

RESOLVED, that the Urban Renewal Plan shall be amended to include activities funded in the adopted 2020 HUD Entitlement Program Action Plan.

I, Nels Bohn, Director of Community Development of the Ithaca Urban Renewal Agency, do hereby certify that the foregoing resolution is a true and exact copy of a resolution duly adopted by the Ithaca Urban Renewal Agency at a meeting held on April 30, 2020, and that the same is a complete copy of the whole of such resolution.

IN WITNESS WHEREOF, I have hereunto set my hand and the Corporate Seal of the Ithaca Urban Renewal Agency, this 30th day of April 2020.



Nels Bohn,
Director of Community Development
Ithaca Urban Renewal Agency

