

State of Missouri Citizen Participation Plan for State CDBG,  
CDBG-DR, and CDBG-MIT Programs



Missouri Department of  
**Economic Development**

## Policy Changes or Updates Table

Action	Affected Section	Date
Version 1 - Approval	Entire document	02/04/2020
Version 2 – Addition	Recovery Housing Plan	08/30/2021

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# State of Missouri Citizen Participation Plan for State CDBG, CDBG-DR, And CDBG-MIT

## 1. Purpose

The State of Missouri has adopted a Citizen Participation Plan (CPP) that sets forth the State's procedures for citizen participation in the development and implementation of HUD funded activities and programs. Substantial amendments to the Consolidated Plan and Action Plans for State CDBG, Action Plans for CDBG-DR and CDBG-MIT, and the Assessment of Fair Housing (AFH) will also require public notice and engagement.

The state of Missouri constructs a thorough citizen participation plan that encourages citizens to participate in the development of:

- The five-year Consolidated Plan (State HUD Programs)
- Annual action plans (State HUD Programs)
- Assessment of Fair Housing (AFH)
- Mitigation Action Plan (CDBG-MIT)
- Disaster Recovery Action Plan (CDBG-DR)
- Recovery Housing Plan (RHP)

The citizen participation plan was developed in accordance with the requirements listed in 24 CFR Part 91.115 (Citizen Participation Plan for States) and HUD requirements contained in the relative Federal Register Notices allocating funds for disaster recovery and mitigation. These requirements are designed specially to encourage participation by low- and moderate-income persons, particularly those living in blighted areas and/or disaster impacted communities, and those living in areas where CDBG, CDBG-DR, and CDBG-MIT funds are proposed to be used. The plan provides citizens (including minorities, the disabled, and non-English speaking persons), units of local government, Tribes, Continuums of Care, organizations (including businesses, developers, nonprofit organizations, philanthropic organizations, and community-based and faith-based organizations) and other interested parties a reasonable opportunity to comment on the plan and encourages them to do so.

## 2. Outreach

The Missouri Department of Economic Development (MO-DED), as Lead Agency for the State of Missouri HUD grants, will ensure all HUD requirements for citizen

engagement are met. Prior to the release and following the publication of any plan (Draft Consolidated Plan, Action Plans, or AFH), the State will use several techniques that encourage the development of a shared vision of change for the community and the review of program performance. The techniques are clarified throughout the length of the Citizen Participation Plan. In summary they include:

- i. Informational Meetings and Public Hearings
- ii. Webinars
- iii. Postings on the Department of Economic Development (DED) and Missouri Housing Development Commission (MHDC) websites
- iv. DED and MHDC community emails
- v. Notices provided to local governments and other local partners via the states' regional planning commissions and councils of government, the Missouri Municipal League, and the Missouri Association of Counties

The Disaster Recovery and Mitigation Action Plans will also be supported by:

- i. Postings and notices on the CDBG-DR web page and the Mitigation web page (subsite of the CDBG-DR web page) housed on the DED website.
- ii. Formation of one or more Citizen Advisory Committees
- iii. Formal invitation to key stakeholders, including any separate agency of the jurisdiction that is responsible for the development of FEMA Hazard Mitigation Plan, including the State Hazard Mitigation Officer.

The Recovery Housing Plan will also be supported by:

- i. Meetings with Missouri Coalition of Recovery Support Providers Administration
- ii. Meetings with current recovery support service providers
- iii. Meetings with other substance use treatment professionals
- iv. Meetings with Missouri Institute of Mental Health

The State of Missouri will provide citizens and units of general local government a reasonable opportunity to comment on the CPP and any subsequent substantial CPP amendments and will make the CPP available to the public.

### **3. Citizen Participation Plan and Accessibility for CDBG, CDBG-DR, and CDBG-MIT**

To ensure minorities and persons with disabilities have prior notice and access to the public hearings, MO-DED will take the following actions:

- Announce public hearings to organization that represent minorities and person with disabilities at least 10 days prior to the public hearing date(s).
- Include a statement in notices of public hearings indicating that participants in the hearings may request language interpretation to assist in their participation.
- Include a statement in notices of public hearings that location of the meetings are accessible to person with physical disabilities.
- Include a statement in notices of that participants can request reasonable accommodations from the State to participate in public meetings.
- Notify organizations that represent minorities that every reasonable effort will be made to translate documents including having documents on the State's website translatable using "Google Translate".

Residents who require special accommodations to attend the hearing, should contact the state by emailing Brandon Jenson, [Brandon.Jenson@ded.mo.gov](mailto:Brandon.Jenson@ded.mo.gov) and/or calling 573-508-9767 to make advance arrangements. For hearings that are held in areas that meet the minimum threshold for LEP accommodations, translations will be provided.

MO-DED provides guidance to its Units of Local Government (UGLG) on developing a local language access plan (LAP). This guidance is provided with this document as Attachment A. Provisions for interpretation shall be made for limited English proficiency (LEP) residents to encourage and ensure meaningful access to participation for public hearings, communication materials, websites, public comments, etc.

#### **4. Regular State CDBG Consolidated Plan and Annual Action Plan - Public Notice and Comment Period**

Every 5 years the State of Missouri completes a Consolidated Plan for its HUD funded programs and an Annual Action Plan each subsequent year. Before the State adopts the Consolidated Plan, residents, public agencies and other interested parties are given access to information about the programs involved in the plan, including:

1. The amount of assistance the State expects to receive,
2. The range of activities that may be undertaken, including the estimated amount that will benefit persons of low-to-moderate income,
3. The plans to minimize displacement of persons and to assist any persons displaced.

Prior to the start of the Consolidated Plan or annual Action Plan process, the State will hold an informational meeting each year approximately 45 days prior to the release of the draft Plans which will inform the public and interested parties of the upcoming Consolidated Plan/Action Plan process.

The State will provide notice of this meeting via the following methods:

- Notice posted on Department of Economic Development and Missouri Housing Development Commission websites
- Notice provided to local governments and other local partners via the states' regional planning commissions and councils of government, the Missouri Municipal League, and the Missouri Association of Counties
- Department of Economic Development community group emails (approximately 4,000 communities and community organizations statewide)
- Missouri Housing Development Commission community group emails
- State's public housing agencies
- Missouri Commission on Human Rights
- State's community action agencies

### ***Publishing the plan with reasonable opportunity for public review***

The State will make every effort to publish the proposed Consolidated Plan in a manner that affords residents, units of general local governments, public agencies, and other interested parties a reasonable opportunity to examine its contents and to submit comments.

### ***Website***

To notify the public of the plans' availability, MO-DED will post the CDBG Consolidated Plan and Action Plans on the State CDBG web page: [www.ded.mo.gov](http://www.ded.mo.gov)

Additionally, public notification is provided via newsletter, press release, direct email and via partnering associations such as the Missouri Municipal League and Missouri Association of Counties. The plan is also sent to other partner state agencies and via email to identify the locations where the plans will be available as well as a schedule of upcoming public hearings. The announcement will also explain that interested parties are given a reasonable opportunity to examine the contents of the plans and submit comments. The State will provide a free copy of the plans to interested parties upon request and will make the plan available during the hearings. A press release will be issued statewide, notifying the public of the Action Plan or Consolidated Plan process, the opportunity to review the plan, and the schedule of public hearings.

### **Public Hearings**

The State will conduct at least one “in-person” public meeting in Jefferson City during the 30-day comment period and will conduct another public meeting via webinar. Instructions for joining webinar will be provide in the public hearing notices.

All public hearings will be held at a time and accessible location convenient to potential and actual beneficiaries, and with accommodations for persons with disabilities or limited English proficiency (LEP). Both in-person and webinar hosted hearings will be promoted through a statewide press release, posting on the CDBG website and notices placed in newspapers in geographic proximity to the location of the hearing.

### **Time period for comments**

The State provides approximately 30-days to receive comments from residents and units of local government on the plans (Consolidated Plan; Action Plan; AFH). During that time period, the State schedules at least four public hearings around the state to distribute copies of the plan and discuss the plan with the public. The public hearings give the state the opportunity to present the content of the plan (Consolidated Plan; Action Plan; AFH), receive, and record comments from the public.

The plan will be available on the DED website ([www.ded.mo.gov](http://www.ded.mo.gov)) and the MHDC website ([www.mhdc.com](http://www.mhdc.com)).

### **Consideration of Public Comments**

The State considers any comments or views of residents and units of general local government received in writing or orally at the public hearings, in preparing the final consolidated plan. A summary of these comments, including those not accepted and reasons therefore, will be attached to the final AFH, Action Plan or Consolidated Plan.

### **Substantial Amendment**

Substantial amendments to either the Action Plan, Consolidated Plan or the AFH will require public notice. The thresholds for a substantial amendment are as follows:

- a. Action Plan or Consolidated Plan – An amendment shall be considered substantial (requiring public notification and comment period) in the following events:
  - i. A new funding source be added to the Plan

- ii. Actual annual allocations from HUD differ more than 10% of projected amount
  - iii. For the CDBG Program only, a new funding category is created or more than 25% of the annual allocation is transferred between funding categories
- b. Assessment of Fair Housing (AFH) – an amendment shall be considered substantial (requiring public notification and comment period) in the following events:
- i. A material change in circumstances that affects the information on which the AFH is based. Examples include, but are not limited to, a Presidentially declared disaster event that are of such a nature to impact the steps required to affirmatively further fair housing, significant demographic changes, new significant contributing factors in the State's jurisdiction, and civil rights findings, determinations, settlements, or court orders,

The State will provide public notice of the substantial amendments to the plan and the subsequent hearings via the following methods:

- Notice posted on DED website ([www.ded.mo.gov](http://www.ded.mo.gov)) and the MHDC website ([www.mhdc.com](http://www.mhdc.com)).
- Notice provided to local governments and other local partners via the states' regional planning commissions and councils of government, the Missouri Municipal League, and the Missouri Association of Counties
- Department of Economic Development community group emails (approximately 4,000 communities and community organizations statewide)
- Missouri Housing Development Commission community group emails
- State's public housing agencies
- Missouri Commission on Human Rights
- State's community action agencies

The State provides approximately 30-days to receive comments from residents and units of local government on the substantial amendments of the plan (Consolidated Plan; Action Plans; AFH).

- i. Written comments may be submitted by mail at **P.O. Box 118, Jefferson City, MO 65109** and/or email at **publiccomments@ded.mo.gov** at any time during the public comment period and may be directed to any of the State participating agencies (departments of Economic

Development, Health and Senior Services, and Social Services, and the Missouri Housing Development Commission.

The State considers any comments or views of residents and units of general local government received in writing or orally at the public hearings, in preparing the substantial amendment of the plans (Consolidated Plan; Action Plans; AFH). A summary of these comments, including those not accepted and reasons therefore, will be attached to the final AFH, action plan or consolidated plan.

#### **PERFORMANCE REPORTS**

The State provides reasonable notice and an opportunity to comment on performance reports made by the programs involved with Consolidated Plan and Annual Action Plan. Data contained in the performance reports is compiled and sent out approximately two months after the end of the program year. The program year associated with the Consolidated Plan ends on March 31 of each year.

Copies of the actual performance reports are mailed to 20 public agencies around the state, and notice of the performance report availability is made via mail to the Consolidated Plan mailing list. The public is provided a 30-day comment period and may submit written comments by mail at P.O. Box 118, Jefferson City, MO 65109 and/or email at [publiccomments@ded.mo.gov](mailto:publiccomments@ded.mo.gov) at any time during the public comment period.

Comments received on the performance reports are recorded, and a summary of the comments is attached to the performance report, which is submitted to no later than June 1 for the Consolidated Plan.

#### **REQUIREMENTS FOR LOCAL GOVERNMENTS RECEIVING STATE CDBG FUNDS**

Local government recipients of CDBG funds must comply with the State Citizen Participation Plan requirements as found in 24 CFR 570. All applicants and recipients of grant/loan funds shall be required to conduct all aspects of the program in an open manner with access to records on the proposed and actual use of funds for all interested persons. All records of applications and grants must be kept at the recipient's offices and be available during normal business hours. Any activity of the Grantee regarding the CDBG project, with the exception of confidential matters relating to housing and economic development programs, shall be open to examination by all citizens.

The applicant/recipient must provide technical assistance to groups representative of persons of low and moderate income that request such

assistance in developing proposals at the level of expertise available at governing offices. All application materials and instructions shall be provided at no cost to any such group requesting them.

Residents shall be provided adequate and timely information to enable them to be meaningfully involved in important decisions at the various stages of the program, including at least:

1. The determination of needs;
2. The review of the proposed activities;
3. And the review of past program performance, in the following manner:
  - a. At least two public hearings shall be scheduled at times and locations felt to be most likely to make it possible for the majority of impacted persons to attend without undue inconvenience, addressing the three items above. At least one hearing must be held to address items (1) and (2) above prior to the submission of the application for housing and/or non-housing needs. Item 3 must be addressed in a public hearing to review performance of the recipient in a previous program and must occur prior to closeout of any loan or grant for which performance evaluation has not occurred in a previous hearing.
  - b. Notification of any and all hearings shall be given a minimum of five full days in advance to allow citizens the opportunity to schedule their attendance. Notification shall be in the form of display advertisements in the local newspaper with the greatest distribution. Additional advertisement may be conducted by posting letters, flyers and any other forms, which seem practical; however, publication is required.
  - c. All hearings must be accessible to persons with disabilities. Provisions for interpretation shall be made at all public hearings for LEP residents if such residents are expected to be in attendance.

### ***Action Plan Availability to the Public***

The State will provide the Consolidated Plan and Annual Action Plan, as adopted, substantial amendments and the performance reports to the public. These documents are made available to the public electronically at ([www.ded.mo.gov](http://www.ded.mo.gov)) and the MHDC website ([www.mhdc.com](http://www.mhdc.com)).

The CDBG-DR Action plan and substantial amendments are made available at public hearings. All documents related to the consolidated plan are available upon request and will be provided to anyone requesting them. Materials will be

provided in a form accessible to persons with disabilities or limited English proficiency (LEP) upon request. Requests may be made by email to Brandon Jenson, [Brandon.Jenson@ded.mo.gov](mailto:Brandon.Jenson@ded.mo.gov) and/or calling 573-508-9767.

### **Access to Records**

Residents, public agencies and other interested parties are given reasonable and timely access to the information and records relating to the State's CDBG-DR Action Plan and the State's use of assistance under the programs covered by the plan. Presentation materials, resources used to compile the information in the plan, comments compiled at public hearings, and all other related materials from previous 5 years are available to the public upon request. Requests may be made by email to [info@ded.mo.gov](mailto:info@ded.mo.gov) or by calling Brandon Jenson at 573-508-9767.

### **Complaints**

The chief elected official's office shall receive and relate to appropriate persons or groups any views or proposals submitted to aforesaid office. Any criticism submitted in writing at any time will be answered in writing within fifteen working days by the chief elected official's office. If the complaint is not resolved, it shall be referred to the governing body for final disposition.

### **Complaints should be sent in writing to:**

Brandon Jenson, Chief Community Engagement and Planning Officer  
P.O. Box 118  
Jefferson City, MO 65109  
[Brandon.Jenson@ded.mo.gov](mailto:Brandon.Jenson@ded.mo.gov)  
573-508-9767

**Complaints regarding fraud, waste, or abuse of government funds will be forwarded to the HUD OIG Fraud Hotline (phone: 1- 800-347-3735 or email: [hotline@hudoig.gov](mailto:hotline@hudoig.gov)).**

Complaints regarding accessibility can be reported to the State's 504 Coordinator. Plan publication efforts must meet the effective communications requirements of 24 CFR 8.6 and other fair housing and civil rights requirements, such as the effective communication requirements under the Americans with Disabilities Act.

**State 504 Accessibility Coordinator:**

Amy Werner, Compliance Specialist  
MO Department of Economic Development  
301 W. High Street, Suite 700  
P.O. Box 118  
Jefferson City, MO 65102  
573-751-2039

**Use of Citizen Participation Plan**

The State will follow the citizen participation plan in full and to the best ability possible, as described above.

**5. CDBG-DR Action Plans - Public Notice and Comment Periods**

The State of Missouri is also the recipient of HUD CDBG-DR funds allocated through Federal Register Notices in response to Federally Declared Disasters in 2017 and 2019. These notices state that Citizen Participation is to follow the requirements for the Federal Register Notice issued August 14, 2018 (83 FR 40314). The Federal Register Notice waives regular citizen participation requirements and states requirements for notifying the public regarding use of the disaster CDBG funds (CDBG-DR).

**CDBG-DR Citizen Participation Waiver (83 FR 40314, August 14, 2018)**

Citizen participation waiver and alternative requirement. To permit a more streamlined process and ensure disaster recovery grants are awarded in a timely manner, provisions of 42 U.S.C. 5304(a)(2) and (3), 42 U.S.C. 12707, 24 CFR 570.486, 24 CFR 1003.604, and 24 CFR 91.115(b) and (c), with respect to citizen participation requirements, are waived and replaced by the requirements below. The streamlined requirements do not mandate public hearings but do require the grantee to provide a reasonable opportunity (at least 30 days) for citizen comment and ongoing citizen access to information about the use of grant funds. The streamlined citizen participation requirements for a grant under this notice are:

- a. Publication of the action plan, opportunity for public comment, and substantial amendment criteria. Before the grantee adopts the action plan for this grant or any substantial amendment to the action plan, the grantee will publish the proposed plan or amendment. The manner of publication must include prominent posting on the grantee's official website and must afford citizens, affected local governments, and other

interested parties a reasonable opportunity to examine the plan or amendment's contents. The topic of disaster recovery should be navigable by citizens from the grantee's (or relevant agency's) homepage. Grantees are also encouraged to notify affected citizens through electronic mailings, press releases, statements by public officials, media advertisements, public service announcements, and/or contacts with neighborhood organizations. Plan publication efforts must meet the effective communications requirements of 24 CFR 8.6 and other fair housing and civil rights requirements, such as the effective communication requirements under the Americans with Disabilities Act.

### **CDBG-DR Action Plan**

The MO-DED will post the draft CDBG-DR Action Plan or any Substantial Amendment for at least 30 days of public comment on the CDBG-DR website: <https://ded.mo.gov/DisasterRecovery>. Notice of all hearings will be posted a minimum of 10 business days prior to public hearings.

The state makes every effort to publish the draft CDBG-DR Action Plan in a manner that affords citizens, units of general local governments, public agencies, and other interested parties a reasonable opportunity to examine its contents and to submit comments. The plan will remain available on the DED website <https://ded.mo.gov/DisasterRecovery>.

To notify the public of the plan's availability, public notification is provided via newsletter, press release, direct email and via partnering associations such as the Missouri Municipal League and Missouri Association of Counties. The plan is also sent to other partner state agencies. The public announcement explains that interested parties are given a reasonable opportunity to examine the contents of the plans and submit comments, as the state will also provide a copy of the plans to interested parties upon request.

The state will make the plan available for a minimum 30-day comment period.

The state considers any comments or views of citizens and units of general local government received in writing or orally in preparing the final CDBG-DR Action Plan. A summary of these comments, including those not accepted and reasons, therefore, will be attached to the final CDBG-DR Action Plan.

### **Website**

To notify the public of the CDBG-DR Plan's availability, MO-DED will post the CDBG-DR Action Plan and Substantial Amendments on the CDBG-DR web page: <https://ded.mo.gov/DisasterRecovery>. The CDBG-DR web page is linked to the State's main website: <https://ded.mo.gov/> and the CDBG-MIT web page:

CDBG-MIT address <https://ded.mo.gov/programs/cdbg/mitigation> . For further information regarding the website content please see Attachment B - Website Policy.

Additionally, public notification is provided via newsletter, press release, direct email and via partnering associations such as the Missouri Municipal League and Missouri Association of Counties. The plan is also sent to other partner state agencies and via email to identify the locations where the plans will be available as well as a schedule of upcoming public hearings. The announcement will also explain that interested parties are given a reasonable opportunity to examine the contents of the plans and submit comments. The State will provide a free copy of the plans to interested parties upon request and will make the plan available during the hearings. A press release will be issued statewide, notifying the public of the Action Plan or Consolidated Plan process, the opportunity to review the plan, and the schedule of public hearings.

### **Public Hearings**

Per the Federal Register's streamlined approach for CDBG-DR, public hearings are not required during the 30-day comment period. The State may determine a public hearing(s) regarding the CDBG-DR funds is warranted for the purposes of more comprehensive public involvement. If a public hearing is to be held regarding use of the CDBG-DR funds or a substantial amendment, the process below will be followed.

All public hearings will be held at a time and accessible location convenient to potential and actual beneficiaries, and with accommodations for persons with disabilities or limited English proficiency (LEP). Both in-person and webinar hosted hearings will be promoted through a statewide press release, posting on the CDBG-DR website and notices placed in newspapers in geographic proximity to the location of the hearing for at least 10 business days prior to the hearing.

### **Time period for comments**

The State provides at least 30-days for public comment from residents and units of local government on the plans CDBG-DR Action Plan.

The plan will be available on the DED CDBG-DR website (<https://ded.mo.gov/DisasterRecovery> ) and the MHDC website ([www.mhdc.com](http://www.mhdc.com)).

### **Consideration of comments**

The State considers any comments or views of residents and units of general local government received in writing or orally in preparing the final CDBG-DR

Action Plan. A summary of these comments will be attached to the final Action Plan or Substantial Amendment.

### ***Substantial Amendment***

Substantial Amendments to the CDBG-DR Action Plan will require at least 30-days of public notice. The public notice will be made in the same manner as prescribed in this document. The thresholds for a substantial amendment are as follows:

Action Plan – an amendment shall be considered substantial (requiring public notification and comment period) in the following events:

- a. a new funding source be added to the Plan
- b. the addition or deletion of an activity
- c. a change in program benefit or eligibility criteria
- d. the allocation for a new funding category or reallocation of a monetary threshold more than 25% of the allocation transferred between funding categories not to exceed HUD established maximums

### ***Requirements for Local Governments Receiving CDBG-DR Funds***

Recipients of CDBG-DR funds must comply with the State Citizen Participation Plan requirements as found in 24 CFR 570. All applicants and recipients of grant/loan funds shall be required to conduct all aspects of the program in an open manner with access to records on the proposed and actual use of funds for all interested persons. All records of applications and grants must be kept at the recipient's offices and be available during normal business hours. Any activity of the Grantee regarding the CDBG-DR project, except for confidential matters relating to housing and economic development programs, shall be open to examination by all citizens.

The applicant/recipient must provide technical assistance to groups representative of persons of low and moderate income that request such assistance in developing proposals at the level of expertise available at governing offices. All application materials and instructions shall be provided at no cost to any such group requesting them. Citizens shall be provided adequate and timely information, to enable them to be meaningfully involved in important decisions at the various stages of the program, including at least the determination of needs, the review of the proposed activities, and the review of past program performance, in the following manner:

- 1) At least one public hearing shall be held prior to the submission of an application for housing and/or non-housing needs being submitted to the State for funding through the CDBG-DR program. Hearings shall be scheduled at a

time and location felt to be most likely possible of the majority of interested citizens to attend without undue inconvenience. The development of needs and the review of the proposed activities and their possible environmental impact must be addressed at this hearing as reflected by minutes of the hearing. The hearing cannot be more than six months prior to application submittal.

The second required hearing is held to address the performance on the funded grant at a minimum of 80% completion. The review of performance (during the grant) must be addressed in public hearing prior to grant close-out. Proof of said hearing will be part of close-out documentation.

2) Notification of all hearings shall be given a minimum of five full days (actually seven days, as the day of the notice and the day of the hearing cannot be counted as one of the five full days) in advance to allow citizens the opportunity to schedule their attendance. Notification shall be in the form of display advertisements in the local newspaper with the greatest distribution, and/or by posting letters, flyers, and any other forms that are clearly documented with wide circulation.

All hearings must be accessible to handicapped persons. Provisions for interpretation shall be made at all public hearings for non-English speaking residents if such residents are expected to be in attendance. The chief elected official's office shall receive and relate to appropriate persons or groups any views or proposals submitted to aforesaid office within the decision-making time. Any criticism submitted in writing at any time should be answered in writing within fifteen working days by the chief elected official's office. If the complaint is not resolved, it shall be referred to the governing body for final disposition.

### **Availability to the Public**

The state will provide the Action Plan, as adopted, substantial amendments, and the performance reports to the public, including materials in a form accessible to persons with disabilities, upon request. These documents are made available to the public electronically at (<https://ded.mo.gov/DisasterRecovery>

### **Access to Records**

Citizens, public agencies and other interested parties are given reasonable and timely access to the information and records relating to the state's CDBG-DR Action Plan and the state's use of assistance under the programs covered by the plan. Presentation materials, resources used to compile the information in the plan, comments compiled at public hearings, and all other related materials are available to the public upon request.

## Complaints

To comply with the requirements regarding complaints, the state has designated an appropriate and practicable procedure to handle complaints from residents related to the CDBG-DR Action Plan, substantial amendments, and performance reports. Upon receiving a complaint, the state will provide a timely, substantive written response to written citizen complaints within a 15 working day time period.

### Complaints should be sent in writing to:

Brandon Jenson, Chief Community Engagement and Planning Officer  
P.O. Box 118  
Jefferson City, MO 65109  
[Brandon.Jenson@ded.mo.gov](mailto:Brandon.Jenson@ded.mo.gov)  
573-508-9767

**Complaints regarding fraud, waste, or abuse of government funds will be forwarded to the HUD OIG Fraud Hotline (phone: 1- 800-347-3735 or email: [hotline@hudoig.gov](mailto:hotline@hudoig.gov)).**

Complaints regarding accessibility can be reported to the State's 504 Coordinator. Plan publication efforts must meet the effective communications requirements of 24 CFR 8.6 and other fair housing and civil rights requirements, such as the effective communication requirements under the Americans with Disabilities Act.

### State 504 Coordinator:

Amy Werner, Compliance Specialist  
MO Department of Economic Development  
301 W. High Street, Suite 700  
P.O. Box 118  
Jefferson City, MO 65102  
573-751-2039

### *Use of Citizen Participation Plan*

The State will follow the citizen participation plan in full and to the best ability possible, as described above.

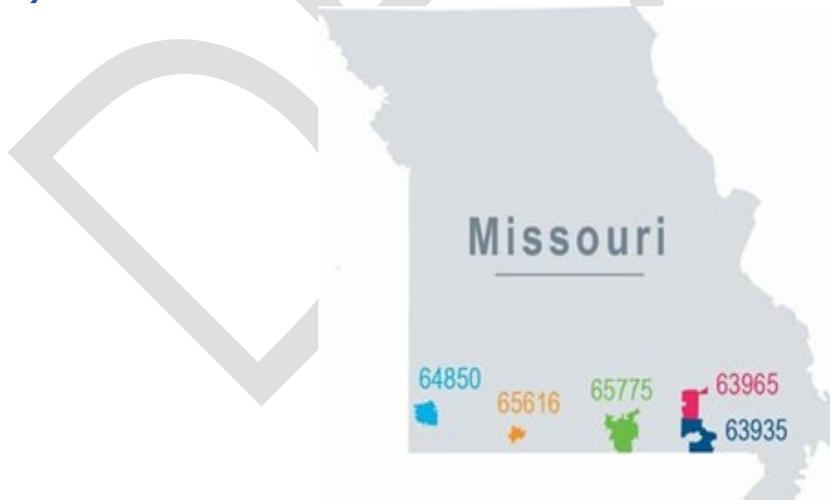
## 5. CDBG-MIT Action Plans – Public Notice and Comment Period

The State of Missouri has been allocated CDBG-MIT funds for mitigation activities to address identified risks resulting from the 2017 Federally Declared disasters (DR-4317). Activities funded with the CDBG-MIT funds must meet HUD’s definition of mitigation and 50% of funds must be expended in the HUD identified “most impacted and distressed (MID)” zip codes identified below. The CDBG-MIT Federal Register notice provided the waiver and requirements cited below regarding Citizen Participation for the CDBG-MIT funds.

### CDBG-MIT Citizen Participation Waiver (84 FR 45838)

To permit a more robust process and ensure disaster recovery and mitigation activities are developed through methods that allow all stakeholders to participate, and because citizens recovering from disasters are best suited to ensure that grantees will be advised of any missed opportunities and additional risks that need to be addressed, provisions of 42 U.S.C. 5304(a)(2) and (3), 42 U.S.C. 12707, 24 CFR 570.486, 24 § 91.105(b) and (c), and 24 CFR 91.115(b) and (c), with respect to citizen participation requirements, are waived and replaced by the requirements below. These revised requirements mandate public hearings (the number of which is based upon the amount of a grantee’s CDBG-MIT allocation) across the HUD-identified MID areas and require the grantee to provide a reasonable opportunity (at least 45 days) for citizen comment and ongoing citizen access to information about the use of grant funds.

### HUD Identified Most Impacted and Distressed Areas from 2017 Disasters (DR-4317)



HUD MID Zip Codes	63935, 63965, 64850, 65616, 65775
HUD MID Counties	Carter, Douglas*, Howell, McDonald*, Newton, Reynolds*, Ripley, Taney

\*Adjacent to county primarily containing MID but contains small section of MID Zip Code as well. To prevent exclusion in analysis, these counties are also considered MID Counties.

### Remaining Counties Adversely Affected and Eligible for CDBG-MIT under DR-4317

State MID Counties	Barry, Barton, Bollinger, Boone, Butler, Camden, Cape Girardeau, Cedar, Christian, Cole, Crawford, Dade, Dallas, Dent, Dunklin, Franklin, Gasconade, Greene, Iron, Jasper, Jefferson, Lawrence, Madison, Maries, Miller, Mississippi, Morgan, New Madrid, Oregon, Osage, Ozark, Pemiscot, Perry, Phelps, Pike, Pulaski, Ralls, Scott, Shannon, St. Louis, Ste. Genevieve, Stone, Texas, Wayne, Webster, Wright
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### CDBG-MIT Action Plan Development

The MO-DED will provide one or more opportunities for residents in the HUD identified MIDs to ask questions and provide input into the development of the CDBG-MIT draft Action Plan prior to being published on the CDBG-MIT website for public comment. The CDBG-MIT web page is located at:

<https://ded.mo.gov/programs/cdbg/mitigation>.

To notify the public of the opportunity to ask questions or provide input during the development of the draft CDBG-MIT Action Plan public notification is provided via newsletter, press release, direct email and via partnering associations such as the Missouri Municipal League, Missouri Association of Councils of Government, and Missouri Association of Counties. The plan is also sent to other partner state agencies and Tribes. The public announcement explains that the public will be provided an overview of the purpose of the CDBG-MIT funds and their intended use. Interested parties are given a reasonable opportunity to provide input through written and oral options. Notice of all hearings will be posted a minimum of 10 business days prior to public hearings.

### CDBG-MIT Action Plan

The MO-DED will post the draft CDBG-MIT Action Plan for at least 45 days of public comment on the CDBG-MIT web page:

<https://ded.mo.gov/programs/cdbg/mitigation> , which is linked to the State of

Missouri's main CDBG-DR disaster website, located:  
<https://ded.mo.gov/DisasterRecovery>.

Additionally, to notify the public of the CDBG-MIT Action Plans availability, public notification is provided via newsletter, press release, direct email and via partnering associations such as the Missouri Municipal League and Missouri Association of Counties. The plan is also sent to other partner state agencies. The public announcement explains that interested parties are given a reasonable opportunity to examine the contents of the plans and submit comments, as the state will also provide a copy of the plans to interested parties upon request.

The state will make the plan available for a minimum 45-day comment period.

All plan publication efforts and public hearings will comply with civil rights requirements, including meeting the effective communications requirements under Section 504 of the Rehabilitation Act (see, 24 CFR 8.6) and the Americans with Disabilities Act (see 28 CFR 35.160); and must provide meaningful access for persons with Limited English Proficiency (LEP) (see Attachment A for State's LEP Plan and Guidance).

The state considers any comments or views of citizens and units of general local government received in writing or orally in preparing the final CDBG-MIT Action Plan. A summary of these comments, including those not accepted and reasons, therefore, will be attached to the final CDBG-MIT Action Plan.

### **Website**

To notify the public of the CDBG-MIT Action Plan's availability, MO-DED will post the Plan on the State's CDBG-MIT web page:  
<https://ded.mo.gov/programs/cdbg/mitigation>. The CDBG-MIT web page is linked to the State's CDBG-DR website: <https://ded.mo.gov/DisasterRecovery> and the main State CDBG web page: <https://ded.mo.gov/>. For further information regarding the website content, please see Attachment B Website Policy.

Additionally, public notification is provided via newsletter, press release, direct email and via partnering associations such as the Missouri Association of Council of Governments (COGs), Missouri Municipal League and Missouri Association of Counties. The plan is also sent to other partner state agencies and via email to identify the locations where the plans will be available as well as a schedule of upcoming public hearings. The announcement will also explain that interested parties are given a reasonable opportunity to examine the contents of the plans and submit comments. The State will provide a free copy of the plans to

interested parties upon request and will make the plan available during the hearings. A press release will be issued statewide, notifying the public of the CDBG-MIT Action Plan process, the opportunity to review the plan, and the schedule of public hearings.

### **Public Hearings**

The State will conduct at least one pre-draft public meeting in the HUD MIDs prior to publishing the Draft CDBG-MIT Action Plan. After the draft CDBG-MIT Action Plan is posted, there will be a 45-day comment period and will conduct at least one public hearing in a different location in the HUD MIDs. Additional hearing, which may be in-person or via webinar may be scheduled if the State determines it is beneficial for development of the CDBG-MIT Action Plan. Instructions for joining webinar will be provide in the public hearing notices.

All public hearings will be held at a time and accessible location convenient to potential and actual beneficiaries, and with accommodations for persons with disabilities or limited English proficiency (LEP). Both in-person and webinar hosted hearings will be promoted through a statewide press release, posting on the CDBG-MIT website and notices placed in newspapers in geographic proximity to the location of the hearing.

### **Time Period for Public Comments**

The State provides approximately 45-days to receive comments from residents and units of local government on the CDBG-MIT Action Plan. During that time period, the State schedules at least one public hearing in the HUD MIDs to distribute copies of the plan and discuss the plan with the public. The public hearings give the state the opportunity to present the content of the CDBG-MIT Action Plan and receive and record comments from the public.

The plan will be available on the DED CDBG-MIT website:

<https://ded.mo.gov/programs/cdbg/mitigation> and the MHDC website [www.mhdc.com](http://www.mhdc.com).

### **Consideration of Public Comments**

The State considers any comments or views of residents and units of general local government received in writing or orally at the public hearings, in preparing the final CDBG-MIT Action Plan. A summary of these comments, including those not accepted and reasons, therefore, will be attached to the final CDBG-MIT Action Plan.

### **Substantial Amendment**

Substantial Amendments to the CDBG-MIT Action Plan will require public notice and posting on the CDBG-MIT website for 30 days public comment. The public notice will be made in the same manner as prescribed in this document. The thresholds for a substantial amendment are as follows:

Action Plan – an amendment shall be considered substantial (requiring public notification and comment period) in the following events:

- a. a new funding source be added to the Plan
- b. the addition or deletion of an activity
- c. a change in program benefit or eligibility criteria
- d. the allocation for a new funding category or reallocation of a monetary threshold more than 25% of the allocation transferred between funding categories not to exceed HUD established maximums

### **Requirements for Local Governments Receiving CDBG-MIT Funds**

Recipients of CDBG-MIT funds must comply with the State Citizen Participation Plan requirements as found in 24 CFR 570. All applicants and recipients of grant/loan funds shall be required to conduct all aspects of the program in an open manner with access to records on the proposed and actual use of funds for all interested persons. All records of applications and grants must be kept at the recipient's offices and be available during normal business hours. Any activity of the Grantee regarding the CDBG-MIT project, except for confidential matters relating to housing and economic development programs, shall be open to examination by all residents.

The applicant/recipient must provide technical assistance to groups representative of persons of low and moderate income that request such assistance in developing proposals at the level of expertise available at governing offices. All application materials and instructions shall be provided at no cost to any such group requesting them. Citizens shall be provided adequate and timely information, to enable them to be meaningfully involved in important decisions at the various stages of the program, including at least the determination of needs, the review of the proposed activities, and the review of past program performance, in the following manner:

- 1) At least one public hearing shall be held prior to the submission of an application for housing and/or non-housing needs being submitted to the State for funding through the CDBG-MIT program. Hearings shall be scheduled at a time and location felt to be most likely possible of the majority of interested citizens to attend without undue inconvenience. The development of needs and the review of the proposed activities and their possible environmental

impact must be addressed at this hearing as reflected by minutes of the hearing. The hearing cannot be more than six months prior to application submittal.

The second required hearing is held to address the performance on the funded grant at a minimum of 80% completion. The review of performance (during the grant) must be addressed in public hearing prior to grant close-out. Proof of said hearing will be part of close-out documentation.

2) Notification of all hearings shall be given a minimum of five full days (actually seven days, as the day of the notice and the day of the hearing cannot be counted as one of the five full days) in advance to allow citizens the opportunity to schedule their attendance. Notification shall be in the form of display advertisements in the local newspaper with the greatest distribution, and/or by posting letters, flyers, and any other forms that are clearly documented with wide circulation.

All hearings must be accessible to handicapped persons. Provisions for interpretation shall be made at all public hearings for non-English speaking residents if such residents are expected to be in attendance. The chief elected official's office shall receive and relate to appropriate persons or groups any views or proposals submitted to aforesaid office within the decision-making time. Any criticism submitted in writing at any time should be answered in writing within fifteen working days by the chief elected official's office. If the complaint is not resolved, it shall be referred to the governing body for final disposition.

### **Availability to the Public**

The MO-DED will provide the CDBG-MIT Action Plan, as adopted, substantial amendments, use of funds and the performance reports to the public, including materials in a form accessible to persons with disabilities, upon request. These documents are made available to the public electronically at CDBG-MIT web page: <https://ded.mo.gov/programs/cdbg/mitigation> .

### **CDBG-MIT Citizen Advisory Committees**

The MO-DED will form one or more CDBG-MIT Citizen Advisory Committees to meet no less than twice annually to provide increased transparency in the implementation of the CDBG-MIT funds. The Committee will meet in an open forum to solicit and respond to public comment and input regarding the State's mitigation activities. The Committee will serve as an on-going public forum to continuously inform the State's CDBG-MIT projects and programs.

Notice of the Citizen Advisory Committee activities including meeting times and places, meeting materials and reports, meeting minutes, and other relevant

items will be posted on the CDBG-MIT web page:  
<https://ded.mo.gov/programs/cdbg/mitigation>.

### **Access to Records**

Residents, public agencies and other interested parties are given reasonable and timely access to the information and records relating to the State's CDBG-MIT Action Plan and the State's use of assistance under the programs covered by the plan. Presentation materials, resources used to compile the information in the plan, comments compiled at public hearings, and all other related materials are available to the public upon request.

### **Complaints**

To comply with the requirements regarding complaints, the state has designated an appropriate and practicable procedure to handle complaints from citizens related to the consolidated plan, amendments, and performance reports. Upon receiving a complaint, the state will provide a timely, substantive written response to written citizen complaints within a fifteen working day time period.

#### **Complaints should be sent in writing to:**

Brandon Jenson, Chief Community Engagement and Planning Officer  
P.O. Box 118  
Jefferson City, MO 65109  
[Brandon.Jenson@ded.mo.gov](mailto:Brandon.Jenson@ded.mo.gov)  
573-508-9767

**Complaints regarding fraud, waste, or abuse of government funds will be forwarded to the HUD OIG Fraud Hotline (phone: 1- 800-347-3735 or email: [hotline@hudoig.gov](mailto:hotline@hudoig.gov)).**

Complaints regarding accessibility can be reported to the State's 504 Coordinator. Plan publication efforts must meet the effective communications requirements of 24 CFR 8.6 and other fair housing and civil rights requirements, such as the effective communication requirements under the Americans with Disabilities Act.

#### **State 504 Coordinator:**

Amy Werner, Compliance Specialist  
MO Department of Economic Development  
301 W. High Street, Suite 700  
P.O. Box 118  
Jefferson City, MO 65102  
573-751-2039

## Attachment A: Missouri CDBG, CDBG-DR, and CDBG-MIT Grantee Language Access Plan Guidance

This document provides additional guidance on how to accomplish timely and reasonable steps to provide Limited English Proficient (LEP) persons with meaningful access to programs and activities funded by the federal government and awarded by MO CDBG, CDBG-DR, and CDBG-MIT. Refer to the CDBG LAP Policy and the Civil Rights section of the CDBG Administrative Manual, then complete the steps described in detail below to develop a local LAP:

### Step 1: Provide General Information:

Provide the following information at the beginning of the local government's Language Access plan

- Grantee
- CDBG Grant Number
- Target Area
- Preparer's name, phone number, email address

### Step 2: Conduct a Four-Factor Analysis to determine how to provide needed language assistance

Recipients are required to take reasonable steps to ensure meaningful access to LEP persons. This "reasonableness" standard is intended to be flexible and fact-dependent. It is also intended to balance the need to ensure meaningful access by LEP persons to critical services while not imposing undue financial burdens on small businesses, small local governments, or small nonprofit organizations. Use data to answer the question:

- How many Limited English Proficient people are in your local government's city or county's jurisdiction?
- Attach maps (if applicable) or other relevant data to your Language Access Plan. All data or maps provided must be accurately sourced.

As a starting point, a recipient may conduct an individualized assessment that balances the following four factors:

#### FACTOR 1: DETERMINE THE NUMBER OF LEP PERSONS SERVED OR ENCOUNTERED IN THE ELIGIBLE SERVICE POPULATION

Most grantees will depend on the most recent release of data from the American Community Survey Table B16001 and Table S1601, updated each year in December, to determine the number of LEP persons in the service area.

In the case where the overall jurisdiction numbers fall below the Safe Harbor thresholds to provide translated written documents but existing or planned CDBG target areas exist, the CDBG grantee must evaluate whether there are LEP households within the target areas that may need notification or other LAP services. The grantee’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. All data provided must be accurately sourced. The size of the language group determines the recommended provision for written language assistance, as determined by the “safe harbors” outlined in the federal register, 72 FR 2732.

**TABLE 1 - SAFE HARBOR THRESHOLDS**

Size of Language Group	Recommended Provision of Written Language Assistance
100 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 1000 in number	No written translation is required

A vital document is any document that is critical for ensuring meaningful access to the grantees' 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 is not provided accurately or in a timely manner. Where appropriate, grantees are encouraged to create a plan for consistently determining, over time and across its various activities, what documents are "vital" to the meaningful access of the LEP populations they serve. Leases, rental agreements and other housing documents of a legal nature enforceable in U.S. courts should be in English.

## **FACTOR 2: THE FREQUENCY WITH WHICH LEP PERSONS COME INTO CONTACT WITH THE PROGRAM:**

Grantees should assess, as accurately as possible, the frequency with which they have or should have contact with an LEP individual from different language groups seeking assistance. If an LEP individual accesses a program or service on a daily basis, a recipient has greater duties than if the same individual's program or activity contact is unpredictable or infrequent. But even recipients that serve LEP persons on an unpredictable or infrequent basis should determine what to do if an LEP individual seeks services under the program in question. This plan need not be intricate. It may be as simple as being prepared to use one of the commercially available telephonic interpretation services to obtain immediate interpreter services. In applying this standard, recipients should consider whether appropriate outreach to LEP persons could increase the frequency of contact with LEP language groups.

*For CDBG, CDBG-DR, and CDBG-MIT grants, grantees must engage with the public at these critical steps:*

- When notifying the public about a grant award application and its proposed activities
- When notifying the public about the grant award and its funded activities
- When seeking applicants to participate in the program (e.g., when seeking homeowners for rehabilitation assistance)
- When seeking qualified contractors
- When working with homeowners selected for assistance
- When seeking bids from builders to construct the homes
- When notifying the public about the grant award closeout and its accomplishments

*Answer the following questions:*

1. What is the nature of the program? e.g. providing improved water and sewer services.
2. What is the importance of the program?
3. Would denial or delay of access to services or information have serious or even life-threatening implications for the LEP individual?

## **FACTOR 3: THE NATURE AND IMPORTANCE OF THE PROGRAM, ACTIVITY, OR SERVICE PROVIDED BY THE PROGRAM:**

The more important the activity, information, service, or program, or the greater the possible consequences of the contact to the LEP persons, the more likely the

need for language services. The grantee needs to determine whether denial or delay of access to services or information could have serious or even life-threatening implications for the LEP individual. Decisions by HUD, another federal, state, or local entity, or the recipient to make a specific activity compulsory in order to participate in the program, such as filling out particular forms, participating in administrative hearings, or other activities, can serve as strong evidence of the program's importance.

Determine the resources to be made available if any.

#### **FACTOR 4: THE RESOURCES AVAILABLE AND COSTS TO THE RECIPIENT:**

Language assistance that a grantee might provide to LEP persons includes, but is not limited to

- a) Oral interpretation services;
- b) Bilingual staff;
- c) Telephone service lines interpreter;
- d) Written translation services;
- e) Notices to staff and subrecipients of the availability of LEP services; or
- f) Referrals to community liaisons proficient in the language of LEP persons.
- g) Provide "I speak" card, available at <https://www.lep.gov/ISpeakCards2004.pdf>
- h) Use of the many brochures, handbooks, booklets, factsheets, and forms that are available in multiple languages on the HUD website: [https://www.hud.gov/program\\_offices/fair\\_housing\\_equal\\_opp/17lep#Booklets](https://www.hud.gov/program_offices/fair_housing_equal_opp/17lep#Booklets)

A recipient's level of resources and the costs that would be imposed on it may have an impact on the nature of the steps it should take. Smaller recipients with more limited budgets are not expected to provide the same level of language services as larger recipients with larger budgets. In addition, "reasonable steps" may cease to be reasonable where the costs imposed substantially exceed the benefits. Resource and cost issues, however, can often be reduced by technological advances; sharing of language assistance materials and services among and between recipients, advocacy groups, and federal grant agencies; and reasonable business practices. Where appropriate, training bilingual staff to act as interpreters and translators, information sharing through industry groups, telephonic and video conferencing interpretation services, pooling resources and standardizing documents to reduce translation needs, using qualified translators and interpreters to ensure that documents need not be "fixed" later and that inaccurate interpretations do not cause delay or other costs, centralizing interpreter and translator services to achieve economies of scale, or the formalized use of qualified community volunteers, for example, may help reduce costs. Recipients should carefully explore the most cost-effective means

of delivering competent and accurate language services before limiting services due to resource concerns. Small recipients with limited resources may find that entering into a bulk telephonic interpretation service contract will prove cost effective.

Large entities and those entities serving a significant substantiated before using this factor as a reason to limit language assistance. Such recipients may find it useful to articulate, through documentation or in some other reasonable manner, their process for determining that language services would be limited based on resources or costs.

The four-factor analysis necessarily implicates the “mix” of LEP services the recipient will provide. Recipients have two main ways to provide language services: Oral interpretation in person or via telephone interpretation service (hereinafter “interpretation”) and through written translation (hereinafter “translation”). Oral interpretation can range from on-site interpreters for critical services provided to a high volume of LEP persons through commercially available telephonic interpretation services. Written translation, likewise, can range from translation of an entire document to translation of a short description of the document. In some cases, language services should be made available on an expedited basis, while in others the LEP individual may be referred to another office of the recipient for language assistance. The correct mix should be based on what is both necessary and reasonable in light of the four-factor analysis. For instance, a public housing provider in a largely Hispanic neighborhood may need immediate oral interpreters available and should give serious consideration to hiring some bilingual staff. (Of course, many have already made such arrangements.) By contrast, there may be circumstances where the importance and nature of the activity and number or proportion and frequency of contact with LEP persons may be low and the costs and resources needed to provide language services may be high – such as in the case of a voluntary public tour of a recreational facility – in which pre-arranged language services for the particular service may not be necessary. Regardless of the type of language service provided, quality and accuracy of those services can be critical in order to avoid serious consequences to the LEP person and to the recipient. Recipients have substantial flexibility in determining the appropriate mix.

### **Step 3: Prepare a Language Access Plan (LAP) and submit it to your CDBG Field Rep that includes:**

After completing the four-factor analysis and deciding what language assistance services are appropriate, grantees must develop a Language

Assistance Plan to address identified needs of the LEP populations it serves. An effective LAP should include:

- The Four Factor Analysis
- The points and types of contact the agency and staff may have with LEP persons
- The procedures the grantee will use to identify LEP individuals who need language assistance
- Ways in which language assistance will be provided by the grantee
- A list of vital documents to be translated (if necessary)
- The grantee's plan for training staff members on LEP guidance and the LAP
- The grantee's plan for monitoring and updating the LAP
- A plan for complaints and appeals

## **LANGUAGE ACCESS PLAN FREQUENTLY ASKED QUESTIONS**

### *Who are limited English proficient (LEP) persons?*

Persons who, as a result of national origin, do not speak English as their primary language and who have a limited ability to speak, read, write, or understand. For purposes of Title VI and the LEP Guidance, persons may be entitled to language assistance with respect to a particular service, benefit, or encounter.

### *What is Title VI and how does it relate to providing meaningful access to LEP persons?*

Title VI of the Civil Rights Act of 1964 is the federal law that protects individuals from discrimination on the basis of their race, color, or national origin in programs that receive federal financial assistance. In certain situations, failure to ensure that persons who are LEP can effectively participate in, or benefit from, federally assisted programs may violate Title VI's prohibition against national origin discrimination.

### *What do Executive Order (EO) 13166 and the Guidance require?*

EO 13166, signed on August 11, 2000, directs all federal agencies, including the Department of Housing and Urban Development (HUD), to work to ensure that programs receiving federal financial assistance provide meaningful access to LEP persons. Pursuant to EO 13166, the meaningful access requirement of the Title VI regulations and the four-factor analysis set forth in the Department of Justice (DOJ) LEP Guidance apply to the programs and activities of federal agencies, including HUD. In addition, EO 13166 requires federal agencies to issue LEP Guidance to assist their federally assisted recipients in providing such meaningful access to their programs. This Guidance must be consistent with the DOJ Guidance. Each federal agency is required to specifically tailor the general

standards established in DOJ's Guidance to its federally assisted recipients. On December 19, 2003, HUD published such proposed Guidance.

#### *Who must comply with the Title VI LEP obligations?*

All programs and operations of entities that receive financial assistance from the federal government, including but not limited to state agencies, local agencies and for-profit and non-profit entities, must comply with the Title VI requirements. A listing of most, but not necessarily all, HUD programs that are federally assisted may be found at the "List of Federally Assisted Programs" published in the Federal Register on November 24, 2004 (69 FR 68700). Sub-recipients must also comply (i.e., when federal funds are passed through a recipient to a sub-recipient). As an example, Federal Housing Administration (FHA) insurance is not considered federal financial assistance, and participants in that program are not required to comply with Title VI's LEP obligations, unless they receive federal financial assistance as well. [24 CFR 1.2 (e)].

#### *Does a person's citizenship and immigration status determine the applicability of the Title VI LEP obligations?*

United States citizenship does not determine whether a person is LEP. It is possible for a person who is a United States citizen to be LEP. It is also possible for a person who is not a United States citizen to be fluent in the English language. Title VI is interpreted to apply to citizens, documented non-citizens, and undocumented non-citizens. Some HUD programs require recipients to document citizenship or eligible immigrant status of beneficiaries; other programs do not. Title VI LEP obligations apply to every beneficiary who meets the program requirements, regardless of the beneficiary's citizenship status.

#### *What is expected of recipients under the Guidance?*

The actions that the recipient may be expected to take to meet its LEP obligations depend upon the results of the four factor analysis including the services the recipient offers, the community the recipient serves, the resources the recipient possesses, and the costs of various language service options. All organizations would ensure nondiscrimination by taking reasonable steps to ensure meaningful access for persons who are LEP. HUD recognizes that some projects' budgets and resources are constrained by contracts and agreements with HUD. These constraints may impose a material burden upon the projects. Where a HUD recipient can demonstrate such a material burden, HUD views this as a critical item in the consideration of costs in the four-factor analysis. However, refusing to serve LEP persons or not adequately serving or delaying services to LEP persons would violate Title VI. The agency may, for example, have a contract with another organization to supply an interpreter when needed; use a telephone service line interpreter; or, if it would not impose an

undue burden, or delay or deny meaningful access to the client, the agency may seek the assistance of another agency in the same community with bilingual staff to help provide oral interpretation service.

### *What are examples of language assistance?*

Language assistance that a grantee might provide to LEP persons includes, but is not limited to:

- Oral interpretation services;
- Bilingual staff;
- Telephone service lines interpreter;
- Written translation services;
- Notices to staff of the availability of LEP services; or
- Referrals to community liaisons proficient in the language of LEP persons.

### *How may a grantee determine the language service needs of a beneficiary?*

Grantees should elicit language service needs from all prospective beneficiaries (regardless of the prospective beneficiary's race or national origin). If the prospective beneficiary's response indicates a need for language assistance, the grantee may want to give applicants or prospective beneficiaries a language identification card (or "I speak" card). Language identification cards invite LEP persons to identify their own language needs. Such cards, for instance, might say "I speak Spanish" in both Spanish and English, "I speak Vietnamese" in both Vietnamese and English, etc. To reduce costs of compliance, the federal government has made a set of these cards available on the Internet located at: <https://www.lep.gov/resources/resources.html>

### *How may a grantee's limited resources be supplemented to provide the necessary LEP services?*

A grantee should be resourceful in providing language assistance as long as quality and accuracy of language services are not compromised. The grantee itself need not provide the assistance but may decide to partner with other organizations to provide the services. In addition, local community resources may be used if they can ensure that language services are competently provided. In the case of oral interpretation, for example, demonstrating competency requires more than self-identification as bilingual. Some bilingual persons may be able to communicate effectively in a different language when communicating information directly in that language but may not be competent to interpret between English and that language.

In addition, the skill of translating is very different than the skill of interpreting and a person who is a competent interpreter may not be a competent translator. To ensure the quality of written translations and oral interpretations, HUD

encourages grantees to use members of professional organizations. Examples of such organizations are national organizations, including American Translators Association (written translations), National Association of Judicial Interpreters and Translators, and International Organization of Conference Interpreters (oral interpretation); state organizations, including Colorado Association of Professional Interpreters and Florida Chapter of the American Translators Association; and local legal organizations such as Bay Area Court Interpreters.

While HUD recommends using the list posted on the official LEP website, its limitations must be recognized. Use of the list is encouraged, but not required or endorsed by HUD. It does not come with a presumption of compliance. There are many other qualified interpretation and translation providers, including in the private sector.

#### *May grantees rely upon family members or friends of the LEP person as interpreters?*

Generally, grantees should not rely on family members, friends of the LEP person, or other informal interpreters. In many circumstances, family members (especially children) or friends may not be competent to provide quality and accurate interpretations. Therefore, such language assistance may not result in an LEP person obtaining meaningful access to the grantees' programs and activities. However, when LEP persons choose not to utilize the free language assistance services expressly offered to them by the grantee but rather choose to rely upon an interpreter of their own choosing (whether a professional interpreter, family member, or friend), LEP persons should be permitted to do so, at their own expense. Grantees may consult HUD LEP Guidance for more specific information on the use of family members or friends as interpreters. While HUD guidance does not preclude use of friends or family as interpreters in every instance, HUD recommends that the grantee use caution when such services are provided.

#### *Are leases, rental agreements and other housing documents of a legal nature enforceable in U.S. courts when they are in languages other than English?*

Generally, the English language document prevails. The translated documents may carry a disclaimer. For example, "This document is a translation of a HUD-issued legal document. HUD provides this translation to you merely as a convenience to assist in your understanding of your rights and obligations. The English language version of this document is the official, legal, controlling document. This translated document is not an official document." Where both the landlord and tenant contracts are in languages other than English, state contract law governs the leases and rental agreements. HUD does not interpret state contract law. Therefore, s regarding the enforceability of housing documents of a legal nature that are in languages other than English should be

referred to a lawyer well-versed in contract law of the appropriate state or locality. Neither EO 13166 nor HUD LEP Guidance grants an individual the right to proceed to court alleging violations of EO 13166 or HUD LEP Guidance.

In addition, current Title VI case law only permits a private right of action for intentional discrimination and not for action based on the discriminatory effects of a grantee's practices. However, individuals may file administrative complaints with HUD alleging violations of Title VI because the HUD grantee failed to take reasonable steps to provide meaningful access to LEP persons. The local HUD office will intake the complaint, in writing, by date and time, detailing the complainant's allegation as to how the state failed to provide meaningful access to LEP persons. HUD will determine jurisdiction and follow up with an investigation of the complaint.

#### *Who enforces Title VI as it relates to discrimination against LEP persons?*

Most federal agencies have an office that is responsible for enforcing Title VI of the Civil Rights Act of 1964. To the extent that a grantee's actions violate Title VI obligations, then such federal agencies will take the necessary corrective steps. The Secretary of HUD has designated the Office of Fair Housing and Equal Opportunity (FHEO) to take the lead in coordinating and implementing EO 13166 for HUD, but each program office is responsible for its grantees' compliance with the civil rights related program requirements (CRRPRs) under Title VI.

#### *How does a person file a complaint if he/she believes the state is not meeting its Title VI LEP obligations?*

If a person believes that the state is not taking reasonable steps to ensure meaningful access to LEP persons, that individual may file a complaint with HUD's local Office of FHEO. For contact information of the local HUD office, go to the HUD website or call the housing discrimination toll free hotline at 800-669-9777 (voice) or 800-927-9275 (TTY).

#### *What will HUD do with a complaint alleging noncompliance with Title VI obligations?*

HUD's Office of FHEO will conduct an investigation or compliance review whenever it receives a complaint, report, or other information that alleges or indicates possible noncompliance with Title VI obligations by the state. If HUD's investigation or review results in a finding of compliance, HUD will inform the state in writing of its determination. If an investigation or review results in a finding of noncompliance, HUD also will inform the state in writing of its finding and identify steps that the state must take to correct the noncompliance. In a case of noncompliance, HUD will first attempt to secure voluntary compliance

through informal means. If the matter cannot be resolved informally, HUD may then secure compliance by:

- a) Terminating the financial assistance of the state only after the state has been given an opportunity for an administrative hearing; and/or
- b) Referring the matter to DOJ for enforcement proceedings.

### *How will HUD evaluate evidence in the investigation of a complaint alleging noncompliance with Title VI obligations?*

Title VI is the enforceable statute by which HUD investigates complaints alleging a grantee's failure to take reasonable steps to ensure meaningful access to LEP persons. In evaluating the evidence in such complaints, HUD will consider the extent to which the state followed the LEP Guidance or otherwise demonstrated its efforts to serve LEP persons. HUD's review of the evidence will include, but may not be limited to, application of the four-factor analysis identified in HUD LEP Guidance. The four-factor analysis provides HUD a framework by which it may look at all the programs and services that the grantee provides to persons who are LEP to ensure meaningful access while not imposing undue burdens on grantees.

### *What is a safe harbor?*

A "safe harbor," in the context of this guidance, means that the grantee has undertaken efforts to comply with respect to the needed translation of vital written materials. If a grantee conducts the four-factor analysis, determines that translated documents are needed by LEP applicants or beneficiaries, adopts an LAP that specifies the translation of vital materials, and makes the necessary translations, then the grantee provides strong evidence, in its records or in reports to the agency providing federal financial assistance, that it has made reasonable efforts to provide written language assistance.

### *What "safe harbors" may grantees follow to ensure they have no compliance finding with Title VI LEP obligations?*

HUD has adopted a "safe harbor" for translation of written materials, as outlined in Table 1 of this document. The Guidance identifies actions that will be considered strong evidence of compliance with Title VI obligations. Failure to provide written translations under these cited circumstances does not mean that the grantee is in noncompliance. Rather, the "safe harbors" provide a starting point for grantees to consider, whether and at what point the importance of the service, benefit, or activity involved warrants written translations of commonly used forms into frequently encountered languages other than English;

- Whether the nature of the information sought warrants written translations of commonly used forms into frequently encountered languages other than English;
- Whether the number or proportion of LEP persons served warrants written translations of commonly used forms into frequently encountered languages other than English; and
- Whether the demographics of the eligible population are specific to the situations for which the need for language services is being evaluated. In many cases, use of the "safe harbor" would mean provision of written language services when marketing to the eligible LEP population within the market area. However, when the actual population served (e.g., occupants of, or applicants to, the housing project) is used to determine the need for written translation services, written translations may not be necessary.

When HUD conducts a review or investigation, it will look at the total services the grantee provides, rather than a few isolated instances.

*Is the grantee expected to provide any language assistance to persons in a language group when fewer than 5 percent of the eligible population and fewer than 50 in number are members of the language group?*

HUD recommends that grantees use the four-factor analysis to determine whether to provide these persons with oral interpretation of vital documents if requested.

*Are there "safe harbors" provided for oral interpretation services?*

There are no "safe harbors" for oral interpretation services. Grantees should use the four-factor analysis to determine whether they should provide reasonable, timely, oral language assistance free of charge to any beneficiary that is LEP (depending on the circumstances, reasonable oral language assistance might be an in-person interpreter or telephone interpreter line).

*What are the obligations of HUD grantees if they operate in jurisdictions in which English has been declared the official language?*

In a jurisdiction where English has been declared the official language, a HUD grantee is still subject to federal nondiscrimination requirements, including Title VI requirements as they relate to LEP persons.

*Where can I find more information on LEP?*

Additional resources on HUD compliance policies and guidance can be found in the Final Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English

Proficient Persons Notice: <https://www.gpo.gov/fdsys/pkg/FR-2007-01-22/pdf/07-217.pdf>. Complete LEP resources and information for all federal programs can be found on this website: <https://www.lep.gov/>

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DRAFT

# Attachment B: State of Missouri Website Policies and Procedures for CDBG-DR and CDBG-MIT

## 1. Website Purpose

The State of Missouri is currently creating and will maintain comprehensive websites for the U. S. Department of Housing and Urban Development (HUD), Community Development Block Grant-Disaster Recovery (CDBG-DR) in accordance with HUD requirements, as cited in Federal Register Notice, 83 FR 5844, February 9, 2018 (Prior Notice for 83 FR 40314, August 14, 2018 which allocated \$58,535,000 of CDBG-DR funds to Missouri). CDBG-DR funds must be used to address unmet needs (with a priority focus on housing) that can be tied-back to the 2017 disasters declared under DR-4317.

Concurrently, MO-DED will also create and maintain a CDBG Mitigation (CDBG-MIT) web page linked to the CDBG-DR web page in accordance with Federal Register Notice 84 FR 45838, August 30, 2019. CDBG-MIT funds must be used to address Mitigation Risks identified in the CDBG-MIT Action Plan. All CDBG-MIT activities must address mitigation of future disasters.

The websites serve as a central source for CDBG-DR and CDBG-MIT information and is intended to provide transparency into the State of Missouri's disaster recovery activities using these funds. The website will host: Action Plans and Amendments; Citizen Participation Policies; Public Hearing Notices; CDBG-DR and CDBG-MIT program policies, eligibility requirements, and steps to apply for funding; procurement policies, solicitations, and awarded contracts (including those procured by subrecipients); procedures for Complaints, Appeals, and fraud reporting; Quarterly Performance Reports (QPRs); expenditure projections and outcomes; and for CDBG-MIT, information on the Citizens Advisory Group for Mitigation.

The Lead Agency (i.e. Grantee) for Missouri's CDBG-DR and CDBG-MIT allocations has been designated as the Missouri Department of Economic Development (MO-DED). This department is also the Lead Agency for the State's annual CDBG allocation. MO-DED currently manages websites associated with the State's CDBG program.

## 2. Website Content

The MO-DED website address for CDBG-DR is located:  
<https://ded.mo.gov/DisasterRecovery>

The MO-DED website address for CDBG-MIT is located:  
<https://ded.mo.gov/programs/cdbg/mitigation>

Each program page will have links to its counterpart (i.e., the CDBG-DR page will link to the CDBG-MIT page and vice versa).

Website locations will be printed on all program advertisements and outreach materials. The State of Missouri adheres to ADA compliant standards for website accessibility and readability. Content and website layout will be designed with best practices for adaptive use in mind. The State supports accommodations for citizens with limited English proficiency and will publish program documents in languages based on the need of non-English speaking communities.

The information that will be available for CDBG-DR on the MO-DED website will include but may not be limited to the following:

#### CDBG-DR Requirements

1. CDBG-DR Unmet Needs Assessment
2. CDBG-DR Action Plan and Amendments
3. CDBG-DR Announcements of Public Hearing(s)
4. Citizen Participation Plan
5. Accessibility and LEP requirements
6. Information on each CDBG-DR program, eligibility requirements, and steps to apply
7. CDBG-DR Appeals Procedure
8. CDBG-DR Citizen Complaint Procedures
9. List of all CDBG-DR Sub-Recipients and Contractors
10. CDBG-DR Procurement
  - a) Procurement Policies
  - b) Current RFPs
  - c) Eligibility for competitive sub-awards (if applicable)
  - d) Awarded contracts and sub-recipient contract summary
11. CDBG-DR Quarterly Performance Reports (QPR)
12. A link to CDBG-MIT web page
13. Additional reporting as required by HUD

## CDBG-MIT Requirements

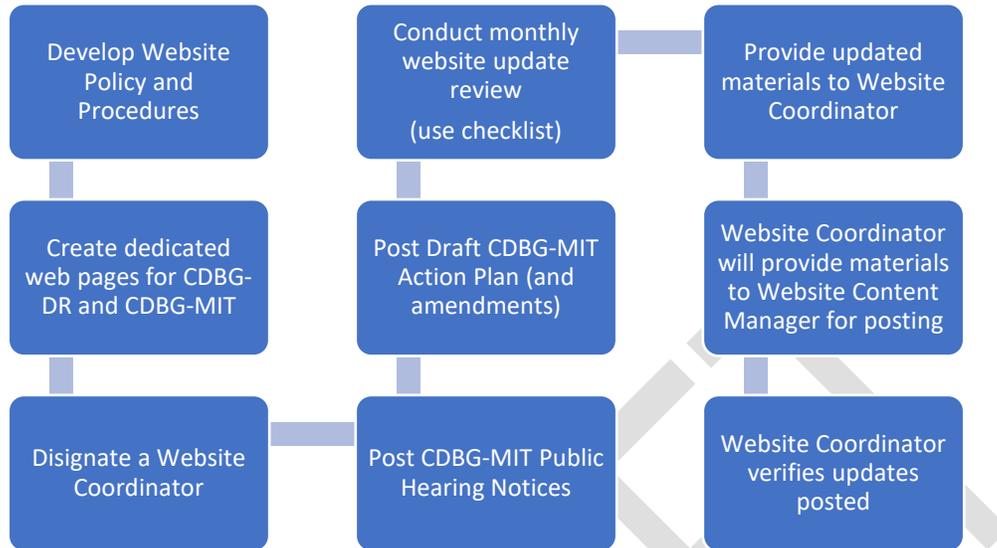
The information on the CDBG-MIT web page will include but may not be limited to:

1. CDBG-MIT Risk Assessment
2. CDBG-MIT Action plans and amendments
3. CDBG-MIT Announcements and Public Hearings
4. Citizen Participation Plan
5. Accessibility and LEP requirements
6. Information on each CDBG-MIT program, eligibility requirements, and steps to apply
7. CDBG-MIT Appeals Procedures
8. CDBG-MIT Citizen Complaint Procedures
9. List of all CDBG-MIT Sub-Recipients and Contractors
10. CDBG-MIT Procurement
  - a. Procurement Policies
  - b. Current RFPs
  - c. Eligibility for competitive sub-awards
  - d. All awarded contracts to be paid with CDBG-MIT
11. CDBG-MIT Quarterly Performance Reports
12. CDBG-MIT Statistics/graphics displaying expenditures and outcomes to date and projections
13. A link to the CDBG-DR web page
14. Additional reporting as required by HUD
15. Information on the Citizen's Advisory Group for Mitigation

### 3. Website Process

MO-DED Website Coordinator will ensure that the CDBG-DR and CDBG-MIT webpages are reviewed monthly and updated as required by this website policy. The Website Coordinator will use the Monthly Website Update Checklist to complete the review. The website will be reviewed on the 30<sup>th</sup> of each month and updated materials will be posted by the 15<sup>th</sup> of the following month.

## Website Development and Administration Process



## Responsible Staff

Staff Name	Website Role	Contact Information
<b>CDBG Policy and Planning</b>	Website Coordinator	Brandon Jenson <a href="mailto:brandon.jenson@ded.mo.gov">brandon.jenson@ded.mo.gov</a> 573-508-9767
<b>CDBG Policy and Planning</b>	CDBG-DR Content Reviewer	Brandon Jenson <a href="mailto:brandon.jenson@ded.mo.gov">brandon.jenson@ded.mo.gov</a> 573-508-9767
<b>CDBG Policy and Planning</b>	CDBG-MIT Content Reviewer	Brandon Jenson <a href="mailto:brandon.jenson@ded.mo.gov">brandon.jenson@ded.mo.gov</a> 573-508-9767
<b>Strategy and Performance Communication Team</b>	CDBG-DR Content Approver	Maggie Kost <a href="mailto:Maggie.Kost@ded.mo.gov">Maggie.Kost@ded.mo.gov</a> 573-751-9065
<b>Strategy and Performance Communication Team</b>	CDBG-MIT Content Approver	Maggie Kost <a href="mailto:Maggie.Kost@ded.mo.gov">Maggie.Kost@ded.mo.gov</a> 573-751-9065
<b>Strategy and Performance Communication Team</b>	Website Content Manager (Upload docs to websites)	Chase Lindley <a href="mailto:chase.lindley@ded.mo.gov">chase.lindley@ded.mo.gov</a> 573-751-2741

Attachments:

Monthly Website Update Checklist

## Monthly CDBG-DR and CDBG-MIT Website Update Checklist

The MO-DED completes this checklist monthly to determine required updates to its disaster websites for CDBG-DR and CDBG-MIT. Checklist is completed on the 30<sup>th</sup> of each month. Updated material will be posted to the CDBG-DR and CDBG-MIT web pages on the 15<sup>th</sup> of each month. Updated categories will be marked “New” in red on the website page when updated.

\_\_\_\_\_ , 20\_\_\_\_  
**Month** **Year**

### CDBG-DR Web Page Review

Categories	Update Required (Yes/No)	Brief Description of Update	Documents to Post	Translate? (Yes/No)	Date Posted	Last Updated
Action Plan						
Current Action Plan						
Substantial Amendment						
Non-Substantial Amendment						
Public Hearing Notice(s)						
Announcements						
Citizen Participation						
Citizen Participation Plan						
504 Access Plan and Coordinator						
LEP Plan						
Citizen Complaints						
Appeal Process						
AFWA Policy						

Categories	Update Required (Yes/No)	Brief Description of Update	Documents to Post	Translate? (Yes/No)	Date Posted	Last Updated
Program(s)						
Policy						
Application Methodology						
Funding Amounts						
Procurement						
Policies						
Current Solicitations						
Past Solicitations						
Steps to Apply/Scoring Criteria						
State-Procured Contracts						
Contract Summary for Subrecipients						
Reports						
QPR						
Expenditures and Projections						
Project Map						

## CDBG-MIT Web Page Review

Categories	Update Required (Yes/No)	Brief Description of Update	Documents to Post	Translate? (Yes/No)	Date Posted	Last Updated
Action Plan						
Current Action Plan						
Substantial Amendment						
Non-Substantial Amendment						
Public Hearing Notice(s)						
Announcements						
Mitigation Needs Assessment						
Implementation Plan						
Citizen Participation						
Citizen Participation Plan						
504 Access Plan and Coordinator						
LEP Plan						
Citizen Complaints						
Appeal Process						
AFWA Policy						
Conflict of Interest Policy						
Program(s)						
Policy						
Application Methodology						

Categories	Update Required (Yes/No)	Brief Description of Update	Documents to Post	Translate? (Yes/No)	Date Posted	Last Updated
Duplication of Benefits Policies and Procedures						
Funding Amounts						
Procurement						
Policies						
Current Solicitations						
Past Solicitations						
Steps to Apply and Scoring Criteria						
State-Procured Contracts						
Sub-recipient procured contracts						
Reports						
QPR						
Section 3						
FFATA						
Expenditures and Projections						
Project Map						
Citizen Advisory						
Contact Info						
Meetings						

Review Completed By: \_\_\_\_\_

Date Completed: \_\_\_\_\_