



GEORGIA DEPARTMENT  
*of* COMMUNITY AFFAIRS

# Citizen Participation & Section 504 Requirements

# Citizen Participation



# Public Hearings

Applicants must hold at least one public hearing, prior to application, to allow citizen participation, views, questions and input.

- Hearing should be held early in process to take citizen input into consideration
- Hearings held after application is prepared are not allowing citizen participation
- Include estimated amount of funds proposed
- Discuss plan to minimize displacement and assist any displaced persons
- Sample hearing notices in Appendix of Applicants' Manual – English & Spanish



# Public Hearings

Notices must provide five (5) full days notice prior to hearing

- 1<sup>st</sup> day begins on the day following the published notice
  - Monday – Ad appears in newspaper
  - Tuesday – Day 1
  - Wednesday – Day 2
  - Thursday – Day 3
  - Friday – Day 4
  - Saturday – Day 5
  - Sunday – Hearing can take place today or any subsequent day

Placed in non-legal section of the general circulation local newspaper in block form



# Public Hearings

- Must be held at time and locations convenient to potential or actual beneficiaries with accommodation of the handicapped (notices should include information to accommodate special needs).
- The needs of non-English speaking residents should be met in areas of significant concentration.
- Must maintain evidence of compliance.
- Certified minutes must be kept.



The applicant must maintain detailed minutes of this hearing, a "tear sheet" or affidavit pertaining to the public notice and documentation as to whether or not meeting "special needs" was required and, if applicable, addressed.

# Bonus Points - Robust Citizen Participation

Extra efforts to provide an opportunity for citizens, especially LMI citizens, to participate in an advisory role in the planning, implementation, and assessment of the programs and projects funded through CDBG activities.

Water Bill  
Announcements

Social Media  
Announcements


Meeting times  
and frequency

Flyers - when,  
where, how often


Informative /  
interactive  
webinars

## Bonus Point Documentation


Evidence of Release of Funds

 Choose File

Evidence of EIP/RDF Revolving Loan Fund Closure

 Choose File

Evidence of Additional Citizens Participation Efforts

 Choose File



# Robust Citizen Participation Example

- Provided a cover sheet detailing the extra steps taken for robust citizen participation efforts
- Advertised in The Bleckley Buzz (Chamber of Commerce newsletter)
- Included a survey in the utility mail: “On April 26, 2023, approximately 2,000 Neighborhood Conditions Surveys were included in the monthly statements mailed to City of Cochran utility customers. Data will continue to be collected and discussed at upcoming GICH Team meetings and at City Department Head Meetings”.
- Online survey was made available via the city website
- Advertised public hearing at multiple locations: Cochran Housing Authority Bulletin Board, Bleckley County Health Department Bulletin Board, Bleckley County Department of Family and Children Services Bulletin Board, Bleckley County Courthouse Bulletin Board, and City of Cochran Auditorium Door Posting
- At the CDBG pre-application citizen participation public hearing, residents were asked to indicate on the sign-in sheet as to their interest and willingness to serve as a member of a CDBG Committee that the city is forming.

## **Language Access Requirements**

Title VI of the Civil Rights Act of 1964 and pursuant to EO 13166 requires meaningful access to information and services for Limited English Proficiency (LEP) persons\*.

- Persons who do not speak English as their primary language and who have a limited ability to read, write, speak, or understand English, and may be entitled to language assistance with respect to a particular type of service, benefit, or encounter.
- Noted as speaking English less than “very well” in America Community Survey (ACS) Data Table S1601: Language Spoken at Home



## Language Access Requirements

The size of the language group determines the recommended provision for written language assistance:

Translate vital documents

- 1,000 or more in a single language or more than 5% of the eligible population or beneficiaries and more than 50 in number.

Translated written notice of right to receive free oral interpretation of documents.

- More than 5% of the eligible population or beneficiaries and 50 or less in number

No written translation is required.

- 5% or less of the eligible population or beneficiaries and less than 1,000 in number

# What is a Vital Document?

A vital document is any document that is critical for ensuring meaningful access to the recipients' major activities and programs by beneficiaries generally and LEP persons specifically. Whether or not a document (or the information it solicits) is "vital" may depend upon the importance of the program, information, encounter, or service involved, and the consequence to the LEP person if the information in question is not provided accurately or in a timely manner.

A list of vital documents to be translated (if necessary) and schedule for translating and disseminating vital documents:

The following list of vital HUD/CDBG Documents will be translated into the Spanish language and made available:

Pre-award Public Notice	Prior to award
Post-award Public Hearing Notice	Within 60 days of award
<u>Environmental Notices</u>	<u>As required</u>
GA DCA/HUD Brochures, Poster, Fliers	On permanent display or as required
Fair Housing Materials	On permanent display or as required.

# Meaningful Access - Data

- ✓ **American Community Survey Data**

- ✓ **Table S1601 5-Year Estimates**

- ✓ Language Spoken at Home

- ✓ **Table C16001 5-Year Estimates**

- ✓ Language Spoken at Home for the Population 5 Years and Over

- Hosted on **<https://data.census.gov/>**

- ✓ **DCA's CDBG Applicant Concentration Maps:**

- **<https://georgia-dca.maps.arcgis.com/home/index.html>**

604 / 4,467 = .1352 x 100 = 13.52%

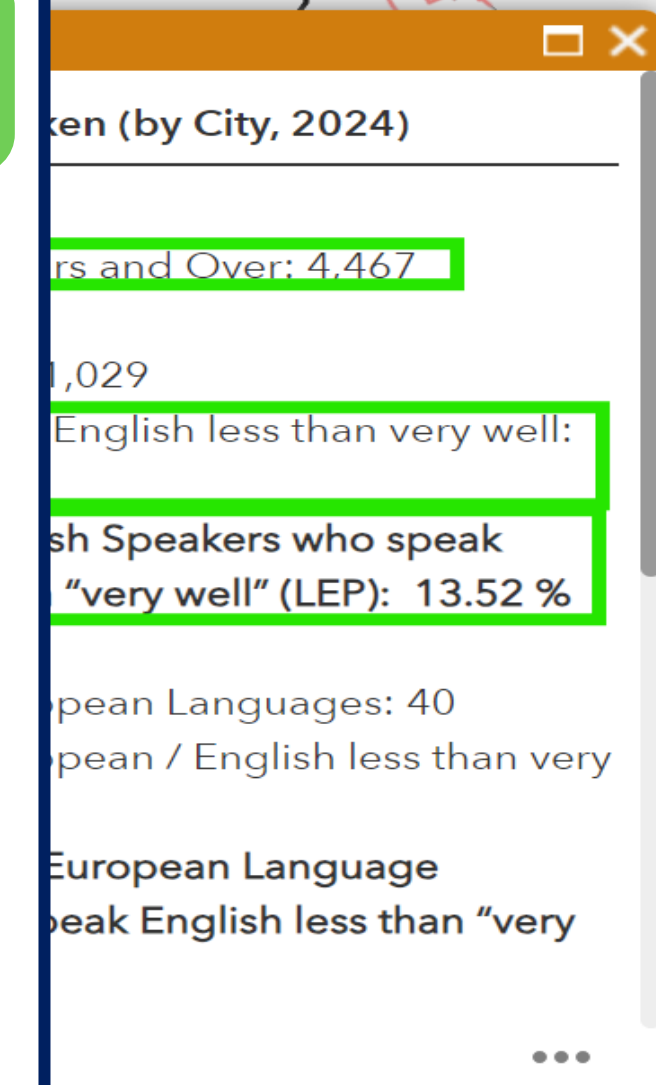
S1601   Language Spoken at Home		<div>NotesGeos1Topics123DatasetYearColumnsTransposeMargin of ErrorRestoreExcelCSVZIPCiteShareMore Tools</div>									
American Community Survey2022: ACS 5-Year Estimates Subject Tables		Cornelia city, Georgia									
Label	Total		Percent of specified language speakers								
	Estimate	Margin of Error	Speak English less than "very well"			Percent speak English less than "very well"					
			Estimate	Margin of Error	Estimate	Margin of Error					
Population 5 years and over	4,467	±85	962	±487	21.5%	±10.8					
Speak only English	2,937	±544	(X)	(X)	(X)	(X)					
Speak a language other than English	1,530	±571	962	±487	62.9%	±16.4					
SPEAK A LANGUAGE OTHER THAN ENGLISH											
Spanish	1,029	±391	604	±239	58.7%	±10.4					
5 to 17 years old	155	±111	0	±14	0.0%	±25.9					
18 to 64 years old	816	±297	546	±226	66.9%	±10.6					
65 years old and over	58	±87	58	±87	100.0%	±47.1					
Other Indo-European languages	40	±48	0	±14	0.0%	±56.7					
5 to 17 years old	0	±14	0	±14	-	**					
18 to 64 years old	16	±27	0	±14	0.0%	±89.6					
65 years old and over	24	±38	0	±14	0.0%	±73.2					
Asian and Pacific Island languages	145	±141	42	±53	29.0%	±23.3					
5 to 17 years old	26	±43	12	±21	46.2%	±5.4					
18 to 64 years old	119	±115	30	±36	25.2%	±24.5					
65 years old and over	0	±14	0	±14	-	**					

## Layers

- ## Layers
- ▶ ☐ Block Groups 2024
  - ▶ ☐ Housing Facility Deficiency 8%+ 2024
  - ▶ ☐ Minority Concentration 51%+ 2024
  - ▶ ☐ Low to Moderate Income 51%+ 2021
  - ▶ ☐ LMI 51%+ by City
  - ▶ ☐ LMI 51%+ by County
  - ▶ ☒ City Language Spoken 2024
  - ▼ ☐ County Language Spoken 2024

Size of Language Group	Recommended Provision of Written Language Assistance
1,000 or more in the eligible population	Translated vital documents
More than 5% of the eligible population or beneficiaries and more than 50 in number	Translated vital documents
More than 5% of the eligible population or beneficiaries and 50 or less in number	Translated written notice of right to receive free oral interpretation of documents.
5% or less of the eligible population or beneficiaries and less than 1,000 in number	No written translation is required.

Note: In the case where the overall jurisdiction numbers fall below the threshold to provide translated written documents but existing or planned DCA target areas exist, the DCA Sub recipient must evaluate whether there are limited English proficient households within the target areas that may need notification or other LAP services. The Sub recipient's evaluation should use local knowledge or data or other relevant data in conducting its evaluation and should indicate its conclusions regarding the steps necessary reach out to these households in the language they speak to ensure that adequate notification is achieved. This evaluation will be particularly important for housing grants where eligible applicants for assistance may need application or other documents translated to take advantage of available services.



## **CDBG Application:**

### **Required Documentation & Common Mistakes**

#### **Required Documentation**

- Acknowledgement form
- Threshold certification form
- Notice Tear Sheet
- Table S1601/DCA Mapping Tool Screenshot

#### **Common Mistakes**

- Incorrect hearing date is published
- Not published in English and Spanish
- Threshold for translation is incorrectly determined



# Resources

Language Access Plan Template for CDBG & DCA's Sub-Recipient

Language Access Plan Template Guidance for CDBG

- <https://dca.georgia.gov/financing-tools/infrastructure/community-development-block-grants-cdbg/compliance-administration-0>



# SECTION 504



# Important Facts

- Provides rights to persons with disabilities in HUD-funded programs and activities.
- Persons with disabilities, persons associated with persons with disabilities, and other persons engaged in certain protected activities under the law, are protected by Section 504.
- Prohibits discrimination on the basis of disability in any program or activity that receives financial assistance from any federal agency, including HUD as well as in programs conducted by federal agencies including HUD.
- HUD's regulations for Section 504 that apply to federally-assisted programs or activities may be found in the Code of Federal Regulations at 24 C.F.R. part 8.

## **There are eight (8) specific requirements which have an immediate effect on CDBG Recipients:**

1. CDBG recipients must file an assurance of compliance. The Certified Assurances in the CDBG Application included this assurance.
2. CDBG recipients must issue periodic public notices of non-discrimination. This can be accomplished by including appropriate language in public hearing notices. The sample hearing notices included in this Manual reflects this requirement.
3. Employment practices are also covered by Section 504. Any CDBG recipient employing 15 or more persons must:
  - a. Designate at least one person to coordinate efforts to comply with the regulation (Section 504 Coordinator); and
  - b. Adopt formal grievance procedures that incorporate due process standards and that provide for the prompt and equitable resolution of discrimination complaints.
4. Communications: When a recipient communicates with applicants and beneficiaries by telephone, a telecommunication device for deaf persons (TDD's) or an equally effective system is required. The Georgia Relay Service (voice at 1-800-255-0135 or TDD at 1-800-255-0056 or at 711) is also available to provide this service.

5. All meeting and public hearing spaces must be accessible, and procedures should be in place to ensure that persons with impaired vision or hearing can notify the local government that assistance is required. As applicable, please complete the DCA Meeting Checklist located in Appendix 1.

6. The regulations require each recipient to conduct a self-evaluation. The evaluation must be done in consultation with interested persons, including individuals with handicaps or organizations representing such people.

7. When the self-evaluation identifies structural changes as being required, a written transition plan must also be prepared. The transition plan sets forth the steps necessary to complete the changes, including a time schedule. The plan should identify the agency official responsible for implementation of the plan.

8. Grant recipients and their grantees/contractors share joint responsibility for carrying out activities in conformance with applicable Section 504 requirements (list of responsibilities can be found in the Recipients' Manual).

# 504 Requirements

- Applies to recipients of federal funds
- Similar to Americans with Disability Act
- If more than 15 employees, 504 Coordinator
  - ❖ No additional pay
  - ❖ Coordinates efforts to comply with regulation (maintain records)
- Complete DCA 504 Meeting Checklist (reasonable timeframe to the project)
- Written transition plan if structural changes required
  - ❖ Steps necessary to complete changes
  - ❖ Time schedule to complete
  - ❖ Identify agency official responsible for implementation



# Thanks!

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