

REPORT TO THE CITY COUNCIL

DATE ISSUED: August 2, 2007 NO: CCR 07-002

ATTENTION: Council President and City Council
For the Agenda of _____

SUBJECT: Substantial Amendment to the Fiscal Year 2008 Annual Action Plan and 2005-2009 Consolidated Plan

REQUESTED ACTION:

Approve the substantial amendment to the portion of the City of San Diego's FY08 Annual Action Plan (Attachment 1) that concerns Housing Opportunities for Persons with AIDS (HOPWA), as proposed by the County of San Diego's Housing and Community Development Department.

STAFF RECOMMENDATION:

Staff recommends the City Council; 1) approve the substantial amendment to FY08 Action Plan and the 2005-2009 Consolidated Plan and 2) authorize submission to the U.S. Department of Housing and Urban Development (HUD) following such approval.

SUMMARY:

The Five-Year Consolidated Plan serves as the planning and application tool for five formula-based entitlement grant programs administered by HUD: Community Development Block Grant (CDBG), HOME Investment Partnerships (HOME), American Dream Downpayment Initiative (ADDI), Emergency Shelter Grants (ESG), and Housing Opportunities for People with AIDS (HOPWA). Each year, the Consolidated Plan is updated through the preparation and adoption of an Annual Action Plan (AAP). In FY08 the City applied for approximately \$27M in entitlement funds through the AAP process. The approved Plan was submitted to HUD on May 15, 2007 and became effective July 1, 2007.

Beginning in 1998 the City of San Diego transferred administrative responsibility of the HOPWA program from the San Diego Housing Commission to the County of San Diego because funds are to be used Countywide and require coordination with service providers. Since that time, the County has partnered with social service providers to provide HOPWA related housing and supportive services through the provision of two-year service contracts. These service contracts have been granted with funding carried over from prior year entitlement allocations. In an effort to meet HUD's expenditure goals and to reconcile previous HOPWA program funding with the FY08 allocation, the County has requested that the City amend the funding allocations approved in the FY08 AAP. *The revised portion of the FY08 AAP, as noted in red in Attachment 1, is summarized as follows:*

The activities identified in the FY08 AAP associated with the HOPWA program will be funded with the City of San Diego's FY07 HOPWA allocation of \$2,549,000. In addition, \$434,788 in rollover funding from prior year allocations will be combined with the FY07 allocation for a total of \$2,980,000 to be expended on HOPWA programs (see Attachment 2, Table 1).

Upon submittal of this substantial amendment to HUD, a portion of the FY08 HOPWA entitlement of \$2,551,000 will be released in a Notice of Funding Availability (NOFA)/Request for Proposals (RFP) for the development of permanent affordable housing for persons with HIV/AIDS. It is anticipated that \$2,000,000 will be allocated to the NOFA/RFP; \$295,000 to the HOPWA Tenant Based Rental Assistance Program; and \$255,100 for program administration (see Attachment 2, Table 2).

HUD requires jurisdictions to adopt a Citizen Participation Plan (CPP) that sets forth policies and procedures for public involvement. The City of San Diego's CPP was approved as part of the 2005-2009

Consolidated Plan and includes the criteria used to determine the activities that constitute a substantial amendment and the requisite public noticing procedures (see Attachment 3). The San Diego Housing Commission has determined that the use of HOPWA funds toward the development of permanent supportive housing constitutes a change in the method of distribution of HOPWA funds. Accordingly, this proposed amendment is being processed as a substantial amendment pursuant to one or more of the criteria, including public noticing.

FISCAL CONSIDERATIONS:

The activities and services outlined in the FY08 Annual Action Plan will not be impacted as a result of the use of rollover funds. Remaining HOPWA funds will be released in FY08, and upon expenditure, will balance the HOPWA budget.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The substantial amendment was available for public review from July 18, 2007 through August 20, 2007 in the reference section of the City's branch libraries and in all of the City's Community Service Centers. A notice of public review was published in the *San Diego Union Tribune* and the *San Diego Daily Transcript* and was distributed via electronic media to Community Planning Group members and affected organizations throughout the County. Draft copies of the amendment were available on the San Diego Housing Commission website, www.sdhc.org.

ENVIRONMENTAL REVIEW:


This activity is an amendment to the application for grant funds and would not be considered a "project" and is therefore not subject to the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15060(c)(2). This project is exempt from the requirements of the National Environmental Policy Act (NEPA) pursuant to the applicable provisions of NEPA 24 CFR Part 58 Section 58.34(a)(1).

Individual projects and activities that are to be supported by HOPWA funds will be subject to environmental review and clearance, as required, prior to any expenditure of the funds.

KEY STAKEHOLDERS & PROJECTED IMPACTS:

The Code of Federal Regulations requires that Consolidated Plan programs generally serve very low, low, and moderate income persons and households. HOPWA funds are made available through a competitive process to community based organizations, government agencies and developers to establish adequate housing and support services for people living with HIV/AIDS.

Respectfully submitted,


D. Todd Phillips
Director, Policy and Public Affairs

Approved by,


Elizabeth C. Morris
President & Chief Executive Officer

Attachments:

- 1) Substantial Amendment to City of San Diego FY08 Annual Action
- 2) Fiscal Year(s) 2007 & 2008 HOPWA allocation
- 3) City of San Diego Citizen Participation Plan

**Distribution of these attachments may be limited. Copies available for review during business hours at the Housing Commission offices at 1122 Broadway, Suite 300, San Diego, CA 92101 or can be found on our website at www.sdhc.org.*

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- a. Rent/Mortgage/Utility Assistance Programs
 - b. Community Health Clinics
 - c. Legal Aid/Mediation Services for Tenant/Landlord Issues
-
2. **Efforts to help homeless persons transition to permanent housing and independent living**
 - a. Case Management
 - b. Job Coaching
 - c. Recovery Programs
 - d. Healthcare (Psychological and Medical)
 3. **Action steps to end chronic homelessness**
 - a. Increase availability of permanent supportive housing
 - b. Strengthen programs that serve at-risk population
 - c. Improve discharge planning for hospitals, foster care and jail/prison programs and communication between providers and services
 - d. Address employment issues
 - e. Address tenant/landlord issues
 - f. Develop mental health courts
 4. **The following table summarizes priority housing and supportive service needs of persons who are not homeless but who may or may not require supportive housing:**

Elderly/Frail Elderly	Shared housing and housing rehabilitation
Physically Disabled	ADA Improvements
Severely mentally ill	Permanent affordable housing with supportive services
Persons with HIV/AIDS	Housing assistance (rent and utility subsidies), supportive services, and transitional housing
All other vulnerable populations	Housing assistance (rent and utility subsidies)

HOUSING OPPORTUNITIES FOR PEOPLE WITH AIDS (HOPWA) PROGRAM

Relation of Proposed Activities to Urgent Needs

The *San Diego Countywide Strategic HIV/AIDS Housing Plan Update 2004*, provides a framework for assessing and planning for the housing and housing related support service needs of persons living with HIV/AIDS and their families. In San Diego, the Plan is updated once every five years. Given the dynamic nature of the HIV disease and the uncertainty of government funding in the future, the needs of persons living with HIV/AIDS and the most appropriate strategies to meet those needs must be reassessed regularly. This plan will continually adapt as the current objectives are met and new gaps and needs emerge.

Program staff has had to work diligently with community based organizations, faith based grassroots organizations, government agencies and developers to establish adequate housing and support services for people living with HIV/AIDS. The Joint City/County HIV Housing Committee reviews the priorities set forth in the *San Diego Countywide HIV/AIDS Housing Plan 2004* to develop funding priorities for FY 2006/07.

An estimated 12,603¹ individuals are living with AIDS in San Diego County. Housing needs include emergency, transitional, independent and supportive housing. Housing assistance and supportive services are needed to best serve this population. HCD administers the HOPWA Program for the entire San Diego County region.

In FY 2007, direct housing assistance activities funded by HOPWA included: four transitional group homes (63 beds); two residential care facilities for the chronically ill (20 beds); short-term rental assistance (approximately 100 individuals), and tenant-based rental assistance (80 households). Supportive services also funded with HOPWA funds include moving services (approximately 135 moves), housing information and referral (approximately 11,800 client contacts), and residential service coordination (25 households). In addition, three units were acquired as set-aside units for the San Diego Continuum of Care, bringing the total permanent housing units to 83 assisted with HOPWA funds. These activities will continue in FY 2008.

The HOPWA entitlement for Fiscal Year 2007 is \$2,549,000. These funds will be utilized to fund direct housing and related project for Fiscal Year 2008, as described on pages 5-19 through 5-21 of the FY08 Annual Action Plan. On December 7, 2006 the County issued a Request for Proposals on making available approximately \$1.9 million for direct housing and related services. Effective date of new contracts July 1, 2007.

FISCAL YEAR 2007 ALLOCATION

Prior Years	Rollover	\$ 434,788.44
FY2007	Allocation	\$ 2,549,000.00
	Total Unallocated Funds	\$ 2,983,788.44
Costs		
Grantee Admin	7%	\$ 178,430.00
Sponsor Admin	3%	\$ 76,470.00
	Total Costs	\$ 254,900.00
Set Aside		
Technical Assistance		\$ 25,000.00
Tenant Based Rental Assistance Program		\$ 773,277.00
	Total Set Asides	\$ 798,277.00
	Available for expenditure in FY08	\$ 1,930,611.44

A portion of the \$2,551,000, FY2008 entitlement will be released in a Notice of Funding Availability/Request for Proposal for the development of permanent affordable units during FY08.

⁶ Source: County of San Diego Health and Human Services Agency HIV/AIDS Epidemiology Unit Report 2006
FY08 Annual Plan

FISCAL YEAR 2008 ALLOCATION

FY2008	Allocation	\$ 2,551,000
Costs		
Grantee Admin	7%	\$ 178,570
Sponsor Admin	3%	\$ 76,530
	Total Costs	\$ 255,100
	Balance	\$ 2,295,900
Set Aside		
Tenant Based Rental Assistance Program		\$ 295,900
	Total Available for FY08 Development NOFA	\$2,000,000

It should be noted that the long-term rental assistance is a set aside for the HOPWA Tenant Based Rental Assistance program administered by the San Diego County Housing Authority and operates the program region wide.

Strategies

The *San Diego Countywide HIV/AIDS Housing Plan Update 2004* has identified the following gaps in the continuum of housing and services for residents in the San Diego Region and made the following recommendations:

- **Affordable Housing:** Increase HIV/AIDS housing programs, including rental assistance and HIV/AIDS housing facilities.
- **Existing Programs:** Continue to fund existing HOPWA activities to ensure ongoing provisions of these services to persons living with HIV/AIDS.

Method of Selecting Sponsors

The County Department of Housing and Community Development (HCD) utilized the *San Diego Countywide HIV/AIDS Housing Plan Update 2004* to establish funding priorities for FY08. The City/County Joint HIV Housing Committee also approved these priorities. A Request for Proposals was released to announce funding.

Using the priorities identified above, the HOPWA formula grant program provides funding for a variety of activities for low-income persons living with HIV/AIDS (PLWAs) and their families in San Diego County: They include:

- Transitional group housing
- Intensive case management
- Long-term scattered site housing
- Information and referral services
- Moving services
- Residential services coordination
- Residential care facility for the chronically ill
- Transitional group home for recovering addicts

TABLE 1:**FISCAL YEAR 2007 HOPWA ALLOCATION**

Prior Years	Rollover	\$ 434,788.44
FY2007	Allocation	\$ 2,549,000.00
	Total Unallocated Funds	\$ 2,983,788.44
Costs		
Grantee Admin	7%	\$ 178,430.00
Sponsor Admin	3%	\$ 76,470.00
	Total Costs	\$ 254,900.00
Set Aside		
Technical Assistance		\$ 25,000.00
Tenant Based Rental Assistance Program		\$ 773,277.00
	Total Set Asides	\$ 798,277.00
	Available for expenditure in FY08	\$ 1,930,611.44

TABLE 2:**FISCAL YEAR 2008 HOPWA ALLOCATION**

FY2008	Allocation	\$ 2,551,000
Costs		
Grantee Admin	7%	\$ 178,570
Sponsor Admin	3%	\$ 76,530
	Total Costs	\$ 255,100
	Balance	\$ 2,295,900
Set Aside		
Tenant Based Rental Assistance Program		\$ 295,900
	Total Available for FY08 Development NOFA	\$2,000,000

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Chapter 2

Community Outreach

Community outreach is an important component of HUD's Community Planning and Development (CPD) grant programs (i.e., CDBG, HOME, ESG, and HOPWA). To foster community outreach, the City of San Diego has developed a Citizen Participation Plan (CPP), which establishes policies and protocols for community outreach and citizen involvement for the use of CPD funds. The CPP is presented in this chapter.

During the development of this FY 2005 - FY 2009 Consolidated Plan, the City of San Diego adhered to the Citizen Participation Plan and provided multiple opportunities for community input. The community outreach process undertaken for the development of this Consolidated Plan is also presented in this chapter.

2.1 Citizen Participation Plan

Introduction

As required by law, the City of San Diego (the City) has developed this Citizen Participation Plan which contains the City's policies and procedures for public involvement in the Consolidated Plan process and the related use of CDBG, HOME, ADDI, ESG, and HOPWA funds. Because of the system established in San Diego for the administration of these funds, this Citizen Participation Plan governs relevant actions of the County of San Diego and the San Diego Housing Commission in regard to their administration of the HOPWA and HOME programs respectively.

Definitions

ADDI: American Dream Downpayment Initiative, a HUD grant which provides funds for homebuyers assistance such as downpayment and closing costs

CDBG: Community Development Block Grant, a HUD grant which provides funds for a variety of community development programs that benefit low and moderate income persons

ESG: Emergency Shelter Grant, A HUD grant that provides funds for homeless shelters and supportive services

HOME: Home Investment Partnership Programs, a HUD grant that provides funds to expand the supply of decent affordable housing for low income households

HOPWA: Housing Opportunities for Persons with AIDS, a HUD grant that provides funds for housing and support services for low income persons living with AIDS and their families

HUD: the Federal Department of Housing and Urban Development

Consolidated Plan: a five-year strategic plan related to the use of the above grant funds

Annual Action Plan: the annual allocation plan related to the above grant funds

Consolidated Annual Performance Evaluation Report (CAPER): the annual assessment of performance related to the above grant funds

Administrative Responsibilities and Contact Information

The City is the recipient of all the grant funds listed above and directly administers the CDBG and ESG programs. Through contractual arrangements with the City, the San Diego Housing Commission administers the HOME program and the new ADDI program and the County of San Diego administers the HOPWA program. Contact information for each program follows:

- **CDBG:** Anita Pyle, CDBG Administrator, (619) 236-6944, apylc@sandiego.gov
- **ESG:** Kimberly Pearson-Brown, Homeless Services Coordinator, (619) 533-6280, kpbrown@sandiego.gov
- **HOME and ADDI:** Bill Luksic, Program Analyst (619) 578-7593, billl@sdhc.org
- **HOPWA:** Elva Bastida, Housing Program Analyst, (858) 694-8712 elva.bastida@sdcounty.ca.gov

The San Diego Housing Commission, in partnership with the City, has responsibility for administration of the Consolidated Plan process which includes all activities related to development and dissemination of Consolidated Plans, Annual Action Plans, Consolidated Annual Performance Evaluation Reports and this CPP. Additional information may be obtained from Amy Benjamin at (619) 578-7542, amybenj@sdhc.org.

Encouraging Public Participation

It is the intent of the City of San Diego to encourage and facilitate the participation of residents in the formulation of priorities, strategies and funding allocations related to the Consolidated Plan process, emphasizing involvement by low and moderate income persons, especially those living in low and moderate income neighborhoods. San Diego also encourages participation of diverse populations, including people who do not speak English and persons with disabilities.

An overview of the Consolidated Planning process is available in Spanish and Vietnamese, the languages of residents who comprise a significant portion of San Diego's low and moderate income neighborhoods. Residents needing materials in other languages are encouraged to contact Amy Benjamin at (619) 578-7542 or by e-mail at amybenj@sdhc.org.

Role of Low Income People

The primary purpose of the programs covered by this Citizen Participation Plan is to improve communities by providing decent housing, a suitable living environment, and growing economic opportunities - all principally for low and moderate income people.

Because the amount of federal CDBG, HOME, ADDI, ESG, and HOPWA money San Diego receives each year is primarily based on the severity of both poverty and substandard housing conditions in San Diego, the City recognizes the importance of public participation that genuinely involves people who have experienced these conditions. It is San Diego's intent to provide opportunities for meaningful involvement by low income people at all stages of the process, including:

- Need identification
- Priority setting
- Funding allocation
- Program recommendations

Stages of the Consolidated Plan Process

The policies and procedures in this CPP relate to five specific stages of action mentioned in law or regulation. These stages include:

1. The needs assessment stage, i.e. the identification of housing and community development needs that generally occurs during development of a Consolidated Plan
2. The plan development stage, i.e., preparation of a Draft Consolidated Plan and/or Draft Annual Action Plan
3. The approval stage, i.e., formal approval by elected officials of a final Consolidated Plan or Annual Action Plan
4. The amendment stage, i.e., when a change is made in proposed use of funds in an Annual Action Plan or to the priorities established in the Consolidated

Plan, a formal Substantial Amendment will be proposed, considered and acted upon. (See “Stages in the Process” of this CPP for the definition of what constitutes a substantial amendment)

5. The performance review phase, i.e., preparation of the CAPER

Program Year in San Diego

The “program year” established by the City for these funds are July 1 through June 30.

Public Notice

Items Covered by the Public Notice Requirement

The City will provide advanced public notice once any of the following documents is available: the Proposed Annual Action Plan or Consolidated Plan, any proposed Substantial Amendment, and the Annual Performance Report. In addition, the City will provide public notice of all public hearings related to the funds or to the planning process covered by this CPP.

“Adequate” Advance Public Notice

HUD considers advance public notice to be adequate if given with enough lead time for the public to take informed action and to comment. The amount of lead time can vary, depending on the event. Specific minimum amounts of lead time for different events are described later in this CPP.

Forms of Public Notice

Public notices will be published in the *San Diego Union Tribune* as a display advertisement in a non-legal section of the newspaper. Whenever feasible, display ads and/or press releases for publication in appropriate neighborhood and ethnic newspapers will also be used. Notice will also be given through mailings to San Diego’s Community Planning Groups and other organizations or individuals who have requested to receive such notices. Notice will be given through mailings to neighborhood organizations, public housing resident groups, faith-based organizations in lower income neighborhoods and agencies providing services to lower income people.

Public Access to Information

The City of San Diego will provide the public with reasonable and timely access to information and records relating to the data or content of the Consolidated Plan as well as the proposed, actual, and past use of funds covered by this CPP. In addition, the City will provide the public with reasonable and timely access to local meetings related to the proposed or actual use of funds.

Standard Documents

Standard documents include: the proposed and final Annual Action Plans, the proposed and final Consolidated Plans, proposed and final Substantial Amendments to an Annual Action Plan or Consolidated Plan, Annual Performance Reports (CAPERS), and this CPP.

Availability of Standard Documents

In the spirit of encouraging public participation, copies of standard documents will be provided to the public. These materials will be available in a form accessible to persons with disabilities, upon request to Amy Benjamin, (619) 578-7542, amybcnj@sdhc.org

Places Where Standard Documents Are Available

Standard documents will be available as the following locations: the Central Library and all 34 branch libraries, all 14 City Community Service Centers, the office of the City Clerk (202 C Street, 2nd floor), the office of the CDBG Administrator (1200 Third Avenue, Suite 924), and the office of the Housing Commission (1122 Broadway, Suite 300). All standard documents will also be posted on the Housing Commission's web site, sdhc.org.

Public Hearings

Public hearings will be held at key stages of the process to obtain the public's views and to provide the public, to the greatest extent possible, with responses to their questions and comments. The City holds public hearings to obtain input regarding community needs during development of a Consolidated Plan, to review proposed uses of the funds in each Annual Action Plan, and to assess how funds were spent during the previous program year as reported in the Annual Performance Report. More information about these specific hearings is contained in "Stages of the Process" of this CPP.

Access to Public Hearings

Public hearings will be held only after there has been adequate notice as described in "Public Notice" of this CPP. At a minimum, a display advertisement in the non-legal section of the *San Diego Union Tribune*, published at least 14 days before the hearing, is required.

The City has elected to hold most public hearings related to the Consolidated Plan process at regularly scheduled meetings of City designated Community Planning Groups that serve low and moderate income neighborhoods. These meetings are held in the evening and are located in neighborhoods where concentrations of low and moderate income persons reside. Other public hearings are held during business hours in accessible downtown locations, easily accessible by public transit. The public hearing at which Consolidated Plans and/or Annual Action Plans are approved by the City Council are conducted at City Hall located at 202 C Street.

Public Hearings and Populations with Unique Needs

All public hearings are held at locations accessible to people with disabilities. If non-English speaking or hearing impaired residents request assistance to participate in a public hearing, the City will provide appropriate assistance to the greatest extent possible.

Stages in the Process

Identifying Needs

Because the housing and community development needs of low and moderate income people are so great and so diverse, priorities must be set in order to decide which needs should get more attention and more resources than other needs. This is the basic reason the Consolidated Plan exists.

The City holds public hearings to obtain residents' opinions about needs and what priority those needs have during the development stage of the Consolidated Plan (every 5 years). Public hearing about needs will be completed at least 15 days before a draft Consolidated Plan is published for comment, so that the needs identified can be considered by the City and addressed in the draft Plan.

"Proposed" Annual Action Plan and/or Consolidated Plan

The law providing the funds related to this Citizen Participation Plan calls for improved accountability of jurisdictions to the public. In that spirit and in compliance with the terms of the law, the City will use the following procedures:

General Information: At the beginning of this stage, usually in November of each year, the City will provide public notice of the anticipated receipt of grant funds, including an estimate of the amount of CDBG, HOME, HOPWA and ESG funds it expects to receive in the following year and a description of the range of types of activities that can be funded with these resources. Also, the notice will provide an estimate of the amount of these funds that will be used in ways that will benefit low and moderate income people. Contact information for each of the

funds will be included in the notice so that interested persons can obtain additional information.

The plans of the City to minimize the extent to which low and moderate income people will have to leave their homes as a result of the use of these federal dollars (displacement) are also available at this stage. The City's "anti-displacement plan" describes how San Diego will compensate people who are actually displaced as a result of the use of these funds, specifying the type and amount of compensation.

Technical Assistance: City staff (and appropriate Housing Commission and County staff) will work with organizations and individuals representative of low and moderate income people who are interested in submitting a proposal to obtain funding for an activity. All potential applicants for funding will be encouraged to contact staff (City of San Diego for CDBG and ESG, the County of San Diego for HOPWA, and the SD Housing Commission for HOME) before completing a proposal form. Technical assistance workshops regarding the funding process and how to apply will be provided to interested organizations early in the process.

Availability of a Proposed Plan: Copies of Proposed Consolidated Plans and/or Annual Action Plans are distributed to the Community Planning Groups at which hearings have been held and are also made available by request. In addition, copies are made available at the locations specified above in "Public Access to Information" of this CPP.

Public Hearing and Further Action: In addition to the public hearings held in the community regarding proposed Plans, public hearings about proposed Plans are held by the Housing Commission Board, the Land Use and Housing Committee of the City Council and the City Council. All comments from the community hearings and the Housing Commission Board hearing, as well as those received in writing during the 30-day public comment period, are presented to the Land Use and Housing Committee and the City Council for their consideration. All such comments are considered by staff and presented in the final Plans.

Final Annual Action Plan and/or Consolidated Plan

Copies of the final Plan and a summary will be made available to the public upon request. In addition, copies will be available at the locations specified above in "Public Access to Information."

Substantial Amendments to the Annual Action Plan and/or Consolidated Plan

The following are defined as substantial amendments by the City and will require public notice and provision of a public comment period:

Annual Action Plan:

1. The addition or deletion of an activity (program) that changes the funding at the Category level by more than 30 percent
2. A change in the purpose or scope of an activity that results in the activity changing from one Category to another.
3. Any use of HUD 108 financing that was not described in the current Annual Action Plan

Consolidated Plan:

1. An addition or deletion of a priority
2. A change in the method of distribution of the funds received through the Consolidated Plan Process.

Public Notice and Public Hearing for Substantial Amendments: The City will provide reasonable notice of a proposed Substantial Amendment so that residents will have an opportunity to review and comment on it. Notice will be made according to the procedures described in "Public Notice" of this CPP and will allow a 30-day period for public comment. In preparing a final Substantial Amendment, due consideration will be given to all comments and views expressed by the public. The final Substantial Amendment will have a section that presents all comments and explains why any comments were not accepted.

Annual Performance Report

Every year, San Diego must submit to HUD the Consolidated Annual Performance Evaluation Report, the CAPER, within 90 days of the close of the program year, i.e., by September 30th. In general, the Annual Performance Report describes how funds were actually spent and the extent to which these funds were used for activities that benefited low and moderate income people.

Public Notice and Public Hearing for Annual Performance Reports:

The City will provide reasonable notice that an Annual Performance Report (CAPER) is available so that residents will have an opportunity to review and comment on it. Notice will be made according to the procedures described in "Public Notice" above. The City will provide at least 14 days advance notice of the availability of the CAPER before the public hearing, which will be held by the Housing Commission Board.

Copies of the CAPER will be made available to the public upon request. In addition, copies will be available at the locations listed in "Public Access to Information."

In preparing a CAPER for submission to HUD, consideration will be given to all comments and views expressed by the public, whether given as verbal testimony at

the public hearing or submitted in writing. The Annual Performance Report sent to HUD will have a section that presents all comment.

Complaint Procedures

Written complaints from the public about the City's citizen participation process or the Consolidated Plan process will receive careful consideration and will be answered in writing within 15 working days. Written complaints should be sent to Amy Benjamin at the following address: San Diego Housing Commission, 1122 Broadway, Suite 300, San Diego, CA, 92101 or amybenj@sdhc.org.

Amending the Citizen Participation Plan

This Citizen Participation Plan can be amended only after the public has been notified of the City's intent to modify it and only after the public has had a reasonable chance to review and comment on proposed substantial changes.

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REQUEST FOR COUNCIL ACTION
CITY OF SAN DIEGO

1. CERTIFICATE NUMBER
(FOR AUDITOR'S USE)

TO: CITY ATTORNEY

2. FROM (ORIGINATING DEPARTMENT):
SAN DIEGO HOUSING COMMISSION

3. DATE:
August 2, 2007

4. SUBJECT:
FY08 CITY OF SAN DIEGO ANNUAL ACTION PLAN- SUBSTANTIAL AMENDMENT

5. PRIMARY CONTACT (NAME, PHONE, & MAIL STA.) 6. SECONDARY CONTACT (NAME, PHONE, & MAIL STA.) 7. CHECK BOX IF REPORT TO COUNCIL IS ATTACHED

Amy Benjamin 578-7542 49-N Todd Philips 578-7558 49N

8. COMPLETE FOR ACCOUNTING PURPOSES

FUND	DEPT.	ORGANIZATION	OBJECT ACCOUNT	JOB ORDER	C.I.P. NUMBER	AMOUNT	9. ADDITIONAL INFORMATION / ESTIMATED COST:
							COSTS OF CITY ATTORNEY'S REVIEW TO BE CHARGED TO OUSA #368

10. ROUTING AND APPROVALS

ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED	ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED
1	ORIG. DEPT - SDHC DIR. TODD PHILIPS	<i>T. Philips</i>	8/9/07	8	DEPUTY CHIEF	<i>W. H. ...</i>	8-31-07
2	SDHC EXEC. V.P. & COO CARROL VAUGHAN	<i>C. Vaughan</i>	8/16/07	9	COO		
3				10	CITY ATTORNEY	<i>Al ...</i>	9/14/07
4	CFD			11	ORIG. DEPT		
5				DOCKET COORD: _____ COUNCIL LIAISON _____			
6				<input checked="" type="checkbox"/> COUNCIL PRESIDENT <input type="checkbox"/> SPOB <input type="checkbox"/> CONSENT <input checked="" type="checkbox"/> ADOPTION <i>ms</i> <input type="checkbox"/> REFER TO: _____ COUNCIL DATE: 10/9/07			
7							

11. PREPARATION OF: RESOLUTIONS ORDINANCE(S) AGREEMENT(S) DEED(S)

Authorize the Mayor or his designee to execute a substantial amendment to the FY 2008 Action Plan and 2005-2009 Consolidated Plan to the United States Department of Housing and Urban Development.

11A. STAFF RECOMMENDATIONS:
HOLD THE PUBLIC HEARING AND ADOPT THE RESOLUTION.

12. SPECIAL CONDITIONS (REFER TO A.R. 3.20 FOR INFORMATION ON COMPLETING THIS SECTION.)

COUNCIL DISTRICT(S): ALL

COMMUNITY AREA(S): ALL

ENVIRONMENTAL IMPACT: THIS PROJECT IS CATEGORICALLY EXCLUDED FROM THE REQUIREMENTS OF THE NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) PURSUANT TO THE APPLICABLE PROVISIONS OF NEPA 24CFR PART 58, SECTION 58.35(A)(3). THE PROJECT IS ALSO CATEGORICALLY EXEMPT FROM THE PROVISIONS OF THE CALIFORNIA ENVIRONMENT QUALITY ACT (CEQA) PURSUANT TO SECTION 15301 OF THE CEQA GUIDELINES.

HOUSING IMPACT: EXPANSION AND PRESERVATION OF AFFORDABLE HOUSING OPPORTUNITIES

OTHER ISSUES: THE FY08 ANNUAL ACTION PLAN WAS APPROVED BY CITY COUNCIL ON MAY 8, 2007.

CITY CLERK INSTRUCTIONS: PLEASE PROVIDE A CERTIFIED COPY OF RESOLUTION, INCLUDING VOTING SHEET, TO AMY BENJAMIN, MS 49-N.

RESOLUTION NUMBER R-_____

DATE OF FINAL PASSAGE _____

A RESOLUTION AUTHORIZING SUBMISSION OF A SUBSTANTIAL AMENDMENT TO THE FY08 ANNUAL ACTION PLAN AND 2005-2009 CONSOLIDATED PLAN TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

WHEREAS, the City's Fiscal Year 2005-2009 Five-Year Consolidated Plan continues a consolidated process for five U.S. Department of Housing and Urban Development (HUD) housing and community development formula-based programs: Community Development Block Grant (CDBG); HOME Investment Partnerships (HOME); American Dream Downpayment Initiative (ADDI); Emergency Shelter Grants (ESG); and Housing Opportunities for Persons with Aids (HOPWA); and

WHEREAS, the Fiscal Year 2008 Annual Action Plan is the FY08 funding application in the amount of \$27.2 million to HUD for said programs; and the FY2005 – FY2009 Consolidated Plan contains the overall strategy for the City's community revitalization efforts, and describes how these efforts will continue to be implemented through the City's commitment to bottom-up planning, an integrated approach to addressing community and neighborhood problems, providing support for collaborations with our citizenry and promoting the decentralization of decision making; and

WHEREAS, the FY08 Annual Action Plan was approved on May 14, 2007 by way of Resolution R-302602 and the Annual Action Plan describes how the City is meeting its statutory requirements under the specified federal grants programs, which set forth three basic goals which

must primarily benefit low- and very low-income persons: to provide decent housing; to provide a suitable living environment; and to expand economic opportunities; and

WHEREAS, the San Diego Housing Commission will continue to plan, coordinate, operate, administer, implement and draw down funds for operation of the HOME and the ADDI programs, and the County of San Diego will continue to plan, coordinate, operate, administer, implement and draw down funds for operation of the HOPWA program, as previously authorized by the City Council in prior resolutions, including but not limited to, Resolution R-284352 and R-286709, and the City's Community Services Division will continue to administer, implement and draw down funds for operation of the CDBG and ESG programs; and

WHEREAS, the County of San Diego will continue to meet the goals, established by HUD, to address the special needs of persons living with HIV/AIDS and their families; and

WHEREAS, the HOPWA Housing Plan indicates an acute need for affordable permanent housing units and emergency housing resources that are accessible to persons with HIV/AIDS; and

WHEREAS, the County of San Diego has requested the City amend the HOPWA funding allocations approved under the FY08 Annual Action Plan; NOW THEREFORE,

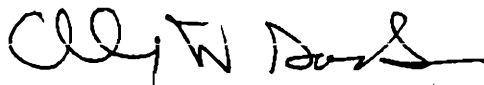
BE IT RESOLVED, by the Council of the City of San Diego as follows:

1. That the 2005-2009 Consolidated Plan, a copy of which is on file in the office of the City Clerk as Resolution R-29913 , will be substantially amended pursuant to a change in the method of distribution of HOPWA funds as requested by the County of San Diego.
2. That the FY08 Annual Action Plan, a copy of which is on file in the Office of the City Clerk accompanying Resolution R-302602, will be amended at the category

level by more than 30%, through the funding of new permanent affordable housing development for persons with HIV/AIDS and Tenant Based Rental Assistance.

- 3. That the aforementioned substantial amendment(s) are hereby approved, and the President & Chief Executive Officer of the Housing Commission is hereby authorized to submit the Plan, on behalf of the City, to the U.S. Department of Housing and Urban Development for its review and approval.
- 4. That the Mayor or his designee is authorized to execute a grant agreement with HUD for the HOPWA Funds in 2008.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By 
 Alex W. Sachs
 Deputy City Attorney

AWS:mm
 09/21/07
 Or.Dept: Housing Comm.
 R-2008-212
 MMS#5327

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of _____.

ELIZABETH S. MALAND
City Clerk

By _____
Deputy City Clerk

Approved: _____
(date)

JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor