



# Citizen Participation Plan

Brevard County, FL

May 2023

Federal funds provided by the  
U.S. Department of Housing and Urban Development  
Office of Community Planning and Development

Under Review by the Brevard County Board of County  
Commissioners

*(This version supersedes prior versions of the Citizen Participation Plan)*

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# I. Introduction

## Purpose and Background

Brevard County, Florida receives federal funding from the U.S. Department of Housing and Urban Development (HUD) through the Community Development Block Grant (CDBG) and HOME Investment Partnerships Program (HOME) to support affordable housing and community development initiatives serving low- and moderate-income individuals in the community. Brevard County and four cities in Brevard County—Cocoa, Melbourne, Palm Bay, and Titusville—formed the Brevard HOME Consortium (Consortium) for the purpose of receiving federal HOME funds to help meet the community's affordable housing needs. Brevard County is the lead entity for the Brevard HOME Consortium and administers HOME funds on behalf of its members. Brevard County and the four cities receive separate allocations of CDBG funds.

As recipients of CDBG and HOME funds, the Consortium develops multiple plans and reports that are submitted to HUD to demonstrate compliance with federal requirements, which include:

- A Five-Year Consolidated Plan for Housing and Community Development (Con Plan)
- Annual Action Plans (AAPs)
- Consolidated Annual Performance and Evaluation Reports (CAPERs)
- A fair housing plan<sup>1</sup>
- Amendments to the Citizen Participation Plan (CPP)
- Amendments to the Con Plan or AAPs

## Citizen Participation Requirements

To guide the consultation and public participation process for the development of these plans and reports, federal regulations require grantees to develop and adopt a CPP that sets forth the jurisdiction's policies and procedures for citizen participation. Pursuant to the requirements outlined under [24 CFR Part 91.105](#), the Brevard HOME Consortium sets forth the following CPP as it relates to the administration of federal funds provided by HUD.

As the lead entity of the Consortium, the Brevard County Housing and Human Services Department is responsible for the planning, preparation, day-to-day activities, and submission of the Consortium's Con Plan, AAPs, fair housing plan, and CAPER for the HOME program, as well as the administration of the County's CDBG allocation. Since the other members of the Consortium also receive their own CDBG funds from HUD, these jurisdictions must develop their own CPPs to outline the citizen participation policies and procedures for their CDBG programs. Throughout this document, the "County" refers to

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<sup>1</sup> The fair housing plan has previously been referred to as an "Analysis of Impediments," "Assessment of Fair Housing," and "Affirmatively Furthering Fair Housing Plan."

Brevard County as the recipient and administrator of Brevard County's CDBG program, where applicable. The County also refers to the "Lead Entity" and administrator of the HOME Program for the Brevard HOME Consortium, where applicable. In addition to the CDBG and HOME programs, this document covers policies and procedures related to Brevard County's Section 108 Loan Guarantee Program as well as other federal grant programs that may be added by law.

## Contact

All communication regarding the reports covered by this CPP—including comments, complaints, and requests for reasonable accommodation for persons with disabilities, translation services, or other elements—shall be directed to:

Brevard County  
Housing and Human Services Department  
2725 Judge Fran Jamieson Way  
Building B, Suite 106  
Viera, Florida 32940  
(321) 633-2076  
(321) 633-2170 (fax)

## Effective Date

After the Brevard County Board of County Commissioners approves this amended CPP, it shall be effective until it is amended or otherwise replaced.

## II. Development of County Documents

### Regulatory Requirements

As described in [24 CFR Part 91.1 – 91.600](#), jurisdictions that receive HUD formula grant programs must develop a Con Plan to serve as the housing and community development strategic plan that guides the use of grant funds in the jurisdiction. In the development of the Con Plan, AAPs, CAPERs, and fair housing plans, jurisdictions must follow the policies and procedures regarding citizen participation that are outlined in the jurisdiction's CPP.

### County's Process

The primary purpose of the federal programs included in the CPP is to provide decent housing, a suitable living environment, and/or economic opportunities that primarily benefit low- and moderate-income persons in the community.

Prior to the adoption of the Con Plan, the County will make information available to the public, including the expected amount of entitlement funding from HUD for Brevard County, the range of activities using this funding that the County may undertake, and the

amount of funding expected to benefit low- and moderate-income persons.

The County is responsible for developing its own priorities and programs within HUD guidelines through the Con Plan process. To develop and implement an effective program, the County actively engages residents, local and regional agencies, the Continuum of Care, local housing authorities, health agencies addressing lead-based paint hazards, businesses, developers, nonprofit institutions, philanthropic organizations, and community-based and faith-based organizations at each stage of the process, including in the:

- Identification of housing and community development needs.
- Development of a Five-Year Con Plan that establishes the County's needs, program goals, and funding priorities.
- Preparation of an AAP that outlines the proposed use of each year's allocation.
- Preparation of a Consolidated Annual Performance Evaluation Report (CAPER) that provides an account of expenditures and program accomplishments.
- Consideration of substantial amendments to the CPP, Con Plan, Annual Plan, CAPER, and fair housing plans.
- Arrangement of public comment and hearings for proposed plans.

All citizens will have an opportunity to comment on this CPP, and any amendments made hereafter, during the regular notification period (30 days) of the CPP.

### III. Encouragement of Citizen Participation

#### Regulatory Requirements

The federal requirements for the CPP for local governments are outlined under [24 CFR Part 91.105](#) and describe the content that jurisdictions must include in the CPP. The regulations require that the CPP outline the jurisdiction's process for encouraging citizen participation and input from stakeholders such as local and regional institutions, public housing authorities, Continuums of Care, and other organizations such as businesses, developers, nonprofit organizations, philanthropic organizations, and community-based and faith-based organizations in the development of the Con Plan, AAP, CAPER, and fair housing plan. The jurisdiction should encourage participation by low- and moderate-income persons in the community, non-English speakers (or those who speak English less than very well), and persons with disabilities.

#### County Process

The County believes that the CPP process provides an important opportunity for its residents, especially low- and moderate-income residents, nonprofit groups (such as neighborhood organizations), and other service providers, to be actively involved in the preparation and implementation of the Con Plan. The County encourages the participation of local and regional institutions, the Continuum of Care, and other organizations such as

businesses, developers, nonprofit organizations, philanthropic organizations, and community- or faith-based organizations in the process of developing and implementing the documents related to the Con Plan process.

The County will also encourage participation from broadband internet service providers, organizations engaged in narrowing the digital divide, agencies who manage flood-prone areas, public land, or water resources, and emergency management agencies in the development of the Con Plan.

The CPP actively encourages widespread citizen participation, with a special emphasis on good faith efforts to encourage participation from the following populations:

- Low- and moderate-income persons.
- Residents of slums, blighted areas, and predominately low- and moderate-income areas where 51 percent of the residents are at or below 80 percent of the area median income.
- Residents of areas designated as a revitalization area.
- Non-English-speaking persons.
- Persons with disabilities.
- Public housing residents and other low-income residents of targeted revitalization areas.

The CPP ensures that all parties, including residents, nonprofit organizations, and other interested organizations, are afforded adequate opportunity to review and comment on plans, programs, activities, and reports covering the County's federally funded housing and community development programs. This includes minority populations, people with limited English proficiency (LEP), and persons with disabilities.

## **IV. Citizen Comments and Public Participation**

### **Regulatory Requirements**

The federal requirements for providing residents the opportunity to submit comments are described in [24 CFR § 91.105](#). Grantees must hold at least two public hearings during the program year (held at two different stages of the program year) to obtain comments, questions, and input from residents. In addition, grantees must hold a public comment period for at least 30 calendar days to provide residents the opportunity to submit comments or questions about the Con Plan. At least one of the two required public hearings must be held before the draft Con Plan is published for the public comment period.

### **County's Process**

The County will provide the public with an opportunity to share their views and comments

on plans, reports, and efforts to affirmatively further fair housing. The County will implement the following strategies to ensure citizen participation.

*A) Public Hearings*

1. Pursuant to HUD regulations (24 CFR § 91.105(e)), the County will conduct a minimum of two public hearings held at different planning stages within the program year prior to the submission of the Con Plan and/or AAP to allow for resident participation in the development process. One public hearing will be held before the proposed Con Plan is published for comment and one hearing will be held prior to the submission of the proposed Con Plan, substantial amendments to the Con Plan or AAP, and fair housing plan. The purpose of the public hearings is to solicit the views of citizens regarding the following:
  - a. Housing and community development needs.
  - b. Priority non-housing community development needs.
  - c. The development of proposed activities.
  - d. Review of program performance.
  
2. Public hearings and neighborhood meetings will be held at sites that are accessible to persons with disabilities. These meetings will be advertised on the County’s website and in a newspaper of general circulation at least fifteen days prior to the scheduled hearing/meeting and indicate the purpose, date, time, and location.

*B) Comment Period*

The comment periods for plans and reports are listed in Table 1.

**Table 1: Public Comment Period**

| Document                                 | Comment Period   |
|--|------------------|
| Con Plan & AAP                           | 30 calendar days |
| Substantial amendments to Con Plan & AAP | 30 calendar days |
| Assessment of Fair Housing               | 30 calendar days |
| CPP                                      | 30 calendar days |
| Section 108 Loan Application             | 30 calendar days |
| CAPER                                    | 15 calendar days |

See [Section X. State of Emergency Amendment](#) for guidance in the event of a natural disaster or declared emergency.

Written comments regarding the Consortium or Brevard County CDBG program should be addressed to the County:

Brevard County  
Housing and Human Services Department  
2725 Judge Fran Jamieson Way  
Building B, Suite 106  
Viera, Florida 32940  
(321) 633-2076  
(321) 633-2170 (fax)

Contacts for each of the Consortium members are referenced in Table 2.

**Table 2: Consortium Member Contact Information**

|   |   |
|---|---|
| City of Titusville<br>Neighborhood Services Department<br>725 South DeLeon Avenue<br>Titusville, FL 32780<br>(321) 567-3783<br>(321) 383-5614 (fax)   | City of Cocoa<br>Housing and Neighborhood Services<br>Division<br>65 Stone Street<br>Cocoa, FL 32922<br>(321) 433-8511<br>(321) 433-8543 (fax)            |
| City of Melbourne<br>Housing and Improvement Division<br>695 E. University Boulevard<br>Melbourne, FL 32901<br>(321) 674-5734<br>(321) 674-5738 (fax) | City of Palm Bay<br>Housing & Neighborhood Development<br>Services<br>120 Malabar Road SE<br>Palm Bay, FL 32907<br>(321) 952-3429<br>(321) 733-3087 (fax) |

**C) Public Notice**

Adequate notice of all public hearings and public meetings will be provided to residents through posting on the County’s webpage and direct notification to stakeholders. Adequate notice is defined as 14 calendar days. Public notices shall indicate the date, time, location, purpose of the meeting, and information about the issues to be discussed.

The notice will detail locations where the entire draft plan(s) will be made available for review. Locations for public documents are included in Table 3.

**Table 3: Public Document Review Locations**

| Location                 | Facility   |
|--------------------------|--|
| <b>City of Cocoa</b>     | Catherine Schweinsberg Rood Central Library              |
|                          | City of Cocoa Community Services Department              |
| <b>City of Melbourne</b> | City of Melbourne Housing and Urban Improvement Division |



| Location                              | Facility   |
|---------------------------------------|--|
| <b>City of Palm Bay</b>               | Franklin T. DeGrootd Public Library  |
|                                       | City of Palm Bay Housing and Neighborhood Development Services Division  |
| <b>City of Titusville</b>             | Titusville Public Library  |
|                                       | City of Titusville Neighborhood Services Department  |
| <b>Brevard County (City of Viera)</b> | Brevard County Housing and Human Services Department website:<br><a href="https://www.brevardfl.gov/HousingAndHumanServices/Home">https://www.brevardfl.gov/HousingAndHumanServices/Home</a> |

The County will consider any comments or views of residents of the community received in writing, or orally at the public hearings.

#### *D) Non-English Speakers*

In 2021, the Brevard County Board of County Commissioners issued Plan/Administrative Order Number AO-12, Title VI/Nondiscrimination Plan to take steps to ensure that LEP persons who are eligible for County programs or services have meaningful access to programs, services, and benefits that the County provides. The most important step in meeting this obligation is for recipients of federal financial assistance such as grants, contracts, and subcontracts to provide the language assistance necessary to ensure such access at no cost to the LEP person.

Title VI of the Civil Rights Act of 1964, Executive Order 13166, and various directives from federal agencies require federal aid recipients to take reasonable steps to ensure meaningful access to programs, services, and activities by those who do not speak English proficiently. To determine the extent to which LEP services are required and in which languages, the law requires the analysis of four factors:

- The number or proportion of LEP persons eligible to be served or likely to be encountered by the County's programs, services, or activities.
- The frequency with which LEP individuals come in contact with these programs, services, or activities.
- The nature and importance of the program, service, or activity to people's lives.
- The resources available to the County and the costs of the LEP services.

Using census data, the County has determined that LEP individuals speaking English less than well represent approximately 3 percent of the community. The County realizes that such statistical data can be outdated or inaccurate. Therefore, the County contacted County departments, local law enforcement, social service agencies, and schools to determine the proportion of LEP persons served by those entities. Spanish speakers were the most prevalent LEP public service recipients. Given this information, the County

reasons that relatively few of its service population are LEP speakers of Spanish.

1. The County believes that housing assistance, emergency management, emergency medical services, and solid waste collection are of critical importance to the citizens of Brevard County. In that spirit, the County has various documents for each department translated into Spanish. Additionally, the County will post this policy and plan in Spanish and English on the County website so every member of the public is aware of its nondiscrimination and public involvement policies.
2. The County occasionally receives requests for translation or interpretation of its programs, services, or activities in Spanish.
3. The County is fortunate to have several employees who speak Spanish. This allows translation to be conducted between Spanish-speaking members of the County and the employees of the County. Additionally, the County shall maintain a contract with a qualified vendor who can provide on-call translation services for Spanish and most other languages spoken by anyone who may be in the United States.

The analysis of these findings suggests that the following LEP services are needed:

- Continue to provide the documents that are currently provided in Spanish, adding and discontinuing documents based on demand.
- Maintain a list of employees who speak Spanish and other languages and who are willing to provide translation or interpretation services. Distribute the list to staff that regularly have contact with the public.
- Provide notification in Spanish of the availability of LEP assistance in public meeting notices and on public involvement event signs.
- Attain an agreement with a qualified vendor who can provide oral LEP services, as needed.

The County understands that its community demographics are ever-changing and the four factors of analysis may reveal the need for more LEP services in the future. As such, it will biennially examine its LEP plan to ensure that it continues to meet the community's needs.

Persons requiring special language services should contact the County's Title VI/Nondiscrimination Coordinator:

Juanita D. Jackson  
Title VI/Nondiscrimination Coordinator  
Address: 2725 Judge Fran Jamieson Way Bldg. B. Viera, Florida 32940.  
Email: [TitleVI.NondiscriminationCoordinator@brevardfl.gov](mailto:TitleVI.NondiscriminationCoordinator@brevardfl.gov)  
Phone: (321) 633-2034  
Fax: (321) 633-2036  
Hearing Impaired: Florida Relay 7-1-1

### *E) Persons with Disabilities*

The following procedures establish a mechanism for individuals with disabilities to request reasonable accommodations to enable them to participate in Brevard County-sponsored programs, events, or services.

The County Manager, on behalf of the Brevard County Board of County Commissioners, will ensure the Americans with Disabilities Act (ADA) requirements are met in providing accessible, usable services and facilities for all persons with disabilities.

The following are the procedures for a reasonable accommodation request based on the ADA.

#### 1. Assistance for Persons Who Are Hearing Impaired

- A permanent system is available in the Commission Room and the Florida Room, Building C at the Viera Government Center, for use by persons who are hearing impaired.
- Two portable Assistive Listening Systems are available for use in public meeting rooms that do not have permanent systems.
- Members of the public who wish to use the Assistive Listening Systems must notify the Brevard County Housing and Human Services Department at (321) 633-2076 at least 48 hours prior to the meeting or event.
- Qualified Sign Language Interpreters are available upon request. Citizens must contact the Brevard County Housing and Human Services Department sponsoring the meeting or event at least 48 hours prior to the meeting or event to request a Qualified Sign Language Interpreter.
- The ADA Coordinator will be responsible for securing an interpreter.
  - i. The County staff member that is requesting the interpreter is to contact the ADA Coordinator at least 48 hours in advance of the meeting or event. It will be the responsibility of the Brevard County Housing and Human Services Department to pay for interpreter services in compliance with the Florida Prompt Payment Act (Florida Statutes 218.70–79).
  - ii. The following information is required to secure an interpreter:
    - Date and time of the meeting/event.
    - Location of the meeting/event.
    - Length of the meeting/event.
    - Name(s) of the person(s) requesting the interpreter.
    - Subject of the meeting/event.

#### 2. Assistance for the Visually Impaired

County documents must be accessible per Administrative Order 49. When a request is

made by a citizen to provide documents in an alternate accessible format (large print, braille, or auto tape) the County will be prepared to provide the requested information to the citizen within 48 hours of the request. If assistance is needed by the County, the department will notify the County ADA Coordinator immediately at (321) 633-2076.

### 3. Other Types of Disabilities Not Covered by this Administrative Order

- a. Requests for other types of accommodation need to be directed to the Brevard County Housing and Human Services Department no later than 48 hours prior to the event.
- b. When a request has been made, the County will review the request to either accept or deny the request. If the County denies the request, they shall contact the County ADA Coordinator for a review of the denial.
- c. If the request for accommodation is denied, an interactive meeting is to be set up between the County, County ADA Coordinator, County Attorney's office, and the person requesting the accommodation to discuss alternate accommodations.

### 4. Complaints Received at Program/Service

In the event an individual with a disability attempts to participate in a program or service that they feel does not meet their accessibility needs as set forth by the ADA as amended, the ADA Coordinator should be contacted immediately by the person filing the complaint. If the ADA Coordinator is not available at the time of the complaint, then a representative of the hosting department/office shall gather the following information from the complainant and immediately forward the information to the ADA Coordinator for a prompt follow-up:

- a. Contact information of the complainant.
- b. Specific complaint.
- c. Hosting department/office of the program/service.
- d. Time and location of the complaint.
- e. What the department/office attempted to do to resolve the issue, if anything.

If requested, citizens with disabilities that may be unable to review documents at publicized locations who are transportation disadvantaged should contact the County for specific assistance to obtain documents for review and assistance in submitting comments. In addition, the County will mail copies of public meeting notices to persons that request such accommodation no less than 48 hours prior to the public meeting.

## V. Plans and Reports

The following describes the County's key planning and reporting documents for the CDBG

and HOME programs.

## 1. Consolidated Plan

The Con Plan guides the use of federal CDBG and HOME funds for a five-year period. It describes the estimated amount of assistance, priorities, and range of activities that will benefit low- and moderate-income people.

### Plan Development

The County will follow the process and procedures described below in the development of the Con Plan.

#### *a. Stakeholder Consultation and Citizen Outreach*

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

- Public housing authorities serving the Consortium, including the Housing Authority of Brevard County, Melbourne Housing Authority, Cocoa Housing Authority, and the Housing Authority of the City of Titusville.
- 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 regional organizations that represent protected class members and organizations that enforce fair housing laws.
- Regional government agencies that are involved in metropolitan-wide planning and transportation responsibilities.
- Broadband internet service providers and organizations engaged in narrowing the digital divide.
- Agencies whose primary responsibilities include the management of flood-prone areas, public land, or water resources.
- Emergency management agencies.

When preparing the portion of the Con Plan concerning lead-based paint hazards, the County shall consult with local or state health and child welfare agencies and examine existing data related to lead-based paint hazards and poisonings, including health department data on the addresses of housing units in which children have been identified as lead-poisoned.

When preparing the description of priority non-housing community development needs, the County will notify adjacent units of local government, to the extent practicable. This shall involve, at a minimum, the County sending a letter to the chief elected official of each adjacent unit of government notifying them of the draft Con Plan and how to access a copy online for review and comment.

The County may use a variety of engagement methods to solicit input from residents and stakeholders in the community such as virtual or in-person interviews, surveys, focus groups, or workshops.

#### *b. Public Hearings*

The County will conduct at least two public hearings on the development of the Con Plan. The first public hearing will be conducted before the draft Con Plan is published for public comment, during which time the County will address housing and community development needs, development of proposed activities, the amount of assistance the County expects to receive (including grant funds and program income), the range of activities that may be undertaken, including the estimated amount that will benefit low- and moderate-income residents, and a review of program performance.

The second public hearing will be conducted during or after the 30-day public comment period, during which the County will address identified housing and community development needs, proposed eligible activities, and proposed strategies and actions for affirmatively furthering fair housing consistent with the fair housing plan.

#### *c. Potential Displacement of Persons*

Although the County does not anticipate any residential displacement to occur in the foreseeable future, it is required to describe its plans to minimize the displacement of persons and to assist any persons displaced. When displacement is unavoidable on a temporary or permanent basis, the County will comply with the federal Uniform Relocation Act. Should displacement of residents be necessary due to the use of funds covered by this CPP, the County shall compensate residents who are actually displaced in accordance with [HUD Handbook No. 1378, Tenant Assistance, Relocation and Real Property Acquisition](#).

#### *d. Public Display and Comment Period*

The draft Con Plan will be placed on display for a period of at least 30 days to encourage public review and comment. The public notice shall include a brief summary and purpose of the Con Plan; the anticipated amounts of funding (including program income, if any); proposed activities likely to result in displacement, if any; plans for minimizing the displacement of persons as a result of CDBG and HOME activities, if any; plans to assist persons actually displaced by the project, if any; the dates of the public display and comment period; the locations where copies of the draft Con Plan can be examined; how comments will be accepted; when the document will be considered for action by the Board of County Commissioners; and the anticipated submission date to HUD. Table 2 provides the locations where individuals can review copies of the draft Con Plan.

In addition, the County will make available a reasonable number of free copies of the draft document to residents and groups that request them.

#### *e. Comments Received on the Draft Consolidated Plan*

Written comments will be accepted by the Contact Person, or a designee, during the 30-day public display and comment period. The County will consider any comments or views of County residents received in writing, or orally at the public hearings, in preparing the final Con Plan. A summary of these comments or views, and a summary of any comments or views not accepted and the reasons why, will be attached to the final Con Plan for submission to HUD.

#### *f. Board of County Commissioners Action*

Following the public hearing, the Con Plan will be presented to the Brevard County Board of County Commissioners for consideration and formal action.

#### *g. Submission to HUD*

The Con Plan will be submitted to HUD no fewer than 45 days before the start of the County's five-year Con Plan cycle.

## **2. Annual Action Plan**

The AAP is a component of the Con Plan, and it describes the County's proposed use of available federal and other resources to address the priority needs and specific objectives in the Con Plan for each program year, the County's method for distributing funds to local non-profit organizations, and the geographic areas of the County to which it will direct assistance. The program year begins October 1 and ends September 30.

### **Plan Development**

The County will follow the process and procedures described below in the development of its AAP.

#### *a. Public Hearings*

The County will conduct at least two public hearings during the development of the AAP. The first public hearing will be conducted before the AAP draft is published for public comment. During the first public hearing, the County will address housing and community development needs, development of proposed activities, the amount of assistance the County expects to receive (including grant funds and program income), the range of activities that may be undertaken, including the estimated amount that will benefit low- and moderate-income residents, and a review of program performance.

The County will conduct the second public hearing during or after the 30-day public comment period during which the County will address identified housing and community development needs, proposed eligible activities, and proposed strategies and actions for affirmatively furthering fair housing consistent with the fair housing plan.

#### *b. Public Display and Comment Period*

The draft AAP will be placed on display for a period of at least 30 days to encourage public review and comment. The public notice shall include a brief summary of the AAP, the anticipated amounts of funding (including program income, if any), the dates of the public display and comment period, the locations where copies of the draft AAP can be examined, how comments will be accepted, when the document will be considered for action by the Board of County Commissioners, and the anticipated submission date to HUD. Table 2 provides the locations where individuals can review copies of the draft Con Plan.

In addition, the County will make available a reasonable number of free copies to residents and groups that request them.

#### *c. Comments Received on the Draft Annual Action Plan*

Written comments will be accepted by the Contact Person, or a designee, during the 30-day public display and comment period. The County will consider any comments or views of County residents received in writing, or orally at the public hearings, in preparing the final AAP. A summary of these comments or views, and a summary of any comments or views not accepted and the reasons why, will be attached to the final AAP for submission to HUD.

#### *d. Brevard County Board of County Commissioners*

Following the public hearing, the AAP will be presented to the Board of County Commissioners for consideration and formal action.

#### *e. Submission to HUD*

The AAP will be submitted to HUD no fewer than 45 days before the start of the County's annual program year.

### **3. Amendments to the Consolidated Plan and Annual Action Plan**

For the CPP, amendments to the Con Plan and AAP are divided into two categories: substantial amendments and minor amendments.

#### *a. Substantial Amendments*

A substantial amendment to the Con Plan or an AAP may be required to allow for new activities, modification of existing activities, or other program changes.

The criteria for what constitutes a substantial change that requires an amendment are as follows:

- Adding a new activity not previously described in the Con Plan or AAP.
- Deleting an activity previously described in the Con Plan or AAP.
- Changing the purpose, scope, location, or beneficiaries of an activity previously described in the Con Plan or AAP.



- Changing allocation priorities or changing the method of the distribution of funds.
- A 50 percent change in the project funded amount, if the project is funded at \$24,999 or less.
- A 25 percent change in the project funded amount if the project is funded at \$25,000 and above.

Substantial amendments are subject to the citizen participation process and require formal action by the Brevard Board of County Commissioners and submission to HUD by the end of the program year. The County announces substantial amendments to the public by publishing a public notice in one or more newspapers of general circulation for a period of 30 days to provide the opportunity for the public to review and comment on the proposed substantial amendments.

The notice will be available in English and may also be available in Spanish and other languages, as feasible. The County will consider all written or oral comments or views received during the public comment period from the public concerning proposed substantial amendments in accordance with 24 CFR 91.105(c)(3). A summary of these comments and views, including comments or views not accepted and the reason why, shall be attached to the substantial amendment.

#### *b. Minor Amendments*

Minor amendments (also known as “administrative transfers”) represent any action that changes an activity budget in an AAP by less than 25 percent or 50 percent if the project is less than \$25,000. These require the signature of the County’s Housing and Human Services Department Director or designated representative but do not require public notice or County Commissioner approval.

## **4. Consolidated Annual Performance and Evaluation Report**

The County is required by HUD regulations to report annually on its performance in implementing the activities of the Con Plan. This takes place via the CAPER. The CAPER must be submitted to HUD no later than 90 days from the end of a program year (December 31).

To allow the public to comment on the performance report, the County will publish a notice in one or more newspapers of general circulation stating that its draft CAPER is available for review. The notice will be available in English and may also be available in Spanish and other languages, as feasible. The notice will detail locations where the entire draft CAPER will be made available for review.

### **Report Development**

The County shall adhere to the following procedure in the drafting and adoption of its CAPER.

#### *a. Report Considerations*

The County will evaluate and report the accomplishments and expenditures of the previous program year for CDBG and HOME and draft the CAPER in accordance with HUD requirements.

#### *b. Public Display and Comment Period*

The draft CAPER will be placed on display for a period of at least 15 days to encourage public review and comment. Public notice of the display and comment period will be published no fewer than two weeks before the period begins with accommodation for persons with disabilities and non-English Spanish speakers in accordance with this CPP. The public notice shall include a brief summary and purpose of the CAPER, a summary of program expenditures, a summary of program performance, the dates of the public display and comment period, the locations where copies of the draft CAPER can be examined, how comments will be accepted, and the anticipated submission date to HUD. Copies of the draft CAPER will be made available for review at the locations noted in Table 2.

#### *c. Comments Received on the Draft CAPER*

Written comments will be accepted by the Contact Person, or a designee, during the 15-day public display and comment period. The County will consider any comments or views of County residents received in writing in preparing the final CAPER. A summary of these comments or views, and a summary of any comments or views not accepted and the reasons why, will be attached to the final CAPER for submission to HUD.

#### *d. Submission to HUD*

The CAPER will be submitted to HUD within 90 days following the end of the County's annual program year.

### **Plan Access**

See Table 2 for locations of copies of the draft CAPER for review.

## **5. Fair Housing Plan**

In coordination with the Con Plan process, the County prepares a fair housing plan and reports annual progress toward the identified fair housing goals and actions in the CAPER.

### **Regulatory Requirements**

In February 2023, HUD published a Notice of Proposed Rulemaking called [“Affirmatively Furthering Fair Housing”](#) in the Federal Register that outlines proposed fair housing planning requirements for communities to comply with Title VIII of the Civil Rights Act of 1968 (commonly known as the Fair Housing Act) to affirmatively further fair housing. During the proposed rulemaking period, the [Affirmatively Furthering Fair Housing Interim Final Rule](#) remains in effect.

## County Process

The County continues to commit to and certify compliance with federal affirmatively furthering fair housing requirements by developing a fair housing plan for the Consortium. The fair housing plan is an analysis of the local fair housing landscape that describes the public and private policies and practices that may limit fair housing choice and access to opportunities in the jurisdiction. The plan identifies fair housing issues and outlines goals for each jurisdiction included in the County and then describes the actions each jurisdiction can take to address the identified fair housing issues. The County prepares the fair housing plan in a cycle similar to the Con Plan process and reports annual progress and work toward the fair housing goals in the CAPER.

## Plan Development

Fair housing plans typically contain the following sections:

- A summary of the citizen and stakeholder engagement conducted by the County to gather input from the community on the fair housing issues impacting each jurisdiction included in the plan.
- An analysis of the demographic composition of persons residing in each jurisdiction included in the plan.
- An assessment of the fair housing issues that restrict fair housing choice or access to opportunities.
- An assessment of the contributing factors that create, contribute to, perpetuate, or exacerbate one or more of the identified fair housing issues.
- An identification of the Consortium's fair housing goals and actions to address the identified fair housing issues in each jurisdiction.

In the development of the fair housing plan, the County may use a variety of engagement methods to solicit input from residents and stakeholders in the community such as virtual or in-person interviews, surveys, focus groups, or workshops. Engagement with stakeholders includes but is not limited to the following types of organizations serving the community:

- Public housing authorities serving the jurisdictions included in the plan.
- Providers of assisted housing.
- 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 regional organizations that represent members of protected classes as well as organizations that enforce fair housing laws.
- Public agencies involved in local planning, zoning, and transportation responsibilities.

## Revisions to the Fair Housing Plan

In the event that a fair housing plan that has been reviewed by HUD must be revised, the Consortium will update and resubmit the plan to HUD for review when one or more of the following occurs:

- Circumstances such as a natural disaster, significant demographic change, new contributing factors impacting fair housing choice, and/or civil rights findings prompt the Consortium to update the analysis, contributing factors, goals, and/or actions included in the fair housing plan.
- The Consortium receives a written notification from HUD specifying a material change in the fair housing plan.

### *a. Public Hearing*

The Consortium will hold at least one public hearing to obtain the views of residents on the fair housing plan-related data and affirmatively furthering fair housing in the County's housing and community development programs. The Consortium will hold this public hearing before the draft fair housing plan is published for comment.

### *b. Draft Fair Housing Plan*

Before the Consortium submits the fair housing plan to HUD for review, the County will make a draft version of the fair housing plan available to citizens, public agencies, and other interested parties for review and will establish the means to submit comments or questions on the plan. The County will publish the draft version of the fair housing plan for a period of at least 30 days to provide residents with sufficient opportunity to review and comment on the document. A summary describing the contents and purpose of the fair housing plan will be published in one or more newspapers of general circulation.

## 6. Citizen Participation Plan

The CPP (this subject document) is required by HUD regulations and outlines the means and methods that the County uses to encourage public input into the planning and review process for the County's CDBG program and the Brevard HOME Consortium's HOME program.

Pursuant to 24 CFR Part 91.105, the Consortium has developed and adopted the CPP and is committed to its implementation. The procedures outlined herein are designed to encourage all residents to participate in process and program development.

When changes to the CPP are necessary, the County will publish a notice in one or more newspapers of general circulation that the amended CPP is available to review so that the public will have sufficient opportunity to review and comment on the updates. There will be a 30-day public comment period prior to the adoption of the amended CPP.

Upon request, the CPP can be made available in a format accessible to persons with disabilities.

## 7. Section 108 Loan Application

The Section 108 Loan Program can fund economic development, housing, public facilities, infrastructure, and other physical development projects, including improvements to increase resilience against natural disasters. Applications for assistance filed by the County under this program must go through a public process.

### Development of Section 108 Loan Guarantee Application

Applications for assistance filed by the County for Section 108 Loan Guarantee assistance authorized under HUD regulation 24 CFR Part 570, Subpart M are subject to all provisions set forth within this Plan. Such applications for Section 108 assistance may be included as part of the Con Plan process or may be undertaken separately anytime during the County's program year.

Before the County submits an application for Section 108 loan guarantee assistance, the County will make available to citizens, public agencies, and other interested parties information that includes the amount of assistance the County expects to be made available (including program income), the range of activities that may be undertaken, the estimated amount that will benefit low- and moderate-income persons, and any activities likely to result in displacement.

### Public Display and Comment Period

The County will publish its proposed Section 108 loan application for review and comment. The public notice shall include a summary describing the contents and purpose of the application and listing the locations where the entire application may be examined. An application for Section 108 Loan Guarantee funding shall be made available for public review for a 30-day period prior to consideration and submission to HUD and may be done concurrently with the public review and comment process for the Con Plan.

Copies of the proposed Section 108 loan application will be made available for review at the following locations:

- Catherine Schweinsberg Rood Central Library
- Brevard County Housing and Human Services Department website:  
<https://www.brevardfl.gov/HousingAndHumanServices/Home>

### Comments Received on the Proposed Section 108 Application

Written comments will be accepted by the County Contact Person, or a designee, during the 30-day public display and comment period. The County will consider any comments or views of County residents received in writing during the public comment period in

preparing the final application. A summary of these comments or views, and a summary of any comments or views not accepted and the reasons why, will be attached to the final application for submission to HUD.

### **Submission to HUD**

The Section 108 Loan Application will be submitted to HUD.

## **VI. Access to Records**

Records relevant to the Con Plan process and program administration are available for the preceding six years. Citizens, public and private agencies, and other interested parties will be given reasonable and timely access to information and records related to the Con Plan and program activities.

## **VII. Anti-Displacement and Relocation Policy**

Applicants are encouraged to propose projects that avoid or minimize displacement. Projects that include federal funding (CDBG) intended for the acquisition, demolition, or rehabilitation of a building that has residential or commercial tenants in place must follow the federal relocation requirements of the Uniform Relocation Act, as described in 49 CFR Part 24, and the Real Property Acquisitions Regulations for Federal and Federally Assisted Programs, as well as the Barney Frank Amendment, Section 104(d), if applicable.

The County's Con Plan activities are designed to eliminate or minimize the displacement of residents. Program guidelines and limitations are structured so that permanent displacement is unlikely. Should displacement occur, displaced persons may be offered one or more of the following depending on the project's funding source:

- A rent subsidy for another unit.
- A cash payment to be used for rent or a down payment on the purchase of a dwelling unit.
- Moving and related expenses.

## **VIII. Technical Assistance**

The County will provide technical assistance to groups representing low- and moderate-income persons who request assistance in commenting on the fair housing plan or in understanding the requirements for developing proposals and preparing applications under the Con Plan and the AAP.

The Consortium may use one of several basic models to solicit sub-recipients for funding under CDBG (Brevard County), HOME, and additional qualifying programs within the framework of the Con Plan and Action Plan.

## A. Basic Models

Depending on the situation and circumstance of the project or the needs of the community, the Advisory Board and staff may choose any one of the following models or variations of the approaches to assist in the solicitation process of sub-recipients. The basic models are as follows:

- 1. Formal Application Process, Request for Proposal:** This requires the submission of a formal application, typically undertaken once a year in conjunction with the planning process. Applications are evaluated based on explicit selection criteria. This process works best for projects with numerous or complex activities, potential applicants with varying degrees of experience, limited funding, and increased competition.
- 2. Limited Application/Pre-Application Process:** This approach will be like the formal application process, but the application will not be as detailed. This approach will allow the County and the Advisory Board to review and narrow the number of applications before requesting additional detailed information or making final recommendations. This process will be useful in encouraging the participation of potential sub-recipients unfamiliar with the request for proposal process or matching funds for a larger project.
- 3. Request for Qualifications:** The Advisory Board and County will identify potential qualified sub-recipients through an informal process or a general request for qualifications. From the identified group, the County and the Advisory Board will identify organizations qualified to carry out specific activities and will approach the organization. This process will be proactive and focused on qualified organizations that have the capacity to present new and innovative approaches to Board-approved objectives.
- 4. "Open Door" or Unsolicited Application Process:** This allows application requests to be accepted and considered at any time during the program year until funds are no longer available. The unsolicited application shall meet the same requirements of the solicitation process already in place for the identified funding source. The application shall be evaluated based on the criteria used during the formal application process, with selections to be recommended by the Advisory Board. For HOME Community Housing Development Organization funding, the "open door" or unsolicited application process may be used. The County will accept applications from County-designated Community Housing Development Organizations throughout the program year for as long as funding is available, and the County will notify all County-designated Community Housing Development Organizations when program year funding has been depleted. The County will review unsolicited applications for feasibility and send them to the appropriate Advisory Board for funding recommendation. The Advisory Board will present approved applications to

the Board of County Commissioners at a scheduled Brevard County Commission meeting.

## **B. Selection of Sub-Recipients and Contractors**

Funding recommendations through the Brevard Home Consortium will be established by a specific list of criteria.

## **IX. Complaint Review Process**

The County will provide a written response to every complaint submitted in writing within 15 working days, if feasible. A complaint pertaining to the CDBG program, Con Plan, AAP, any plan amendments, and/or the performance report may be submitted for response to the department staff. Staff will review the complaint and respond within 15 working days of receipt. A written appeal of a response may be requested of the director who will review the appeal and provide a written response within 21 days. The contact information is shown below.

Brevard County  
Housing and Human Services Department  
2725 Judge Fran Jamieson Way  
Building B, Suite 106  
Viera, Florida 32940  
(321) 633-2076  
(321) 633-2170 (fax)

Citizens may, at any time during the complaint resolution process, contact HUD at the Jacksonville Field Office using the following address:

U.S. Department of Housing and Urban Development  
Charles Bennett Federal Building  
Office of Community Planning and Development  
400 West Bay Street; Suite 1015  
Jacksonville, Florida 32202-4410



## X. State of Emergency Amendment

During declared states of emergency, national pandemics, disaster events, and public health issues such as the coronavirus, it may be necessary to expedite substantial amendments to the CPP.

These expedited substantial amendments may include funding new activities and/or reprogramming funds to meet community needs resulting from the state of emergency or disaster event. As a result, the County may utilize CDBG and HOME or other HUD resources to meet these needs with a five-day public comment period instead of a 30-day public comment period, which is otherwise required for substantial amendments. It is anticipated that HUD would provide guidance in the event of a declared state of emergency.

Additionally, during a state of emergency or disaster event, in-person public hearings will not be required and virtual hearings will be acceptable. Please be advised that if virtual hearings are used, real-time responses and accommodations for persons with disabilities and/or LEP persons will be made available to the greatest extent possible. During states of emergency or disaster events, advertisements and public notices may be made available solely on the County website.

### Virtual Public Hearings

Virtual public hearings are allowed under the following circumstances:

- National/local health authorities recommend social distancing and limiting public gatherings for public health reasons.
- Virtual hearings provide reasonable notification and access for citizens in accordance with the grantee's certifications, timely responses from local officials to all citizen questions and issues, and public access to all questions and responses.

## XI. Acronyms

| Acronym         | Definition  |
|-----------------|---|
| <b>AAP</b>      | Annual Action Plan                                      |
| <b>ADA</b>      | Americans with Disabilities Act                         |
| <b>CAPER</b>    | Consolidated Annual Performance and Evaluation Report   |
| <b>CDBG</b>     | Community Development Block Grant                       |
| <b>Con Plan</b> | Consolidated Plan for Housing and Community Development |
| <b>CPP</b>      | Citizen Participation Plan                              |
| <b>HOME</b>     | HOME Investment Partnerships Program                    |
| <b>HUD</b>      | U.S. Department of Housing and Urban Development        |
| <b>LEP</b>      | Limited English Proficiency                             |