

UNITED STATES VIRGIN ISLANDS HOUSING FINANCE AUTHORITY

CITIZEN PARTICIPTION PLAN RELATING TO THE ADMINISTRATION OF GRANT PROGRAMS PROVIDED BY THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT



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SUBJECT: CITIZEN PARTICIPATION PLAN RELATING TO HUD PROGRAMS	
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APPROVAL:  Daryl Griffith, Executive Director VIHFA	<u>10/05/2020</u> Date



Table 1: Citizen Participation Plan

VERSION NUMBER	DATE REVISED	DESCRIPTION
VERSION 1	2005 - 2010	Citizen Participation Plan
VERSION 2	7/21/2020	Update Citizen Participation Plan to include process for special funds.

TABLE OF CONTENTS

1.0 INTRODUCTION.....	1
1.1 Summary.....	1
2.0 POLICIES	2
2.1 Version Policy	2
2.2 Policy Changes	2
2.3 Virgin Islands Housing Finance Authority Board of Directors Approval	2
2.4 Acronyms.....	2
2.5 Definitions	3
3.0 CITIZEN PARTICIPATION PLAN	5
3.1 Purpose	5
3.2 Lead Agency	5
3.3 Encouragement of Citizen Participation	5
3.4 Groups and Populations for Targeted Outreach to Encourage Participation	6
3.5 Effective Communications with Individuals with Disabilities	7
3.6 Language Access for People with Limited English Proficiency	7
3.7 Citizen Participation Plan Development Through Approval and Implementation.....	7
3.8 Revisions to the Citizen Participation Plan.....	9
3.9 Effective Date	10
4.0 LANGUAGE ACCESS PLAN	11
4.1 Purpose of the Language Access Plan	11
4.2 Identifying LEP Individuals Needing Language Assistance	11
4.2.1 Four-Factor Analysis	11
4.2.2 Interaction with LEP Persons by Program.....	14
4.2.3 Language Assistance Measures	16
4.2.4 Public Hearings and Citizen Participation Periods	17
4.2.5 Subrecipient Compliance with LAP.....	17
4.2.6 Complaints and Appeals.....	18
4.2.7 Training Staff and Subrecipients/Partners on the LAP	18

4.2.8 Providing Notice to LEP Individuals	19
4.2.9 Monitoring, Evaluating, and Updating the LAP	20
5.0 CONSOLIDATED PLAN.....	21
5.1 Consolidated Plan Overview	21
5.1.1 Consolidated Plan Sections.....	22
5.2 HUD Programs Included in the Consolidated Plan.....	22
5.2.1 Community Development Block Grant Program	22
5.2.2 Emergency Solutions Grant Program.....	22
5.2.3 HOME Investment Partnership Program	23
5.2.4 Housing Trust Fund Program.....	23
5.3 Steps for Developing the Consolidated Plan.....	23
5.3.1 Initiate the Consolidated Planning Process.....	23
5.3.2 Draft the Consolidated Plan	24
5.3.3 Conduct Public Hearing(s) on Proposed Plan	24
5.3.4 Submission to HUD.....	24
5.3.5 Make the Final Consolidated Plan Available to the Public	25
5.4 Consolidated Plan Amendment(s)	25
5.4.1 Administrative Updates	25
5.4.2 Technical Amendment(s).....	25
5.4.3 Substantial Amendment(s)	26
5.4.4 Non-Substantial Amendment(s)	27
5.4.5 Submission of Amendment(s) to HUD	28
5.5 Program Access for Persons with Limited English Proficiency	28
5.6 Special Needs and Accessibility.....	28
5.7 Technical Assistance.....	29
5.8 Fair Housing	29
5.9 Minimizing Displacement of Persons and Assistance to Any Person Displaced	30
5.9.1 Demonstrable Hardship	31
5.9.2 Not Suitable for Rehabilitation	31
6.0 ANNUAL ACTION PLAN.....	32
6.1 Plan Development Through Approval by HUD.....	32

7.0 CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT (CAPER)	34
7.1 CAPER Amendment(s)	34
8.0 SPECIAL FUNDING PROGRAMS (NOT INCLUDED IN HUD’S ANNUAL ALLOCATION FORMULAS)	35
8.1 CDBG-DR Program Overview	35
8.1.1 Community Development Block Grant – Disaster Recovery Program	35
8.1.2 Community Development Block Grant - Mitigation Program.....	35
8.2 Communications Regarding CDBG-DR and/or CDBG-MIT	36
8.2.1 CDBG-DR Language Access Translations.....	36
8.3 Updating Hurricane Recovery Website	36
8.4 CDBG-DR Action Plan and Amendment(s)	37
8.4.1 CDBG-DR Action Plan	37
8.4.2 CDBG-DR Administrative Updates	38
8.4.3 CDBG-DR Technical Amendment(s).....	38
8.4.4 CDBG-DR Substantial Amendment(s)	38
8.4.5 Non-Substantial Amendment(s) for CDBG-DR	40
8.4.6 Submission to HUD.....	40
8.5 CDBG-MIT Program	40
8.5.1 CDBG-MIT Action Plan and Amendment(s) Overview.....	40
8.5.2 Public Hearings.....	41
8.5.3 Public Comment Period Requirements.....	41
8.5.4 Citizen Advisory Committee	41
8.5.5 CDBG-MIT Action Plan Amendment(s).....	42
8.6 Additional Requirements for Special Funding Programs	44
8.6.1 CDBG-DR and CDBG-MIT Action Plans and Amendments Entered into DRGR.....	45
8.6.2 Citizen Complaints.....	45
8.6.3 Public Website.....	45
8.6.4 Program Access for Persons with Limited English Proficiency	46
8.6.5 Special Needs and Accessibility	46
8.6.6 Fair Housing.....	46
8.6.7 Minimizing Displacement of Persons and Assistance to Any Person Displaced	47

9.0 CONTINUITY PROTOCOLS FOR EMERGENCY SITUATIONS, INCLUDING BUT NOT LIMITED TO PUBLIC HEALTH AND/OR SAFETY	48
9.1 Communication Strategies for Public Outreach and Engagement	48
9.1.1 Challenges for All Public Outreach and Engagement	48
10.0 APPENDIX A	51
10.1 “I Speak” Cards	51
10.1.1 “I Speak Spanish”	51
10.1.2 “I Speak French”	51
10.3 American Sign Language Logo	53

1.0 INTRODUCTION

1.1 Summary

The U.S. Department of Housing and Urban Development (HUD) allocates funds appropriated by Congress through the federal budget process on a formula basis to local, state and territorial governments. The U.S. Virgin Islands (Territory) receives annual allocations for the Community Development Block Grant, Emergency Solutions Grant, HOME Investment Partnership, and Housing Trust Fund Programs. These programs allow the Territory to carry out a wide range of activities including the creation of affordable housing opportunities, economic development, improved community facilities and infrastructure, and homeless housing and services.

These programs do not provide cash or grants directly to the public. Rather residents benefit from the various services and affordable housing opportunities supported by the HUD-funded programs.

The U.S. Code of Federal Regulations (CFR) at 24 CFR 91 Subpart B, and program regulations at 24 CFR Part 576 and 24 CFR Part 570.441 require that the Territory develop and follow a detailed citizen participation plan that provides opportunities for and encourages citizen involvement. The citizen participation plan (Plan) must be made public.

The Plan must provide citizens with reasonable and timely access to local meetings; an opportunity to review proposed activities and program performance; provide for timely written answers to complaints and grievances; and identify how the needs of non-English speaking residents will be met through translation of documents and in the case of public hearings where a significant number of non-English speaking residents can be reasonably expected to participate in keeping with VIHFA's Language Access Plan.

The purpose of this Citizen Participation Plan is to describe how the Territory will provide for and encourage citizen participation in the development plans for the use of the HUD funds including the five-year Consolidated Plan (Con Plan), Annual Action Plans, the Consolidated Annual Performance and Evaluation Report (CAPER), and any substantial amendments to those plans or reports.

Additionally, citizen participation requirements apply whenever the Territory receives special HUD funding allocations or awards, such as CDBG Disaster Recovery (CDBG-DR), CDBG Mitigation (CDBG-MIT) or Coronavirus Aid, Relief, and Economic Security Act (CARES Act). The Federal Register Notices for the special funding may include community participation waivers and/or additional requirements. Additional community participation requirements may also be described in the HUD grant agreement.

2.0 POLICIES

2.1 Version Policy

The table on the title page reflects the effective date of the current policies. Table 1 includes version history, along with notes regarding the version changes. The dates of each publication are also tracked in Table 1. The first version of this document was 1.0. The changes and publication dates will be reflected in Table 1 on page 2. This document reflects substantial updates and will result in the issuance of a new version with an increase in the primary version number (2.0). Future policy changes of a substantial nature will result in the issuance of a new primary version number.

Non-substantive changes, such as editing or minor wording revisions, or clarifications of existing policy that do not affect the interpretation or applicability of the policy will be included in minor version updates denoted by a sequential number increase behind the primary version number. Such changes would result in a version number such as 2.1, 2.2, etc.

2.2 Policy Changes

Changes for the Citizen Participation Plan are considered when clarifications, additions, or deletions are needed to more precisely define the rules for the Citizen Participation Plan or process, or to come into alignment with HUD regulations. Program staff, managers or other VIHFA members may submit recommendations for Citizen Participation Plan changes to the VIHFA Communications Manager. The VIHFA Communications Manager will submit a policy change memorandum, outlining the changes, requirements, and recommendations to the Executive Director for review and approval.

The Citizen Participation Plan can be changed only after:

1. The public has been notified of the intent to modify it,
2. The public has had a thirty (30)-day period to review and comment on any proposed changes,
3. The Virgin Island Housing Finance Authority Board of Directors has approved and adopted the proposed changes, and
4. HUD has reviewed and approved the modified Citizen Participation Plan.

2.3 Virgin Islands Housing Finance Authority Board of Directors Approval

The Citizen Participation Plan, along with any proposed changes, must be approved and adopted by the VIHFA Board of Directors (Board). The Board meets regularly; Citizen Participation Plan changes will be incorporated into the schedule of the next available meeting.

2.4 Acronyms

AMI	Area Median Income
CAPER	Consolidated Annual Performance and Evaluation Report
CARES	Coronavirus Aid, Relief, and Economic Security Act

CDBG	Community Development Block Grant
CDBG-DR	Community Development Block Grant - Disaster Recovery
CDBG-MIT	Community Development Block Grant - Mitigation
CFR	Code of Federal Regulations
COVID-19	Coronavirus Disease 2019
CPD	Community Planning and Development
ESG	Emergency Solutions Grant
FR	Federal Register
HCDA	Housing and Community Development Act
HOME	HOME Investment Partnership Program
HTF	Housing Trust Funds
HUD	US Department of Housing and Urban Development
LAP	Language Access Plan
LEP	Limited English Proficiency
LMI	Low- and Moderate-Income
MBE	Minority-owned Business Enterprise
MID	Most Impacted and Distressed areas
PCCB	Policy Change Control Board
URA	Uniform Relocation Act
USC	United States Code
USVI	United States Virgin Islands
VIHFA	Virgin Islands Housing Finance Authority

2.5 Definitions

Affordable Housing: Affordable housing is generally defined as housing where the occupant household is paying no more than 30 percent of the total gross income for housing costs, including utilities.

Annual Action Plan: A plan developed by the Territory with the input from citizens and community groups and serves as the vehicle which describes on an annual basis what activities will be funded under federal and Territorial programs within the current Consolidated Plan.

Area Median Income (AMI): Calculated annual income limits based on HUD-estimated median family income with adjustments based on family size used for demonstrating LMI beneficiaries in the program. This calculation may also be referred to as Area Median Family Income (AMFI) in other program documents.

Beneficiary: The recipient deriving advantage from funding. This includes individuals or the residents of communities receiving services, household members of units created or rehabilitated with HUD program funding, and in some cases may refer to developers of projects since they are considered “end users” of the funds.

Consolidated Plan: A plan developed by the Territory with input from citizens and community groups and serves four functions:

- It is a planning document built upon public participation and input

- It is the application for HUD’s formula grant programs funds
- It defines priorities for use of funds
- It lays out the Territory’s five (5) year strategy in implementing the HUD-funded programs

Consolidated Annual Performance and Evaluation Report (CAPER): The HUD required annual evaluation of the Territory’s past year’s CDBG program performance as outlined in the Consolidated Plan and Annual Action Plan.

Fiscal Year: Any yearly accounting period observed by the jurisdiction, regardless of its relationship to a calendar year.

Household: A household is defined as all persons occupying the same housing unit, regardless of their relationship to each other. The occupants could consist of an individual, a single family, two or more families living together, or any other group of related or unrelated persons who share living arrangements. For housing activities, the test of meeting the LMI National Objective is based on the LMI of the household.

Most Impacted and Distressed (MID) Areas: HUD has identified all components of the U. S. Virgin Islands as areas “most impacted and distressed.”

Low- and Moderate-Income (LMI): Households (including families comprised of a single individual) whose total annual gross income does not exceed 80% of Area Median Income (AMI), adjusted for family size.

Public Hearing: a meeting to hear public opinions on single or multiple issues; a meeting where members of the public hear the facts about issues and give their opinions about it. Public hearings require due public notice and must be held in a location that is accessible.

Special Needs and Vulnerable Populations: Special needs individuals are any persons with specific needs, including persons with disabilities; vulnerable populations are seniors, special needs individuals, including those with disabilities, and the homeless.

Subrecipient: Any public or private non- or not-for-profit agency, authority, or organization, or a for-profit entity authorized under 24 CFR 570.201(o), receiving funds from the VIHFA to undertake projects, programs, and/or activities eligible under the Consolidated Plan, or CDBG-DR or CDBG-MIT Action Plan.

3.0 CITIZEN PARTICIPATION PLAN

3.1 Purpose

The federal regulations at 24 CFR Section 91 Subpart B and 24 CFR Part 5 sets forth the requirements to involve and take into consideration the input of citizens to develop, revise, amend, approve and implement the HUD-funded programs that will serve the needs of those citizens. There must be targeted outreach to solicit input from and involvement by residents of predominately low- and moderate-income neighborhoods, those living in areas designated to be revitalized, in slum and blighted areas, and/or in areas where HUD-funded activities are proposed to be used.

Citizen Participation is the process of involving the public in the problem solving, decision making and idea generation process in a collaborative environment. Healthy and robust public participation results in better decisions and solutions, strengthens acceptance and support, fosters accountable decision makers and implementers, and improves understanding of the programs and resources available to the Territory.

3.2 Lead Agency

The Virgin Islands Housing Finance Authority is the Territory's lead agency for the HUD-funded programs that include activities for affordable housing, housing and services for persons who are homeless and housing, services and projects with provide health, safety, housing and support for youth, and services for other vulnerable populations.

The following federally funded grant programs with annual allocations are:

1. Community Development Block Grant (CDBG)
2. Emergency Solutions Grant (ESG)
3. HOME Investment Partnership (HOME)
4. Housing Trust Fund (HTF)

VIHFA is also the responsible entity for the allocations of HUD funding for disaster recovery and mitigation programs to address the impacts of the 2017 hurricanes.

3.3 Encouragement of Citizen Participation

VIHFA encourages participation by low- and moderate-income persons, particularly those living in areas where the HUD program funds are proposed to be used, those living in slum and blighted areas, and by residents of predominantly low- and moderate-income neighborhoods. VIHFA will also take appropriate actions to encourage the participation of all its citizens, including minorities and non-English speaking persons, as well as persons with disabilities.

In addition to the participation of low- and moderate-income persons and the community at large, it is imperative to collaborate with other entities for input and feedback. Such entities include public agencies, private sector for-, non- and not-for-profit firms, community partner organizations, Territory-wide institutions, regional and island-wide organizations, stakeholders

and advocates for the citizens served by the HUD-funded programs. VIHFA will also coordinate with businesses that may employ or serve lower income residents.

3.4 Groups and Populations for Targeted Outreach to Encourage Participation

Citizen participation is essential in all stages of the planning process. VIHFA strives to conduct public meetings at convenient times and locations that are close to lower income neighborhoods, and that are accessible to persons with disabilities.

VIHFA welcomes and encourages the participation of all citizens. The Territory has identified the following constituency groups to be specifically targeted for outreach efforts when developing policies, strategies and activities that are funded with HUD program allocations or awards:

1. Persons who do not speak English; i.e., Limited English Proficiency persons
2. Persons with HIV/AIDS service providers for those with HIV/AIDS
3. Homeless persons and service providers for the homeless
4. Public housing residents and the Virgin Islands Housing Authority
5. Community Development Corporations and the residents they serve
6. Mental Health service agencies/organizations and their clients
7. Alcohol and drug agencies/organizations and their clients
8. Department of Health and Lead-Based Hazards agencies/organizations
9. Children and Youth service agencies and/or advisory groups
10. Civic organizations
11. Faith-based organizations
12. Elderly persons and service providers for the elderly
13. Persons with disabilities and service providers for persons with disabilities
14. Economic Development, job creation agencies and community businesses
15. Private housing developers, Community Reinvestment developers, corporate and commercial banks, and Fair Housing Advocacy groups
16. Low- and moderate-income residents, particularly those living in areas where funds are proposed to be used or where access to information on the HUD-funded programs provides a benefit to these residents
17. Residents of assisted housing, including recipients of tenant-based rental assistance

In addition to the listed groups, VIHFA will coordinate with agencies, non-profits and other organizations that represent these groups. Evidence of all outreach, including any targeted outreach to these groups, will be maintained in the VIHFA records and available for review upon request.

3.5 Effective Communications with Individuals with Disabilities

Under Section 504 of the Rehabilitation Act and the Americans with Disabilities Act, VIHFA, as a recipient of HUD financial assistance, and any subrecipients, partners or grantees, must ensure appropriate steps are taken to ensure effective communications with individuals with disabilities. Generally, this will be provided through the use of appropriate auxiliary aids and services, such as interpreters, computer-assisted real time transcriptions (CART), captioned videos with audible video descriptions, or translation of documents into alternative formats (e.g. braille or large print), or assistance in reading or completing a form.

An example of effective communication at a public hearing is making sign language interpreters, CART and assistive listening devices to individuals who are deaf or hard of hearing and must provide all written materials in accessible formats for persons who are blind or have low vision upon request.

Announcements and notices for meetings or hearing will include the American Sign Language logo: See Appendix 10.3.

3.6 Language Access for People with Limited English Proficiency

Section 601 of Title VI of the Civil Rights Act of 1964 provides that no person shall “on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity receiving Federal financial assistance...” Executive Order 13166 (Order), issued on August 11, 2000, “Improving Access to services by Persons with Limited English Proficiency,” further clarifies this Section of the Civil Rights Act of 1964. Specifically, the Order requires federal agencies to assess and address the needs of otherwise eligible persons seeking access to federally conducted programs and activities who, due to limited English proficiency (LEP), cannot fully and equally participate in or benefit from those programs and activities. The LEP obligations of federally funded programs apply to every person who meets the program requirements, regardless of the person's citizenship status. VIHFA’s Language Access Plan (LAP), found in Section 4.0 of this document, identifies groups of LEP persons and outlines a process for meeting the requirements.

3.7 Citizen Participation Plan Development Through Approval and Implementation

The process for development of the Citizen Participation Plan (Plan) includes drafting and adopting the Plan, with the following:

1. Plan Considerations

As part of the Plan development process and prior to the adoption of the Plan or any revisions or amendments to the Plan, VIHFA will identify prior Plan activities, identify the goals of the planning activities, identify any gaps in past planning activities, assess the current resources to perform the Plan activities and establish Citizen Participation goals. The information will be made available to citizens, public agencies, stakeholders and other interested parties.

2. Plan Review and Public Comment

The Plan will be made available for public review for a thirty (30) day period. The Plan shall be provided in a format accessible to persons with disabilities upon request, such as (but not limited to) providing oral, Braille, electronic or large print versions, of the plan to those visually impaired copies to those who are homebound.

The Plan will encourage comment and participation by minority and non-English speakers, and, when feasible, translation services will be available upon request by contacting the VIHFA Communications Manager at (340) 772-4432 or (340) 777-4432, or via the “contact us” link in the VIHFA website at <https://www.vihfa.gov>.

3. Public Hearing

A public hearing is the manner through which VIHFA will solicit and receive public input for their thoughts on the Citizen Participation Plan. VIHFA’s role is to hear and consider those views on the proposed Citizen Participation Plan.

The public hearing shall be held in areas and at times that are easily accessible to the population. The place and other particulars pertaining to the hearing shall be advertised in the journal of public record, which in the Virgin Islands are the VI Source (www.visource.com), *Virgin Islands Daily News* and the *St. Croix Avis*, at least 14 days prior to the hearing date. Press releases, radio and television announcements and social media notifications shall be employed.

Copies of the Citizen Participation Plan will be made available in English and Spanish, and any other languages identified in the LAP. With advance notice, translators will be provided for citizens who do not speak English or who require sign-language translation.

VIHFA shall conduct a public hearing to accept public comments on the draft Citizen Participation Plan prior to submission to HUD, and this may be done concurrently with the public review and comment process for plans described above. Comments will be captured at the location(s) identified in the Notice released for public review and comment, maintained in a log and acknowledged.

After public comments are received, VIHFA must review and address all comments. If comments require changes to the Plan, the Citizen Participation Plan may need to be amended. If the proposed changes result in substantial changes from the proposed draft, the revised draft must be made available for an additional thirty (30) day public comment period.

4. VIHFA Board Approval and Adoption

The Citizen Participation Plan must be approved and adopted by the VIHFA Board. VIHFA staff will present a Citizen Participation Plan draft to the Board for approval. Documentation of the Board’s decision will be documented for compliance.

5. Submission to HUD

The Citizen Participation Plan must be submitted to HUD and shall be approved as a stand-alone document. VIHFA shall submit to HUD the Citizen Participation Plan, proof of

compliance with the thirty (30) day public review and comment period requirement, a summary of all written comments received during the public hearing(s) with VIHFA's responses to the comments, and with any comments not accepted and reasons the comments were not accepted.

6. Plan Access, Comments and Complaints

The approved Citizen Participation Plan will be maintained online at www.vihfa.gov and will be kept on file at the Virgin Islands Housing Finance Authority offices at:

St. Thomas
Communications Manager
3202 Demarara No. 3, Suite #200
St. Thomas, VI 00802
Telephone (340) 777-4432

St. Croix
Communications Manager
Frits Lawaetz Complex, Suite #210
Frederiksted, St. Croix 00840
Telephone (340) 772-4432

VIHFA will provide any citizen with any information requested pertaining to the Citizen Participation Plan within five (5) business days.

3.8 Revisions to the Citizen Participation Plan

The Territory's first Citizen Participation Plan was initially developed and adopted in 2005. The Citizen Participation Plan will be reviewed every five (5) years as part of the Consolidated Plan process, or as special funding becomes available with additional citizen participation requirements; revisions will be made to the Plan if necessary. If, as part of the Consolidated Plan process, no changes are necessary, the Plan will remain in effect.

If revisions are needed, the process described above in Section 3.6 will be followed. An outline of the steps is:

1. A draft of the original Citizen Participation Plan will be advertised and a public review and comment period of thirty (30) days is allowed before the final document is adopted. The final document is developed in consideration of any public comments which are received.
2. The final Citizen Participation Plan will be made available at the offices of the Virgin Islands Housing Finance Authority on St. Thomas and St. Croix, and the public libraries on St. Thomas, St. Croix and St. John islands.
3. A copy of the plan will also be posted on the Virgin Islands Housing Finance Authority website (www.vihfa.gov).
4. Based on most recent available census data regarding languages spoken by Virgin Islands residents with limited English proficiency, a copy of the Citizen Participation Plan will be available on the Virgin Islands Housing Finance Authority website in Spanish.
5. Upon request and as noted in the document, the Plan will be made available in a format accessible to persons with disabilities (e.g. oral, electronic, or large print copies for the visually impaired).

6. All advertisements relative to the availability of the Final Draft Plan for public review will be posted on the VIHFA website, the VI Source (www.visource.com), and published in the *Virgin Islands Daily News* and the *St. Croix Avis*.

3.9 Effective Date

Upon approval of this Citizen Participation Plan by the VIHFA Board of Directors and HUD, the Citizen Participation Plan will be effective until it is amended or otherwise replaced.

4.0 LANGUAGE ACCESS PLAN

4.1 Purpose of the Language Access Plan

The purpose of the Language Access Plan (LAP) is to provide direction to VIHFA and its subrecipients/partners to assess and address the needs of otherwise eligible persons seeking access to federally conducted programs and activities who, due to limited English proficiency, cannot fully and equally participate in or benefit from those program and activities. The LEP obligation of federally funded programs applies to every person who meets the program requirements, regardless of the person's citizenship status. If the program eligibility criteria are met, LEP persons are entitled to language assistance with respect to services, benefits, and other encounters that program.

The steps for assessing the limited English proficiency (LEP) needs are identified below in the four-factor analysis. This LAP describes how VIHFA and its subrecipients/partners will provide meaningful language access services to address those needs. VIHFA subrecipient/partner identifying interpretation or translation service needs must contact the VIHFA Communications Manager. VIHFA will provide both oral and written language services utilizing professional interpretation and translation services.

VIHFA and its subrecipients/partners will engage in specific outreach efforts to ensure that LEP persons are aware of the language access services available to them. VIHFA, along with its subrecipients/partners, will also provide training to direct service staff on how to implement this LAP, as well as the methods of assistance available to LEP individuals. This training will be periodically updated and delivered as VIHFA's LEP needs and language access services evolve.

VIHFA and its subrecipients/partners are committed to this LAP as the appropriate response to meeting our LEP clients' needs, as well as complying with Title VI, Executive Order 13166 and Final Guidance (72 FR 2732).

4.2 Identifying LEP Individuals Needing Language Assistance

4.2.1 Four-Factor Analysis

As described in HUD's Final Guidance to Federal Financial Assistance Recipients Regarding Title IV Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, issued January 22, 2007 (72 FR 2732), the starting point for ensuring meaningful language assess is a four-factor analysis that takes into account all of the following:

1. Number or proportion of LEP persons in the eligible service population;
2. Frequency with which LEP individuals come in contact with the programs;
3. Nature and importance of the service provided by the programs; and
4. Resources available to the recipient and costs.

VIHFA analyzed each of the four factors for the U.S. Virgin Islands. A description of the process follows.

4.2.1.1 Number or Proportion of LEP persons in the eligible service population

All data used to estimate the proportion of LEP persons in the Territory comes from 2010 Census data (PCT17 – Age by Language Spoken at Home by Ability to Speak English for the Population 5 Years and Over). VIHFA obtained Census estimates of the LEP population by language spoken using the U.S. Census Bureau’s American FactFinder (www.factfinder.census.gov). Estimates in the data file were rounded to the nearest tenth.

For all Census tracts in USVI, Spanish is the only LEP population to exceed 5% of a Census tract’s total population. There are no Census tracts with greater than 1,000 LEP individuals. When Census tracts are subtotaled for each island, the proportion of LEP individuals at the island level does not exceed the 5% LEP threshold for any of the three major islands (St. Croix, St. Thomas and St. John). The islands of St. Croix and St. Thomas have 1,511 and 1,521 Spanish LEP individuals, respectively. ‘Other Languages’ do not exceed this 1,000-person threshold at the island level for any of the islands.

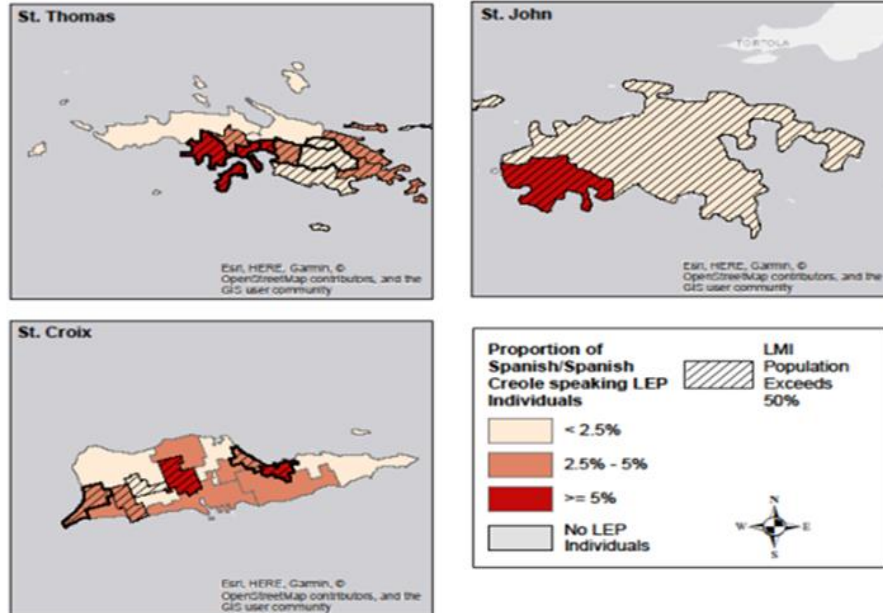
a. Table 1. Virgin Island English Proficiency

	United States Virgin Islands	%	St. Croix Island	%	St. John Island	%	St. Thomas Island	%
Total:	98,905		46,816		3,943		48,146	
Speak only English	70,864	71.65%	31,745	67.81%	3,008	76.29%	36,111	75.00%
Speak Spanish:	16,994	17.18%	10,837	23.15%	488	12.38%	5,669	11.77%
Speak English "very well" or "well"	13,790	13.94%	9,326	19.92%	316	8.01%	4,148	8.62%
Speak English "not well" or "not at all"	3,204	3.24%	1,511	3.23%	172	4.36%	1,521	3.16%
Speak other languages:	11,047	11.17%	4,234	9.04%	447	11.34%	6,366	13.22%
Speak English "very well" or "well"	9,993	10.10%	4,095	8.75%	435	11.03%	5,463	11.35%
Speak English "not well" or "not at all"	1,054	1.07%	139	0.30%	12	0.30%	903	1.88%

Based on the above analysis of the data, VIHFA decided to focus on Spanish in its LAP. A “vital document” is defined as a document that includes information regarding program eligibility requirements, applications and instructions, program eligibility determinations, legal documents such as rental agreements, leases, notes and/or deeds of trust or mortgage, and appeals procedures, and will be made available in Spanish.

VIHFA outlined the locations of LEP populations by Census tract with percentage of low- and moderate-income (LMI) individuals in each Census tract to visually illustrate the cumulative percentage of LEP individuals in each tract. The cumulative percentages indicate the portion of the population that speaks either Spanish as their primary language and have indicated their ability to speak English as “not well” or “not at all.”

Proportion of LEP Individuals - Spanish and Spanish Creole



The maps allow VIHFA to analyze where the greatest numbers of LEP individuals by language are located in each of the census tracts. VIHFA has taken into account those census tracts with a high concentration of LMI populations.

4.2.1.2 Frequency with which LEP Individuals Come into Contact with the Programs

The HUD-funded programs address the needs of VIHFA's residents and communities by providing direct assistance to homeowners, tenants, landlords, homeless persons, non-profits and small businesses. The LAP applies to services provided at the individual applicant level. LEP individuals receive direct language assistance commensurate with the frequency with which these individuals interact with the programs. For example, homeowners, renters, rental property owners, and small business owners who apply for various VIHFA programs are likely to have frequent contact with the program, and therefore will be provided support. This may include such interactions as completing applications, meetings with advisors to review applications, initial site inspections, approval of final construction designs, preconstruction meetings, grant award closings and submission of receipts and proof of construction work.

For program activities such as these, VIHFA's strategy ensures that these populations have meaningful access throughout the process. Language assistance is typically not provided to public entities such as municipalities and non-profits that receive funding because those entities are typically not LEP. However, VIHFA will make language assistance available to these entities upon request. In all cases, VIHFA utilizes professional interpretation services and does not permit individuals to rely upon family or friends for interpretation.

4.2.1.3 Nature and Importance of the Service Provided by the Programs

Language services are prioritized for activities, information, services, and programs with the greatest impact on LEP individuals. LEP outreach focuses on the programs that provide critical services to homeowners, landlords, renters, and small business owners and the vital documents associated with each program. Those programs that provide a means of helping individuals obtain benefits from programs and services, such as homeownership, repairs to damaged housing, or re-opening businesses, which are critically important to LEP individuals.

4.2.1.4 Resources Available to VIHFA and Costs

VIHFA is taking all reasonable steps to provide meaningful access for LEP persons to VIHFA HUD-funded programs and activities. Activities aimed at providing meaningful access to the LEP population are being incorporated and funded across all HUD-funded programs outlined in VIHFA’s Consolidated Plan. The availability of resources, however, may limit the provision of language services in some instances. “Reasonable steps” may cease to be reasonable when the costs imposed substantially exceed the benefits. VIHFA’s LAP balances the needs of the LEP community with the funding resources available.

4.2.2 Interaction with LEP Persons by Program

VIHFA evaluated which of its HUD-funded programs that are most likely to require language access services based on the program’s audience, and has determined that LEP persons are most likely to come into contact with HUD-funded programs that are intended to serve homeowners, tenants, special needs individuals, small businesses (including either beneficiaries or contractors), and landlords. Programs benefitting public entities and non-profits; large scale development projects benefitting housing developers; infrastructure programs; and environmental programs are not likely to require much, if any, direct interaction with LEP persons. VIHFA will provide appropriate language access services for LEP persons when Substantial Consolidated or Action Plan Amendments are considered, and public citizen participation periods are opened.

Programs serving public entities do not require language access services. Table 2 below lists all programs, the administering agency (VIHFA or one of its subrecipients/partners), the intended audience for each program and the extent to which the program is likely to interact with and/or require outreach to LEP persons. Where potential interaction with LEP persons is anticipated, the administering agency is responsible for providing language access services. Applicants that indicate that they are not LEP will stop receiving LEP materials.

b. Table 2. Potential Interaction with LEP Persons by VIHFA HUD-funded Programs

Program	Agency	Audience	Potential Interaction with LEP Persons
Homeownership Program	VIHFA	First time homebuyers	Eligible borrowers seeking first-time homeownership opportunities.
Rental Program	VIHFA	Tenants	Eligible households seeking affordable rental housing opportunities.
Homeownership Program – Housing Counseling and Education Services	VIHFA	First time homebuyers	Potential borrowers seeking housing counseling for first-time homeownership opportunities.

Program	Agency	Audience	Potential Interaction with LEP Persons
Subsidized Housing Rentals	VIHFA	Tenants	Potential tenants seeking affordable rental housing opportunities.
Emergency Housing Rentals	VIHFA	Residents experiencing violence, housing crisis or financial hardship.	Individuals or families seeking temporary or emergency sheltering.
Homeowner Reconstruction and Rehabilitation Program	VIHFA	Homeowners	Homeowners seeking assistance with reconstruction or rehabilitation.
New Construction for Homeownership Opportunity and First Time Homebuyer Assistance	VIHFA	Homeowners	First time LMI homebuyers seeking assistance with purchasing a new construction home.
Rental Rehabilitation and Reconstruction	VIHFA; VIHA	Landlords	Completed units will be required to comply with Affirmatively Further Fair Housing (AFFH) requirements, which includes providing information on available units and vital documents consistent with the LAP.
Public and Affordable Housing Development	VIHFA; VIHA	Developers (public, for-profit, nonprofit)	Completed units will be required to comply with AFFH requirements, which includes providing information on available units and vital documents consistent with the LAP.
Supportive Housing for Vulnerable Populations	VIHFA; DHS; other entities as determined	Nonprofits	Completed units will be required to comply with AFFH requirements, which includes providing information on available units and vital documents consistent with the LAP.
Emergency Shelter Development	VIHFA; DHS; other entities as determined	Nonprofits	Program awareness will need to follow guidelines of the LAP to appropriately reach LEP population.
Local Match for Federal Disaster Relief Programs	VIHFA; VITEMA	Entities receiving federal funding with local match requirements	None as applicants are government entities or nonprofits.
Infrastructure Repair and Resilience Program	VIHFA; VITEMA	Agencies providing health and safety to the public	None as applicants are government entities or nonprofits.
Electrical Power Systems Enhancement and Improvement Program	VIHFA; VITEMA; WAPA	Water and Power Authority	None as applicant is government entity.
Ports and Airports Enhancement Program	VIPA; WICO	Port and airport operators in USVI	None for ports or airports, but LAP might apply where there is small business involvement.
Tourism Industry Support Program	DOT	Small businesses and entrepreneurs	Small business owners and entrepreneurs seeking technical assistance or training.
Workforce Development Program	DOL; EDA; other entities as determined	Educational institutions, vocational program providers, private businesses	Nonprofits and private companies seeking assistance with workforce development programs, as well as any program trainees.
Neighborhood Revitalization Program	As determined	Redevelopment agencies, nonprofits, and small businesses	As determined
Small Business and Entrepreneurship Technical Assistance Program	SBA; EDA	Small business owners	Small business owners and entrepreneurs seeking technical assistance or training.

Program	Agency	Audience	Potential Interaction with LEP Persons
Collections and Servicing	VIHFA	Homeowners, Business Owners, Tenants	Homebuyers, tenants or business owners with financial obligations secured with a Note or Lease/Rental Agreement.

4.2.3 Language Assistance Measures

VIHFA and its subrecipients/partners offer numerous language assistance measures to ensure meaningful access to VIHFA’s HUD-funded services, programs and activities by LEP individuals. The following sections describe each language assistance measure.

4.2.3.1 LAP Coordinator

The VIHFA Communications Manager will serve as the LAP Coordinator and as the primary point of contact responsible for the implementation of the LAP across all VIHFA HUD-funded programs. This coordinator oversees and ensures that subrecipients/partners adhere to this LAP and procedures for providing meaningful access to LEP individuals for each program. The VIHFA Communications Manager/LAP Coordinator is also available as a resource in identifying personnel for providing LEP services.

The VIHFA Communications Manager/LAP Coordinator will work with each subrecipient/partner on language access questions related to the specific programs being operated by the subrecipient/partner. As the LAP Coordinator, the VIHFA Communications Manager will also assist the VIHFA staff with all language access issues. If the need for language access services is identified either by phone, email, mail correspondence, or in person, staff are instructed to immediately contact the VIHFA Communications Manager/LAP Coordinator to ensure meaningful communication through the methods described in this LAP.

VIHFA will identify which subrecipients/partners will be responsible for securing language access services as applicable for their agency’s VIHFA HUD-funded program(s). The language access programs include, but are not limited to, provision of language assistance services, training programs, outreach activities, and review of data collected on LEP individuals.

4.2.3.2 “I Speak” Cards

In order to identify LEP individuals seeking access to CDBG-DR funded services, programs and activities, VIHFA and its subrecipients/partners are using language identification cards or “I Speak” cards when engaging in direct contact with the public. VIHFA staff are trained in the use of “I Speak” cards to identify the language needs of visitors. A version of the “I Speak” Card that all Outreach staff and Housing Center staff have on hand; see Appendix 10.1.

4.2.3.3 Provision of Language Access Services

VIHFA has procured language access services. When a prospective applicant, or a current client, identifies need for translation services (written or oral), the VIHFA Communications Manager/LAP Coordinator will arrange services.

4.2.3.4 Translation of Vital Documents

All documents defined as “vital documents” have been translated into Spanish. A “vital document” is defined as those documents that are critical for ensuring meaningful access to residents and applicants generally and to persons with LEP specifically. Vital documents include those with information regarding program eligibility requirements, applications and instructions, program eligibility determinations, and appeals procedures.

4.2.3.5 Disclaimer

All vital documents that are made available for public comment and information should contain the following disclaimer in Spanish:

“This is an important document. If you do not understand it because your primary language is not English, we will provide you free oral language assistance.”

Generally, for legal documents the English language documents are the legal versions. The VIHFA translated legal documents should carry the disclaimer,

“This document is a translation of a VIHFA-issued document. VIHFA provides this translation to you merely as a convenience to assist you in your understanding of your rights and obligations. This translated document is not an official document; the English language version of this document is the official, legal, and controlling document.”

4.2.4 Public Hearings and Citizen Participation Periods

All written materials requesting input and participation from the public for any VIHFA HUD-funded program related activity will be translated into Spanish. These documents will also be made available in other languages upon request. This includes materials distributed during Citizen Participation periods when Consolidated Plans, Action Plans and/or Substantial Consolidated and/or Action Plan Amendments are released for public comment.

Notices of public hearings will be translated into Spanish; translation into other languages may be provided upon request. Notices of public hearings will also indicate that interpreters in any languages spoken in the Territory can be made available upon request to attend the public hearings to provide interpretation services to attendees. This includes public hearings about VIHFA HUD-funded programs as well as public hearings regarding Consolidated Plans, Action Plans, or Substantial Amendments.

4.2.5 Subrecipient Compliance with LAP

All VIHFA HUD-funded program subrecipients/partners will be required to adopt this LAP. VIHFA will monitor subrecipients/partners to ensure that they are following the terms of this LAP and related guidance materials and are taking reasonable steps to provide meaningful access to LEP persons for the subrecipients/partners CDBG-DR funded programs. Program subrecipients/partners will be responsible for reporting, at a minimum, the quantity and types of LEP services provided, based on their record of language access services, to the VIHFA LAP Coordinator monthly. The VIHFA LAP Coordinator will review this information to determine the

subrecipient's compliance with Title VI, Executive Order 13166 and VIHFA's policy on providing language access services.

4.2.6 Complaints and Appeals

Any person that feels that VIHFA is not in compliance with Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000(d) and Executive Order 13166 regulations may file a complaint with the VIHFA LAP Coordinator if they believe they have been denied the benefits of this LAP. The program level LAP Coordinator may be the first point of contact for any complaints or appeals, but the VIHFA LAP Coordinator must be informed of all complaints and appeals and will provide oversight of the complaint/appeal resolution. Complaints will be investigated pursuant to VIHFA's Complaint procedures. Once identified, VIHFA will update this LAP to include the contact information for VIHFA's LAP Coordinator.

Alternatively, complaints can be filed directly with the Region II Director for Fair Housing and Equal Opportunity at the following address (or as otherwise directed by HUD):

New York Regional Office of FHEO
U.S. Department of Housing and Urban Development
26 Federal Plaza, Room 3532
New York, New York 10278-0068

ComplaintsOffice02@hud.gov

(800) 496-4294 or (212) 542-7519

LEP program applicants wishing to appeal eligibility or other programmatic decisions may also contact the Program Level LAP Coordinator directly for their specific program (VIHFA, DHS, DOL, DOT, etc.). The Program Level LAP Coordinator will provide an interpreter to assist the applicant with the appeals process and notify the VIHFA Communications Manager/LAP Coordinator of the appeal. VIHFA and subrecipients/partners will leverage bi-lingual staff to provide interpretation services as needed for all appellate processes, all meetings related to program eligibility determinations and all meetings with contractors and subcontractors. Program applicants will have access to interpretation services throughout the process (rebuilding, loans for rehabilitation, identification of rental units, etc.) until they have successfully completed the process.

4.2.7 Training Staff and Subrecipients/Partners on the LAP

VIHFA has created a mandatory training for all VIHFA and subrecipient staff that interact with the public through the HUD-funded programs. The training ensures that these staff members understand how to provide meaningful language assistance services to LEP individuals and covers the following:

- Definition of LEP persons;

- Federal regulations governing language access;
- Basic customer service skills and telephone etiquette;
- Cultural sensitivity;
- Roles and responsibilities of staff;
- How to identify the language needs of an LEP individual;
- VIHFA language access procedures, how to track the use of language services; and
- The LAP complaints/appeals process.

VIHFA has also incorporated LEP awareness and LAP protocol modules in new hire orientation offerings for all VIHFA and subrecipient employees who interact with the public through HUD-funded programs. Trainings are conducted at locations throughout the Territory to ensure full participation. Staff are informed of upcoming trainings with the exact date, time and location of the training. All trainings are overseen by the VIHFA LAP Coordinator. Upon completion of the training, the trainer provides a list of the staff in attendance to the VIHFA LAP Coordinator.

4.2.8 Providing Notice to LEP Individuals

VIHFA and its subrecipients/partners will provide notice to LEP individuals of their eligibility for benefits, programs, and services in a language they understand, to the maximum extent practical. All correspondence from VIHFA related to HUD-funded programs which impact individuals and small businesses that are sent to prospective or existing applicants includes a provision indicating that free language interpretation services are available by contacting (340) 777-4655, requesting services for LEP persons in the appropriate language. In addition to individuals, LEP small business owners will also be provided language interpretation services when specifically requested. The hurricane recovery websites have posted information about how to obtain language access services as an LEP person. The Housing Recovery Centers have posted language access information in conspicuous locations and in multiple languages.

VIHFA has developed an LEP and LMI Outreach and Marketing Plan that will ensure that all the LEP communities in the Territory receive, via a variety of mediums, notification about all open HUD-funded programs where funds and/or units may be available to them. This includes programs in Homeowner Rehabilitation and Reconstruction, New Construction for Homeownership Opportunity and First Time Homebuyer Assistance, Rental Rehab and Reconstruction, Supportive Housing for Vulnerable Populations, Public and Affordable Housing Development, Tourism Industry Support, Workforce Development, and Neighborhood Revitalization.

All outreach efforts will be culturally appropriate and utilize demographic data to ensure campaigns are reflective of and targeted towards the specific needs of the LEP communities throughout the region.

VIHFA aims to ensure that all outreach efforts are timely, relevant and offered via multiple mediums. The specific outreach efforts VIHFA will conduct are outlined in detail in VIHFA's LEP and LMI Outreach and Marketing Plan.

All outreach materials are translated into Spanish and include a notice in the other identified languages stating that language assistance services are available in these languages upon request. VIHFA is also providing translations of outreach materials in languages other than Spanish, as appropriate, when outreach efforts are targeted towards LEP communities and applicants of HUD-funded programs and it is applicable to provide translations in other languages.

VIHFA will provide outreach services to LEP populations. All teams working on outreach will report directly to the VIHFA LAP Coordinator on a regular basis regarding specific LEP outreach activities and numbers of LEP individuals contacted (as available). VIHFA will regularly assess and maintain an accurate record of language assistance services, to improve LEP outreach programs and activities in accordance with customer need and program resources and capacity.

4.2.9 Monitoring, Evaluating, and Updating the LAP

At least once every five (5) years and along with the Consolidated Plan development process, the VIHFA Communications Manager/LAP Coordinator will review this LAP to determine if there are updates needed to ensure relevancy and quality control of language access services. VIHFA may review this LAP if changes or additional requirements are released through either Federal Register Notices, HUD Guidance or other program or statute changes. VIHFA will review procedures for providing language access services, existing trainings, outreach activities, and the language access data to periodically update the language access program. This LAP can be updated as the needs of the LEP population and the demands on VIHFA to service this population evolve.

The Communication Manager/LAP Coordinator will also monitor and evaluate this LAP. This monitoring and evaluation may include, but is not limited to the following:

- Maintaining data on the number of LEP individuals that request language access services and evaluating agency interactions with LEP individuals;
- Keeping current on LEP community demographics and needs by annually reviewing census data and engaging school districts, faith communities, non- and not-for-profits and other local resources; and
- Considering new resources, including funding, collaborations with other agencies, human resources, emerging technologies and other mechanisms for ensuring improved access for LEP individuals.

VIHFA will monitor whether its subrecipients/partners have taken reasonable steps to provide meaningful access to LEP persons. VIHFA will maintain a monitoring file that includes the following information:

- Documentation of LEP guidance and/or technical assistance provided by VIHFA;
- Number of LEP individuals/businesses serviced and the services provided; and
- Number of appeals and resolutions.

5.0 CONSOLIDATED PLAN

HUD created the Consolidated Plan process to ensure communities undertake comprehensive housing affordability and community development planning strategies for all grant funds in a manner that involves the residents that will benefit from the programs developed by these funds. The regulations at 24 CFR Part 91 contain the consolidated planning requirements.

The Consolidated Plan is the document that outlines the multi-year goals and priorities identified through the implementation of the planning process, assessment of housing and community development needs, an analysis of housing and economic market conditions and available resources, community-wide dialogue for the HUD programs. The goals and priorities include anticipated both expenditures and outcomes, such as the number of housing units to be created or people served.

The Consolidated Plan then serves as a planning document, built on citizen participation, an application for federal funds for the HUD programs, strategy for the implementation of program activities, and finally, as a basis for assessing performance.

HUD's Consolidated Planning process requires grantees to establish the period of the Consolidated Plan; VIHFA's period is five (5) years. The VIHFA program year begins January 1 and ends December 31. Thus the U.S. Virgin Island Consolidated Plan for Housing and Community Development (Consolidated Plan) begins January 1 of the first (of the five) year and ends December 31 of the fifth year.

The Citizen Participation Plan shall be reviewed every five (5) years as part of the Consolidated Plan process. The Citizen Participation Plan may be revised as result of other funding requirements. The Citizen Participation Plan shall remain in place until revised.

5.1 Consolidated Plan Overview

The Virgin Islands Housing Finance Authority will oversee all aspects of the Consolidated Plan process. The consolidated planning process is designed to ensure there is an assessment of the affordable housing and community needs and market conditions, and requires data-driven, place-based investment decisions. Consolidated planning serves as the framework for a community-wide dialogue to identify housing and community development priorities that align and focus funding from the four formula block grant programs.

When preparing the draft Consolidated Plan, VIHFA will describe the priority needs and corresponding goals after reviewing the assessments of needs and capacity, relevant economic information and statistical data, input from solicited agencies working with the community, considerations of the strategic plans of partner agencies and providers in the Territory, and a review of the available planning documents. VIHFA will then follow the Citizen Participation Plan process detailed in Section 3.0 and consult with the public through a public hearing and solicit public comments over a thirty (30)-day period, as required in the Citizen Participation Plan.

Upon completion of the thirty (30)-day period, VIHFA will consider all comments; changes may be made based on the public's input. A list of all suggestions not incorporated, along with the reasons, will be included in the Consolidated Plan.

The Consolidated Plan must be submitted to HUD within the period described in 24 CFR 91. HUD may reject, request modification or approve the Consolidated Plan. VIHFA will post the draft(s) and approved Consolidated Plan for Housing and Community Development on the website at: www.vihfa.gov.

5.1.1 Consolidated Plan Sections

Specifically, the full Consolidated Plan will include the following sections:

1. Housing and Homeless Needs Assessment
2. Housing Market Analysis
3. Strategic Plan
4. Action Plan
5. Certifications
6. Monitoring

5.2 HUD Programs Included in the Consolidated Plan

5.2.1 Community Development Block Grant Program

The primary objective of the Community Development Block Grant (CDBG) is the development of viable urban communities by providing decent housing and a suitable living environment and expanding economic opportunities primarily for persons of low and moderate income. Not less than 70% of CDBG funds received shall be used for activities that benefit low to moderate income persons. Funds may also be used for elimination of slums and blight or for activities that address an urgent need.

The Territory of the U.S. Virgin Islands became eligible to participate in the national CDBG program in 1976. Since that time, the Territory has been receiving an annual grant of approximately \$2,000,000. The greater portion of these funds has been sub-granted to various non-profit and governmental entities. As of March 2008, the Community Development Block Grant is administered by the Virgin Islands Housing Finance Authority. Prior to that time, the grant was administered by the Department of Planning and Natural Resources.

5.2.2 Emergency Solutions Grant Program

The Emergency Solutions Grant Program (ESG) provides grants for the rehabilitation or conversion of buildings for use as emergency shelters for the homeless and for the payment of certain related operating and social services expenses. Limited funds from each annual grant may be used for homeless prevention activities and essential services for the target population.

The Territory became eligible to receive ESG funds in 1997. For the past several years, the annual grant award has been approximately \$150,000. The Emergency Solutions Grant is presently administered by the Virgin Islands Housing Finance Authority.

5.2.3 HOME Investment Partnership Program

The Home Investments Partnership Program (HOME) is a HUD formula-allocation grant through which funds are provided to jurisdictions to support state and local affordable housing programs. The primary objective of the HOME Program is to expand the supply of safe, decent, sanitary and affordable housing for low-income families. Funds may be used for acquisition, rehabilitation and new construction of housing and for tenant-based rental assistance.

The Virgin Islands became eligible to participate in the HOME Program in 1993. The 2019 HOME Program allocation for the Territory was over \$844,000.

5.2.4 Housing Trust Fund Program

The Housing Trust Fund (HTF) Program is an affordable housing production program that complements existing federal and Territorial efforts to increase and preserve the supply of decent, safe, and sanitary affordable housing for extremely low- and very low-income households, including homeless families. HTF funds may be used for the production or preservation of affordable housing through the acquisition, new construction, reconstruction, and/or rehabilitation of non-luxury housing with suitable amenities.

The HTF Program was established under Title 1 of the Housing and Economic Recovery Act of 2008, Section 1131 (Public Law 110-289), known as “HERA.” In 2019, the Territory received an allocation of approximately \$90,000.

5.3 Steps for Developing the Consolidated Plan

5.3.1 Initiate the Consolidated Planning Process

Approximately six (6) months or more before the start of a new program year, VIHFA will consult with other public and private agencies that provide the following (but not limited to):

1. Assisted housing,
2. Health services, and
3. Social services and fair housing services (including those focusing on services to children, elderly persons, persons with disabilities, persons with HIV/AIDS and their families, homeless persons, economic development, neighborhood development and other housing and community development services).

A variety of methods may be employed to solicit input from these persons or entities. These include, but are not limited to telephone or personal interviews, mail or online surveys, internet-based feedback requests, email communications, and consultation workshops.

All feedback and information will be analyzed and maintained.

5.3.2 Draft the Consolidated Plan

VIHFA will incorporate the anticipated funding resources, including those for the HUD programs (CDBG, ESG, HOME and HTF). Using the information received from the public and private agencies, VIHFA will describe the strategies for addressing the needs of homeless persons, persons at risk of homelessness, lead-based paint hazards, affordable housing opportunities, economic and community investments.

The required components of the Consolidated plan are included in 24 CFR 91.200 through 91.330. HUD has created a web-based portal for submitting the Consolidated Plan, which includes tables and narratives, and other modules to complete the submission electronically.

VIHFA will provide citizens, public agencies and other interested parties information that outlines the amount of assistance expected to be received and the activities that are anticipated to be undertaken, along with estimated amounts that will benefit the low- and moderate-income persons, and any plans necessary to minimize displacement of persons, with plans to assist any persons displaced.

VIHFA will also identify the agencies, groups, organizations and others who participated in the process; and a description of the consultations with social service, health, and child service agencies and other entities.

The Consolidated Plan will include a concise executive summary that details the objectives and outcomes identified in the Consolidated Plan as well as an evaluation of past performance. The Consolidated Plan will also contain a summary of the citizen participation process, public comments, and efforts made to broaden public participation in the development of the Consolidated Plan.

5.3.3 Conduct Public Hearing(s) on Proposed Plan

At least one public hearing will be held on each of the three (3) major islands (St. Croix, St. Thomas and St. John) before the proposed Consolidated Plan is published for comment.

Public hearings will conform to the requirements listed in number 3 (Public Hearing) of Section 3.4 (Plan Development Through Approval and Implementation) of this document.

Note that in years when HUD notifies grantees that the allocation announcements will delay the submission of the Consolidated Plan, VIHFA will not be required to complete an additional thirty (30)-day comment period unless the new allocations results in a change in any program allocation of fifteen percent (15%) or more.

5.3.4 Submission to HUD

The U.S. Virgin Islands Consolidated Plan for the Housing and Community Development will be finalized, based on the comments and feedback received in the public comment period. A summary of all comments received during the public hearing(s), as well as VIHFA's responses

and proof of meeting the comment period requirements shall be included. A summary of any comments not accepted, and the reasons therefore shall be supplied to HUD, as required.

The U.S. Virgin Islands Consolidated Plan for the Housing and Community Development will be submitted to HUD no later than 45 days prior to the program year, per regulations (unless HUD notifies grantees of delayed allocation announcements). Typically, the submission deadline is August 15.

5.3.5 Make the Final Consolidated Plan Available to the Public

The final Consolidated Plan will be made available to the public on the VIHFA website at: www.vihfa.gov. The public can access the internet at all public libraries in the Territory as well as at many community-based organization and senior centers. In addition, copies of the Consolidated Plan are available, upon request, at the VIHFA offices.

5.4 Consolidated Plan Amendment(s)

HUD requires VIHFA to amend its approved Consolidated Plan whenever it makes one of the following decisions:

1. To make a change in its allocation priorities or a change in the method of distribution of funds;
2. To carry out an activity, using funds from any program covered by the Consolidated Plan (including program income), not previously described in the Annual Action Plan; or
3. To change the purpose, scope, location, or beneficiaries of an activity.

Some changes are considered minor and are referred to as administrative update or technical amendments. The following are descriptions of the types of amendments.

5.4.1 Administrative Updates

Grammatical changes, or structural edits made to the Consolidated Plan do not meet the criteria for technical or substantial amendments and do not require citizen participation; these are defined as administrative updates. Administrative update will be posted on the VIHFA website.

An administrative update does *not* substantially change the scope or meaning of an activity, does not change the eligibility determination of a project, or the intended beneficiaries, and does not change the location or scope of a project.

5.4.2 Technical Amendment(s)

Similarly, a technical amendment does *not* substantially change the scope or meaning of an activity, does not change the eligibility determination of a project, or the intended beneficiaries, and does not change the location or scope of a project. Thus, a technical amendment does not require public participation; however technical amendments will be posted on the VIHFA website.

Technical amendments are updates resulting from:

1. Changes in HUD requirements or other HUD-provided data;
2. Changes made to the structure of VIHFA;
3. Changes in the names, telephone numbers, and other identifying information contained in the Consolidated Plan; or
4. Other changes that do not rise to the level of a *substantial* amendment defined below.

5.4.3 Substantial Amendment(s)

Substantial amendments are those that are subject to the public participation process described in this Citizen Participation Plan. VIHFA will provide citizens with reasonable notice and an opportunity to comment on substantial amendments to the adopted and approved Consolidated Plan, Annual Action Plan or other reports, as required.

Substantial amendments are when any of the following circumstances occur:

1. *A change in priority needs contained in the Consolidated Plan's Strategic Plan.* The addition or removal of one of the priority needs eligible activities listed in the Priority Needs Summary in the Consolidated Plan.
2. *Introduction of a project (line budget item) not listed in the current Annual Plan (e.g., reprogramming of funds).*
3. *An increase or decrease in a budget line item (e.g., reprogramming of funds) in the current annual Action Plan of fifteen percent (15%) or more of that line item.* Increases or decreases may occur over time to a budget line item; however, when the cumulative change meets or exceeds the 15% threshold, the project causing that change will be subject to the Substantial Amendment process as well as every project thereafter.

For example, if the first-time homebuyer program was allocated \$500,000 in the 2020 Consolidated Plan Annual Year 1 budget, and during the program year \$10,000 was added to the program, then a Substantial Amendment would be need prior to the increase to the program.

The same would be true if there was a decrease of funds – even if those funds were transferred to a program such as the Housing Trust Fund that was allocated \$75,000 and the addition of the funds was an increase of thirteen and three/tenths percent (13.3%).

In this case, the Substantial Amendment would focus on the reasons for the effects of the decrease in the homebuyer program.

Substantial amendments require public participation and must be submitted to HUD for approval before any of the changes take effect or are implemented.

5.4.3.1 Substantial Amendment(s) Public Participation Requirements

In order to formally amend the Consolidated Plan, the following must be followed:

1. Citizens, agencies and stakeholders will be given a reasonable opportunity to comment on the proposed substantial amendment to the Consolidated Plan or Annual Action Plan at least thirty (30)-days in advance of the substantial amendment.
2. VIHFA will consider any comments or views of citizens or stakeholders in writing in preparing the Substantial Amendment to the Consolidated Plan or Annual Action Plan. A summary of all comments or views not accepted and the reasons for not accepting the comments or views shall be attached to the Substantial Amendment.
3. The draft Substantial Amendment to the Consolidated Plan or Annual Action Plan shall be made available for public review for a thirty (30)-days and submitted to the Board of Directors for adoption. VIHFA shall publish on their website a summary describing the Substantial Amendment contents and the purpose, as well as listing the locations where the entire Substantial Amendment may be examined.

The Substantial Amendment the Consolidated Plan or Annual Action Plan shall be provided in a format accessible to persons with disabilities upon request. Such formats may include but are not limited to providing oral, Braille, electronic or large print versions of the plan to those visually impaired and delivering copies to those who are homebound.

4. The Substantial Amendment to the Consolidated Plan or Annual Action Plan will encourage comment and participation by minority and non-English speakers, including through translation of documents and translation services will be made available upon request in accordance with VIHFA's LAP.
5. The Substantial Amendment to the Consolidated Plan or Annual Action Plan will encourage comment and participation by low- and moderate-income residents, especially those living in low- and moderate-income neighborhoods and in areas where the proposed funds are to be used.
6. Written comments will be accepted by the VIHFA Communications Manager as stated in Section 3.6 above, or designee during the public review period. A summary of all comments received, as well as VIHFA's responses, will be attached to the Substantial Amendment to the Consolidated Plan or Annual Action Plan.

A copy of the Amended Consolidation Plan, including a summary of all comments received and the responses and proof of compliance with the minimum thirty (30)-day public review and comment period will be submitted to HUD. Additionally, a summary of all comments or views that were received but not approved or adopted will be provided, along with the reasons therefore, to HUD.

5.4.4 Non-Substantial Amendment(s)

An amendment that does not meet the criteria of an Administrative Update, Technical Amendment or Substantial Amendment is a non-Substantial Amendment. An example of a non-Substantial

Amendment would be to move remaining funds from a completed project into another eligible and named project that is under the 15% limit.

An example of this type of non-Substantial Amendment would be to remove the \$67,000 remaining from an affordable housing development that has been fully completed and the units occupied, resulting in the anticipated number of low- and moderate-income households, and putting the \$67,000 into a road improvement project that was originally awarded \$1.3million. The road project has not changed in scope or location, nor has the intended beneficiary information changed.

Non-Substantial amendments are not subject to the public participation requirements. All non-Substantial amendments will be posted on the VIHFA website at: www.vihfa.gov

5.4.5 Submission of Amendment(s) to HUD

Administrative, technical and/or non-substantial amendments to the Consolidated Plan or Annual Action Plan do not require HUD's approval. However, any administrative, technical and/or non-substantial amendments must be submitted to HUD a minimum of five (5) days prior to the amendment becoming effective.

Once a Substantial Amendment has been finalized, which will include the comments and feedback received in the required public comment period, a summary of all comments received during the public hearing(s), as well as VIHFA's responses and proof of meeting the comment period requirements shall be included in the submission of the Substantial Amendment to the appropriate plan (either Consolidated or Annual Action). A summary of any comments not accepted, and the reasons therefore shall be supplied to HUD, as required.

All amendments, including HUD-approved substantial amendments, will be posted on the VIHFA website at: www.vifha.gov.

5.5 Program Access for Persons with Limited English Proficiency

Upon HUD approval of the Consolidated Plan, Annual Action Plan, CAPER, or Substantial Amendment, VIHFA will provide information in Spanish as required in VIHFA's LAP plan as described in Section 4.0.

5.6 Special Needs and Accessibility

All HUD-funded programs will be accessible to all persons with special needs and will operate in a manner that does not discriminate or limit access to program services and benefits to persons with disabilities. VIHFA has committed to:

1. Ensure that all facilities where clients will have face-to-face interaction with program staff are readily accessible and usable by persons with disabilities.

2. Assist in providing written and verbal communication to program applicants regardless of their disability or limited proficiency with the English language, including sign language, braille, interpreters, etc.
3. Providing information to those applicants who are homebound or cannot access a housing assistance center, as needed.
4. Ensure that reasonable accommodation modifications to an applicant's home are part of the program scope of work, as applicable.
5. Appropriately address any identified hearing, visibility, or mobility limitations of the applicant and/or applicant's household members as required by Section 504 of the Housing and Communities Act of 1964 and the Americans with Disabilities Act (ADA).
6. Work with disabled applicant's designee who has power of attorney or any non-profit organization that is representing the applicant, as needed.

All services listed above can be provided upon verbal or written request from the applicant. No additional documentation regarding the need is required.

5.7 Technical Assistance

The Territory is required to provide technical assistance to the administering agencies or entities. VIHFA program staff will be available to provide, to any group that represents persons of low- and moderate-income. VIHFA will determine the level and type of technical assistance to be provided to the administering agency or entity. VIHFA will host a "Pre-application Workshop" in each district annually in the funding application cycle. VIHFA staff will also meet one-on-one with prospective applicants upon request. The provision of technical assistance does not guaranty funding approval.

In addition, VIHFA staff will be available to answer questions concerning the procedure for the development and implementation of the Consolidated Plan and all of its components.

Citizens or organizations requiring technical should contact VIHFA as defined in Section 3.6.

5.8 Fair Housing

The Fair Housing Act requires all grantees, partners, subrecipients, and/or developers whose capital projects are wholly or partially funded with federal assistance to certify that no person was excluded from participation in, denied the benefit of, or subjected to discrimination in any housing or activity because of their age race, color, creed, religion, familial status, national origin, sexual orientation, military status, sex, disability or marital status. VIHFA and all subrecipients and contractors shall ensure that no applicant is treated in any way that does not comply with the federal Fair Housing Act, and/or the Civil Rights requirements of Title 1 of the Housing and Community Development Act.

VIHFA programs affirmatively further fair housing; fair housing complaints are to be directed to HUD or other appropriate agencies, and that VIHFA programs are administered in accordance with Fair Housing Act requirements.

5.9 Minimizing Displacement of Persons and Assistance to Any Person Displaced

To the extent possible, VIHFA will not undertake any activities that cause the displacement of persons from their homes and/or businesses. However, if displacement occurs in the implementation of the activities proposed in the Action Plan, VIHFA will ensure that the assistance and protections afforded to persons, businesses, and entities under the Uniform Relocation Assistance and Real Property Acquisition Policies Act (URA) and Section 104(d) of the Housing and Community Development Act of 1974, are available. This includes temporary or permanent relocation of persons resulting from public and private acquisition intended for public use and voluntary rehabilitation of private property with funds from CDBG, HOME, or any other federally assistance program.

Uniform Relocation Assistance and Real Property Acquisitions Polices Act of 1970, as amended (Title 49 CFR Part 24) (42 U.S.C. 4601 et seq.) (URA) applies to all acquisitions of real property or displacements of persons resulting from federal or federally assisted program projects. URA's objective is to provide uniform, fair, and equitable treatment of persons whose real property is acquired or who are displaced in connection with federally funded projects. Although URA mostly applies to residential displacements in involuntary (49 CFR Subpart B) and acquisition or multifamily damaged/occupied activities that require the relocation of tenants, displacement resulting from federally funded economic development will be in accordance with HUD Handbook 1378.

Specific activities and programs proposed to be funded with CDBG, CDBG-DR, CDBG-MIT, ESG, HOME, HTF or other HUD-funded programs that may result in acquisition, relocation or displacement are:

- Acquisition of real property;
- Owner-occupied and rental housing rehabilitation;
- New construction or reconstruction of housing;
- Voluntary buyouts of high-risk properties;
- Public and affordable housing development;
- Affordable and mixed-used rental housing development;
- Development of supportive housing;
- Infill development, including addition of units to existing properties; and
- Hazard mitigation activities.

Prior to pursuing each activity, VIHFA will consider the potential that the activity will trigger relocation or displacement and will explore options to avoid relocation or displacement of persons

and entities. The VIHFA will take the following steps to minimize the disruption due to relocation and to minimize displacement:

1. Facilitate, to the greatest extent possible, new construction on government-owned, vacant land.
2. Stage rehabilitation of apartment units in a manner such as to allow tenants to remain in the building or complex during and after the rehabilitation – i.e., by working with vacant units first.
3. Arrange for facilities to house persons who must be relocated temporarily during rehabilitation.
4. Adopt policies which provide reasonable protections for tenants faced with conversion of their housing to a condominium, cooperative, or single-family ownership, such as working closely with the local PHA to identify alternative housing for those tenants who choose to vacate rather than participate in the conversion initiative.

Temporary relocation and permanent replacement housing payments will be provided in accordance with the Uniform Relocation Act. In the cases of demonstrable hardship (defined below), homeowners may qualify for temporary relocation cost reimbursements, such as lodging and a per diem for meals and incidental costs.

For activities funded with CDBG-DR or CDBG-MIT, VIHFA will exercise the waivers set forth in 83 FR 5844, dated February 9, 2018, pertaining to URA and Housing and Community Development Act given its priority to engage in voluntary buyout and optional relocation activities to avert repeated flood damage and to improve floodplain management. However, activities undertaken through this plan may result in the need for one-for-one replacement of housing units should VIHFA demolish or convert properties that do not meet the definition of “Not Suitable for Rehabilitation” (defined below). In the cases, VIHFA will follow one-for-one replacement requirements as described in HUD’s guidance.

5.9.1 Demonstrable Hardship

Demonstrable hardship may include but is not limited to:

- prolonged job loss,
- substantial reduction of household income,
- death of a family member on whom the surviving household was financially dependent,
- illness,
- unexpected and extraordinary medical bills,
- disability, etc.

5.9.2 Not Suitable for Rehabilitation

Structures that are considered “beyond rehabilitation” and do not meet rehabilitation standards, and/or federal and local code requirements. Residential properties that have experienced repetitive losses under FEMA’s National Flood Insurance Program (NFIP) may be determined as not suitable for rehabilitation.

6.0 ANNUAL ACTION PLAN

The Annual Action Plan is the document that describes the proposed use of available federal and other resources to address the priority needs and specific objectives outlined in the Consolidated Plan for each program year; VIHFA's method for distributing funds to entities and non-profit organizations; and the geographic areas of the Territory where VIHFA will direct assistance. Regulations relating to the process and requirements for development of the Annual Action Plan are located within 24 CFR Section 91.320.

6.1 Plan Development Through Approval by HUD

VIHFA encourages the participation of residents and stakeholders in the development of the Annual Action Plan.

The Annual Action Plan serves as the annual application to HUD for the program funds. The Annual Action Plan sets forth annual priorities, strategies, goals and projects activities in support of the Consolidated Plan. It also includes the amount of assistance VIHFA expects to receive including grant funds, program income received from loans or previous activities and projects, and other federal, Territorial or local resources.

The Annual Action Plan contains a discussion of leveraging these resources and a written description of all proposed uses of CDBG, ESG, HOME and HTF funds. The Annual Action Plan describes specific activities and projects to be implemented during the fiscal year, as well as other actions to be undertaken in public policy, institutional structure, public housing improvements, public housing, lead-based paint hazard reduction, coordination efforts and anti-poverty strategies.

The processes for the development and approval of the Annual Action Plan are the same as those for developing the Consolidated Plan; the same processes and timelines will be followed.

The steps for development and approval of the Annual Action Plan are:

1. Consultation with public and private entities that provide:
 - a. Assisted housing,
 - b. Health services, and
 - c. Social services and fair housing services (including those focusing on services to children, elderly persons, persons with disabilities, persons with HIV/AIDS and their families, homeless persons, economic development, neighborhood development and other housing and community development services).
2. Public hearings, review and public comment:
 - a. At least one public hearing on each of the three major islands (St. Croix, St. Thomas and St. John) will be held. VIHFA will consider all written and oral comments or view of citizens or local entities in preparing the Annual Action Plan. A summary of any comments or views received but not accepted and the reason for not accepting the comments/views shall be attached to the Annual Action Plan.

3. The draft Annual Action Plan shall be made available for public review for a minimum of thirty (30) days prior to consideration and adoption. The Annual Action Plan shall be provided in a format accessible to persons with disabilities upon request.
4. The draft Annual Action Plan will encourage comment and participation by minority and non-English speakers, and translation services will be available upon request.
5. The draft Annual Action Plan will encourage comment and participation by low- and moderate-income residents, especially those living in a low- and moderate-income neighborhoods and in areas where the funds are proposed to be used.
6. Written comments regarding the draft Annual Action Plan will be accepted by the VIHFA Communications Manager at the locations listed on page 9 of this Plan. A summary of all written comments and those received during the public hearings as well as VIHFA's responses will be attached to the Annual Action Plan.
7. Amendments to the Annual Action Plan will follow the procedures for amendments as outlined in this document.
8. The Annual Action Plan will be submitted to HUD with a summary of all written comments and those received during the public hearings, as well as VIHFA's responses and proof of compliance with the minimum thirty (30)-day public review and comment period requirement. A summary of any comments or views not accepted and the reasons therefore will be supplied to HUD as applicable. The Annual Action Plan will be submitted to HUD a minimum of 45 days prior to start of the program year, as per regulations.
9. Approved Annual Action Plans will be posted on the VIHFA website at www.vihfa.gov. Hard copies may be obtained to those requesting the plan by contacting the VIHFA Communications Manager at the location identified on page 9.

7.0 CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT (CAPER)

The Community Development Block Grant (CDBG) Program requires the submission of the CAPER as the mechanism to describe the accomplishments of each project and activity undertaken during the previous fiscal year, including how the funds were actually used and the extent to which these funds were used for activities that benefited low- and moderate-income residents. By providing detailed financial and beneficiary information, the CAPER explains how VIHFA is carrying out its housing and community development strategies, projects, and activities.

VIHFA uses HUD's Integrated Disbursement and Information System (IDIS) to set up program projects and activities, draw funds, and report accomplishments. This input creates a database that contains information required in the CAPER.

The CAPER must be submitted to HUD within 90 days of the close of the VIHFA program year, or no later than December 29. Members of the public have the opportunity to comment on the CAPER during the public comment period and at any public meetings/hearings in preparing the Report.

7.1 CAPER Amendment(s)

CAPER amendments may be minor or substantial. Whenever a substantial change (as described in the section 5.4, Consolidated Plan Amendments, of this document) is proposed, the amendment will be posted on the VIHFA website and available for public comment for a period of 30 days before submission to HUD.

8.0 SPECIAL FUNDING PROGRAMS (NOT INCLUDED IN HUD’S ANNUAL ALLOCATION FORMULAS)

Subject to availability of supplemental funding appropriated by the U.S. Congress, HUD provides flexible grants to impacted governmental entities to recover from Presidentially declared disasters, especially in low-income areas. When Congress appropriates additional funding for the CDBG Program as Disaster Recovery or Mitigation funds, HUD issues a Federal Register Notice to outline the waivers and/or alternative requirements associated with the specific allocations.

In the wake of the two category five Hurricanes (Irma and Maria) that hit the U.S. Virgin Islands in September 2017, the Territory received \$1.86billion for disaster recovery, \$1.02billion for unmet recovery needs and \$842million of which is dedicated for mitigation and electric grid activities, to assist in recovery and rebuilding efforts resulting from Hurricanes Irma and Maria.

These funds do not fall under the typical annual allocation programs HUD administers, since these funds are the result of the Further Additional Supplemental Appropriations for Disaster Relief Requirements Act, 2018 (Division B, Subdivision 1 of the Bipartisan Budget Act of 2018, Pub. L. 115–123, approved February 9, 2018) (the “Appropriations Act”). The Appropriations Act made available \$28billion in Community Development Block Grant disaster recovery (CDBG–DR) funds, along with funds HUD was directed to allocate at not less than \$12billion for mitigation activities proportional to the amounts that CDBG– DR grantees received for qualifying disasters in 2015, 2016, and 2017 (referred to as CDBG-MIT).

8.1 CDBG-DR Program Overview

8.1.1 Community Development Block Grant – Disaster Recovery Program

The Community Development Block Grant – Disaster Recovery (CDBG-DR) Program is an allocation of funding, made by Congress, and administered by HUD, to assist states and communities that have been severely impacted by a Presidentially-declared disaster. While similar to the regular CDBG program, CDBG-DR provides some waivers and alternative requirements that enable the receiving entities more latitude in the use of the funding to address and remediate disaster impacts in their communities. Action Plans and amendments required for CDBG-DR are subject to many of the same citizen participation requirements as other HUD programs; however, where requirements differ from those of other HUD programs, they are noted in this Plan under “Additional Requirements specific to the CDBG-DR Action Plan.”

8.1.2 Community Development Block Grant - Mitigation Program

The Community Development Block Grant Mitigation (CDBG-MIT) Program is a new program as the result of an appropriation from Congress in 2018 that specifically allocates funds to HUD for hazard mitigation activities for disaster impacted communities. This program strengthens communities’ abilities to develop and implement strategic and high-impact activities to mitigate disaster risks, reduce future losses, and transform Territory-wide and local planning. The program aims to increase resilience to disasters, to lessen the impact of future disasters, and reduce the long-term risk of loss of life, injury, property damage and loss, suffering, and hardship. Action Plans and amendments required for CDBG-MIT are subject to many of the same citizen participation

requirements as other HUD programs; however, where requirements differ from those of other HUD programs, they are noted in this Plan under “Additional Requirements specific to the CDBG-MIT Action Plan.”

8.2 Communications Regarding CDBG-DR and/or CDBG-MIT

All communication regarding the CDBG-MIT Action Plan, comments, complaints, reasonable accommodation for persons with disabilities, translation services, or other elements shall be directed to the Communications Manager of the Virgin Islands Housing Finance Authority at:

St. Thomas Office (340) 777-4432
VIHFA, CDBG-MIT Program
Attention: Communications Manager
3202 Demarara No. 3, Suite 200
St. Thomas, VI 00802

St. Croix Office (340) 772-4432
VIHFA, CDBG-MIT Program
Attention: Communications Manager
Frits Lawaetz Complex, Suite 21 St. Thomas,
Frederiksted, St. Croix 00840

8.2.1 CDBG-DR Language Access Translations

Given the extensive nature of the damage sustained across the Territory and in an effort to ensure meaningful access is provided to impacted residents, all vital documents will be translated into both Spanish and French/French Creole.

8.2.1.1 Translation of CDBG-DR Vital Documents

All documents defined as “vital documents” have been translated into Spanish. A “vital document” is defined as those documents that are critical for ensuring meaningful access to residents and applicants generally and to persons with LEP specifically. Vital documents include those with information regarding program eligibility requirements, applications and instructions, program eligibility determinations, and appeals procedures.

8.2.1.1.1 CDBG-DR Disclaimers

All vital documents that are made available for public comment and information should contain the following disclaimer in Spanish and French/French Creole:

“This is an important document. If you do not understand it because your primary language is not English, we will provide you free oral language assistance.”

Generally, for legal documents the English language documents are the legal versions. The VIHFA translated legal documents should carry the disclaimer,

“This document is a translation of a VIHFA-issued document. VIHFA provides this translation to you merely as a convenience to assist you in your understanding of your rights and obligations. This translated document is not an official document; the English language version of this document is the official, legal, and controlling document.”

8.3 Updating Hurricane Recovery Website

VIHFA maintains a hurricane recovery website in both English and Spanish.

If English is not your primary language, you may request language translation services for documents that are available to the public. These language translation services are available free of charge. If you need more information about translation services, please call (340) 777-4655, the language access line. We will either immediately connect you with an interpreter or arrange for an interpreter to return your call at your convenience.

The Spanish translations of vital documents will be posted on the VIHFA website, as appropriate, and will be updated every time the English information on the website is updated. For recipients needing translation in languages other than Spanish, translation services will be made available upon request. As outlined in the LEP four-factor analysis, VIHFA reserves the right not to translate a certain document into a particular language if it is determined that the overall cost to the program far outweighs the benefits.

Notices of Funding Availability, application deadlines, program announcements, legal notices for Release of Funds and Finding of No Significant Impact (FONSI), Consolidated Plan, CAPER, and Citizen Participation Notices will be published, at a minimum, in Spanish on VIHFA's website, on the VI Source (www.visource.com) in select Spanish weekly papers, and in the general circulation daily publications to ensure the broadest possible public access. Legal notices will be published, at a minimum, in both Spanish and English in general circulation daily newspapers and on the VI Source.

8.4 CDBG-DR Action Plan and Amendment(s)

Both the CDBG-DR and CDBG-MIT programs have specific programmatic and public participation waivers and/or requirements which are located in the allocating and subsequent Federal Register Notices.

8.4.1 CDBG-DR Action Plan

The CDBG-DR Federal Register Notice 6066-N-01 included a waiver reducing the public comment period from 30 days to 14 days and required 1 public meeting in lieu of a public hearing. Supplemental funding, announced August 14, 2018 in Federal Register Notice 6109-N-01, requires the public comment period to be a minimum of 30 days, but waived the public hearing requirement.

The CDBG-DR Action Plan process follows the development of the Consolidated Plan, with the exception of any waivers or additional requirements the awarding Federal Register may contain. This includes the submission of the Action Plan to HUD for approval, and then making the approved Action Plan available on the VIHFA Disaster Recovery website at www.vihfa.gov/disaster-recovery.

HUD requires VIHFA to amend its approved CDBG-DR Action Plan whenever it makes one of the following decisions:

1. Either the addition or deletion of any CDBG-DR funded program;
2. Any funding changes greater than one percent (1%) of the total CDBG-DR allocation; or
3. Any changes in the designated beneficiaries of a program.

Some changes are considered minor and are referred to as administrative update or technical amendments. The following is a description of the types of amendments.

8.4.2 CDBG-DR Administrative Updates

Grammatical changes, or structural edits made to the Consolidated Plan do not meet the criteria for technical or substantial amendments and do not require citizen participation; these are defined as administrative updates. Administrative update will be posted on the VIHFA website.

An administrative update does *not* substantially change the scope or meaning of an activity, does not change the eligibility determination of a project, or the intended beneficiaries, and does not change the location or scope of a project.

8.4.3 CDBG-DR Technical Amendment(s)

Similarly, a technical amendment does *not* substantially change the scope or meaning of an activity, does not change the eligibility determination of a project, or the intended beneficiaries, and does not change the location or scope of a project. Thus, a technical amendment does not require public participation; however technical amendments will be posted on the VIHFA website.

Technical amendments are updates resulting from:

1. Changes in HUD requirements or other HUD-provided data;
2. Changes made to the structure of VIHFA;
3. Changes in the names, telephone numbers, and other identifying information contained in the Consolidated Plan; or
4. Other changes that do not rise to the level of a *substantial* amendment defined below.

8.4.4 CDBG-DR Substantial Amendment(s)

Substantial amendments are those that are subject to the public participation process described in this Citizen Participation Plan. VIHFA will provide citizens with reasonable notice and an opportunity to comment on substantial amendments to the adopted and approved CDBG-DR Action Plan, Amendments or other reports, as required.

Substantial amendments are when any of the following circumstances occur:

1. Either the addition or deletion of any CDBG-DR funded program;
2. Any funding changes greater than one percent (1%) of the total CDBG-DR allocation; or
3. Any changes in the designated beneficiaries of a program.

Substantial amendments require public participation and must be submitted to HUD for approval. Substantial amendments will be available on the U.S. Virgin Islands CDBG-DR Action Plan website (<https://www.vihfa.gov/community-development-block-grant-disaster-relief>) for public review and comment for at least 30 days prior to being submitted to HUD.

8.4.4.1 CDBG-DR Substantial Amendment(s) Public Participation Requirements

In order to formally amend the CDBG-DR Action Plan, the following must be followed:

1. Citizens, agencies and stakeholders will be given a reasonable opportunity to comment on the proposed substantial amendment to the CDBG-DR Action Plan at least thirty (30)-days, or as otherwise designated by the federal register notice, in advance of the substantial amendment.
2. VIHFA will consider any comments or views of citizens or stakeholders in writing in preparing the Substantial Amendment to the CDBG-DR Action Plan. A summary of all comments or views not accepted and the reasons for not accepting the comments or views shall be attached to the Substantial Amendment.
3. The draft Substantial Amendment to the CDBG-DR Action Plan shall be made available for public review for a thirty (30)-days prior to VIHFA consideration and submittal to HUD for approval. VIHFA shall publish on their website a summary describing the Substantial Amendment contents and the purpose, as well as listing the locations where the entire Substantial Amendment may be examined.

The Substantial Amendment the CDBG-DR Action Plan shall be provided in a format accessible to persons with disabilities upon request. Such formats may include but are not limited to providing oral, Braille, electronic or large print versions of the plan to those visually impaired and delivering copies to those who are homebound.

4. A minimum of one public hearing shall be held, at a time and place convenient and easily accessible to the population to be served. The notice for the public hearing will be in compliance with the standards listed in Section 3, Citizen Participation Plan, above.
5. The Substantial Amendment to the CDBG-DR Action Plan will encourage comment and participation by minority and non-English speakers through translated documents and translation services will be made available upon request in keeping with VIHFA's LAP.
6. The Substantial Amendment to the CDBG-DR Action Plan will encourage comment and participation by low- and moderate-income residents, especially those living in low- and moderate-income neighborhoods and in areas where the proposed funds are to be used.
7. Written comments will be accepted by the VIHFA as stated in section 8.2, Communications Regarding CDBG-DR and/or CDBG-MIT, above, during the public review period. A summary of all comments received, as well as VIHFA's responses, will be attached to the Substantial Amendment to the CDBG-DR Action Plan.

A copy of the Amended Acton Plan, including a summary of all comments received and the responses and proof of compliance with the minimum thirty (30)-day (or otherwise required period from the federal register notice) public review and comment period will be submitted to HUD. Additionally, a summary of all comments or views that were received but not approved or adopted will be provided, along with the reasons therefore, to HUD.

8.4.5 Non-Substantial Amendment(s) for CDBG-DR

An amendment that does not meet the criteria of an Administrative Update, Technical Amendment or Substantial Amendment is a non-Substantial Amendment. Non-Substantial amendments are not subject to the public participation requirements. All non-Substantial amendments will be posted on the VIHFA website at: www.vihfa.gov/.

8.4.6 Submission to HUD

Administrative, technical and/or non-substantial amendments to the CDBG-DR Action Plan do not require HUD's approval. However, any administrative, technical and/or non-substantial amendments must be submitted to HUD a minimum of five (5) days prior to the amendment becoming effective.

Once a Substantial Amendment has been finalized, which will include the comments and feedback received in the required public comment period, a summary of all comments received during the public hearing(s), as well as VIHFA's responses and proof of meeting the comment period requirements shall be included in the submission of the Substantial Amendment to the appropriate plan (either Consolidated or Annual Action). A summary of any comments not accepted, and the reasons therefore shall be supplied to HUD, as required in the federal register notice.

All amendments, including HUD-approved substantial amendments, must be numbered and maintained on the VIHFA website at: www.vihfa.gov.

8.5 CDBG-MIT Program

8.5.1 CDBG-MIT Action Plan and Amendment(s) Overview

Both the CDBG-DR and CDBG-MIT programs have specific programmatic and public participation waivers and/or requirements which are in the allocating and subsequent Federal Register Notices.

The Federal Register Notice for Mitigation funding (FR 6019-N-03) increased the public comment, participation and outreach requirements. The objective of these increased requirements is to ensure that all citizens are aware of the CDBG Mitigation funding and planning process, have an opportunity to comment on or make suggestions of proposed uses for the funds, and to maximize public awareness and access to the CDBG-MIT program funds when they become available.

The CDBG-MIT Program requirements are:

1. Public comment must be a minimum of 45 days,
2. At least three (3) public hearings, one which must occur prior to the public comment period for the Action plan, and 2 during the comment period, and requires the creation of Citizen Advisory Committee with a minimum number of meetings to provide on-going public input into mitigation activities.

8.5.2 Public Hearings

The minimum number of required public hearings is based on the amount of the funds awarded. VIHFA's award requires a minimum at least 3 public hearings in different locations within the Most Impacted Disaster (MID) areas, which HUD has identified as Territory-wide.

Additionally, to engage with the public on the use of the CDBG-MIT funds and prior to the publication and release of the Draft CDBG-MIT Action Plan, there must be at least 1 public hearing held to gather input and ideas in the program design and development.

Public hearings are required to be held in locations and facilities that are accessible to persons with physical disabilities. If physical accessibility is not possible, there must be alternative methods of information delivery such as recordings, webinars, posting of the hearings online, web simulcasts, and video conferencing.

Communication must be made available for persons with limited English proficiency or disabilities. Spanish translation and sign-language translation services will be available at the public hearings; if other translation services are required, they will be made available with reasonable notice.

All communication regarding the CDBG-MIT Action Plan, comments, complaints, reasonable accommodation for persons with disabilities, translation services, or other elements shall be directed to the Communications Manager listed in Section 8.2, Communications Regarding CDBG-DR and/or CDBG-MIT, above.

8.5.3 Public Comment Period Requirements

Action Plans must be posted on the VIHFA website for a minimum of forty-five (45) days. Copies must be made available if requested. Locations for copies include the VIHFA offices listed on page 9 of this document, and at public libraries, public agencies that will likely be involved in the CDBG-MIT program, and will be delivered upon request for persons that are homebound.

Written comments will be accepted throughout the 45-day public comment period, and oral comments will be captured and maintained at the public hearings. All comments and views will be considered, and a summary of all comments will be included in the Draft Action Plan.

8.5.4 Citizen Advisory Committee

Community Development Block Grant Mitigation funding requires the formation of a Citizen Advisory Committee. In section V.A.3.c. *Availability and accessibility of the action plan and the use of citizen advisory groups* of the CDBG-MIT Federal Register (FR 6019-N-02), HUD requires the creation of a Citizen Advisory Committee after the approval of the CDBG-MIT Action Plan. HUD also states that the Citizen Advisory Committee may be formed as part of the CDBG-MIT Action Plan preparation process.

The Citizen Advisory Committee will provide increased transparency and serve as the opportunities for continued public input to inform the CDBG-MIT projects and programs throughout the CDBG-MIT program.

The Citizen Advisory Committee will meet in an open forum at least twice per year (every six months) throughout the implementation of the CDBG- MIT program. The Citizen Advisory Committee's first meeting will be held after the submission of the CDBG-MIT Action Plan (but prior to HUD's approval) and will serve as an ongoing public forum to provide transparency and inform decision making months throughout the CDBG- MIT program. The date and place of the next meeting will be announced during each Citizen Advisory Committee meeting.

8.5.5 CDBG-MIT Action Plan Amendment(s)

HUD requires VIHFA to amend its approved CDBG-MIT Action Plan whenever it makes one of the following decisions:

1. Either the addition or deletion of any CDBG-DR funded program;
2. Any funding changes greater than one percent (1%) of the total CDBG-DR allocation; or
3. Any changes in the designated beneficiaries of a program.

Some changes are considered minor and are referred to as administrative update or technical amendments. The following is a description of the types of amendments.

8.5.5.1 CDBG-MIT Administrative Updates

Grammatical changes, or structural edits made to the Consolidated Plan do not meet the criteria for technical or substantial amendments and do not require citizen participation; these are defined as administrative updates. Administrative update will be posted on the VIHFA website.

An administrative update does *not* substantially change the scope or meaning of an activity, does not change the eligibility determination of a project, or the intended beneficiaries, and does not change the location or scope of a project.

8.5.5.2 CDBG-MIT Technical Amendment(s)

Similarly, a technical amendment does *not* substantially change the scope or meaning of an activity, does not change the eligibility determination of a project, or the intended beneficiaries, and does not change the location or scope of a project. Thus, a technical amendment does not require public participation; however technical amendments will be posted on the VIHFA website.

Technical amendments are updates resulting from:

1. Changes in HUD requirements or other HUD-provided data;
2. Changes made to the structure of VIHFA;
3. Changes in the names, telephone numbers, and other identifying information contained in the Action Plan; or
4. Other changes that do not rise to the level of a *substantial* amendment defined below.

8.5.5.3 CDBG-MIT Substantial Amendment(s)

Substantial amendments are those that are subject to the public participation process described in this Citizen Participation Plan. VIHFA will provide citizens with reasonable notice and an

opportunity to comment on substantial amendments to the adopted and approved CDBG-MIT Annual Action Plan, Amendments or other reports, as required.

Substantial amendments are required VIHFA modifies or creates new activities or reprograms funds. The CDBG-MIT Action Plan will include details specifying the changes to constitute a substantial amendment to the plan. At minimum, the following will require a substantial amendment:

1. The addition of a CDBG-MIT Covered Project (any large-scale infrastructure project with a total project cost of \$100,000,000 or more, with at least \$50,000,000 of CDBG, CDBG-DR or CDBG-MIT or combination thereof);
2. The addition or deletion of any activity or funded program;
3. Any changes in the designated beneficiaries of a program, or
4. The allocation or reallocation of funding in excess of the amount reflected in the Action Plan.

Substantial amendments require public participation and must be submitted to HUD for approval. Substantial amendments will be made available for public comment for the period of time required in the federal register notice prior to submission; HUD must issue an approval prior to the changes taking effect or being implemented.

8.5.5.4 CDBG-MIT Substantial Amendment(s) Public Participation Requirements

In order to formally amend the CDBG-MIT Action Plan, the following must be followed:

1. Citizens, agencies and stakeholders will be given a reasonable opportunity to comment on the proposed substantial amendment to the CDBG-MIT Action Plan at least thirty (30)-days, or the period of time required in the federal register notice, in advance of the substantial amendment.
2. VIHFA will consider any comments or views of citizens or stakeholders in writing in preparing the Substantial Amendment to the CDBG-MIT Action Plan. A summary of all comments or views not accepted and the reasons for not accepting the comments or views shall be attached to the Substantial Amendment.
3. The draft Substantial Amendment to the CDBG-MIT Action Plan shall be made available for public review for a thirty (30)-days prior to VIHFA consideration and submittal to HUD for approval. VIHFA shall publish on their website a summary describing the Substantial Amendment contents and the purpose, as well as listing the locations where the entire Substantial Amendment may be examined.

The Substantial Amendment the CDBG-MIT Action Plan shall be provided in a format accessible to persons with disabilities upon request. Such formats may include but are not limited to providing oral, Braille, electronic or large print versions of the plan to those visually impaired and delivering copies to those who are homebound.

4. The Substantial Amendment to the CDBG-MIT Action Plan will encourage comment and participation by minority and non-English speakers, and translation services will be made available upon request.
5. The Substantial Amendment to the CDBG-MIT Action Plan will encourage comment and participation by low- and moderate-income residents, especially those living in low- and moderate-income neighborhoods and in areas where the proposed funds are to be used.
6. Written comments will be accepted by the VIHFA Communications Manager as stated in section 8.2 above, or designee during the public review period. A summary of all comments received, as well as VIHFA's responses, will be attached to the Substantial Amendment to the CDBG-MIT Action Plan.

A copy of the Amended CDBG-MIT Action Plan, clearly numbered with effective dates identified, including a summary of all comments received and the responses and proof of compliance with the minimum thirty (30)-day public review and comment period will be submitted to HUD. Additionally, a summary of all comments or views that were received but not approved or adopted will be provided, along with the reasons therefore, to HUD.

8.5.5.5 CDBG-MIT Non-Substantial Amendment(s)

A CDBG-MIT amendment that does not meet the criteria of an Administrative Update, Technical Amendment or Substantial Amendment is a non-Substantial Amendment.

Non-Substantial amendments are not subject to the public participation requirements. All non-Substantial amendments will be posted on the VIHFA website at: www.vihfa.gov.

8.5.5.6 Submission to HUD

Administrative, technical and/or non-substantial amendments to the CDBG-MIT Action Plan do not require HUD's approval. However, any administrative, technical and/or non-substantial amendments must be submitted to HUD a minimum of five (5) days prior to the amendment becoming effective.

Once a Substantial Amendment has been finalized, which will include the comments and feedback received in the required public comment period, a summary of all comments received during the public hearing(s), as well as VIHFA's responses and proof of meeting the comment period requirements shall be included in the submission of the Substantial Amendment to the appropriate plan (either Consolidated or Annual Action). A summary of any comments not accepted, and the reasons therefore shall be supplied to HUD, as required.

All amendments, including HUD-approved substantial amendments, must be numbered and maintained on the VIHFA website at: www.vihfa.gov.

8.6 Additional Requirements for Special Funding Programs

Because the special funding programs are not a part of HUD's annual formula allocations there are additional requirements associated to the reporting, tracking, monitoring and compliance of the programs.

8.6.1 CDBG-DR and CDBG-MIT Action Plans and Amendments Entered into DRGR

HUD requires all CDBG-MIT Action Plans and/or Amendments be entered into the Disaster Recovery Grant Reporting (DRGR) system with details sufficient to serve as the basis for acceptable performance reports and to permit HUD's review of program and project compliance. Additionally, the set up must be sufficient to allow the ability to draw funds for the specific projects and activities. Information to be entered includes, but may not be limited to the following:

1. Eligible projects
2. Eligible activities
3. Anticipated expenditures
4. Performance measures
5. Organization responsible for carrying out the project or activity
6. National Objective to be met
7. Proposed beneficiaries

Details regarding each amendment must also be included in the DRGR system.

8.6.2 Citizen Complaints

VIHFA must respond to every citizen complaint received within 15 working days of receipt of the complaint. Complaints may be received via US mail, email, or in person. All complaints must be addressed. If complaints are received regarding fraud, waste or abuse, those complaints should be forwarded to HUD's Office of Investigator General Fraud Hotline at (800) 347-3735 and hotline@hudoig.gov.

8.6.3 Public Website

All CDBG-MIT grantees are required to maintain a public website that is easy to navigate from the homepage. The CDBG-MIT website must be updated at monthly and must provide information regarding how the CDBG-MIT funds will be used, managed and administered. This includes the method for distributing the CDBG-MIT funds, who is eligible to apply, what the application process is, what the eligible activities are, the deadlines and requirements for applying for funding.

Also required on the CDBG-MIT website are:

1. Action Plan, along with any amendments clearly numbered and dated
2. Quarterly Progress Reports
3. Procurement policies and procedures
4. All executed contracts paid with CDBG-MIT funds

5. Identification of any goods currently being procured

8.6.4 Program Access for Persons with Limited English Proficiency

Upon HUD approval of the CDBG-MIT Action Plan or Substantial Amendment, VIHFA will provide information in Spanish via the website at www.vihfa.gov.

8.6.5 Special Needs and Accessibility

All CDBG-MIT-funded programs will be accessible to all persons with special needs and will operate in a manner that does not discriminate or limit access to program services and benefits to persons with disabilities. VIHFA has committed to:

1. Ensure that all facilities where clients will have face-to-face interaction with program staff are readily accessible and usable by persons with disabilities.
2. Assist in providing written and verbal communication to program applicants regardless of their disability or limited proficiency with the English language, including sign language, braille, interpreters, etc.
3. Providing information to those applicants who are homebound or cannot access a housing assistance center, as needed.
4. Ensure that reasonable accommodation modifications to an applicant's home are part of the program scope of work, as applicable.
5. Appropriately address any identified hearing, visibility, or mobility limitations of the applicant and/or applicant's household members as required by Section 504 of the Housing and Communities Act of 1964 and the Americans with Disabilities Act (ADA).
6. Work with disabled applicant's designee who has power of attorney or any non-profit organization that is representing the applicant, as needed.

All services listed above can be provided upon verbal or written request from the applicant. No additional documentation regarding the need is required.

8.6.6 Fair Housing

The Fair Housing Act requires all grantees, partners, subrecipients, and/or developers whose capital projects are wholly or partially funded with federal assistance to certify that no person was excluded from participation in, denied the benefit of, or subjected to discrimination in any housing or activity because of their age, race, color, creed, religion, familial status, national origin, sexual orientation, military status, sex, disability or marital status. VIHFA and all subrecipients and contractors shall ensure that no applicant is treated in any way that does not comply with the federal Fair Housing Act, and/or the Civil Rights requirements of Title 1 of the Housing and Community Development Act.

VIHFA programs affirmatively further fair housing; fair housing complaints are to be directed to HUD or other appropriate agencies, and that VIHFA programs are administered in accordance with Fair Housing Act requirements.

8.6.7 Minimizing Displacement of Persons and Assistance to Any Person Displaced

VIHFA will follow the processes described in Section 5.9, Minimizing Displacement of Persons and Assistance to Any Person Displaced, for CDBG-DR and/or CDBG-MIT funded programs or projects.

9.0 CONTINUITY PROTOCOLS FOR EMERGENCY SITUATIONS, INCLUDING BUT NOT LIMITED TO PUBLIC HEALTH AND/OR SAFETY

HUD may, upon a determination of good cause and subject to statutory limitations, waive regulatory provisions. Additional regulatory waiver authority is provided in 24 CFR 91.600. These regulatory provisions provide HUD the authority to make waiver determinations for the programs and consolidated planning requirements for all CPD formula programs.

Such an event occurred with the 2020 Novel Coronavirus Disease (COVID-19) Outbreak National Emergency, which restricts the number of citizens that can congregate in one place, eliminates the ability to hold public hearings.

When HUD issues a waiver of the 30-day public comment period for the public comment period for the Consolidated Plan, as they did on March 31, 2020 in response to COVID-19, VIHFA will comply with the requirements as outlined in the waiver.

The following protocols provide an alternative method for ensuring the public engagement requirements are carried out and a continuity for the programs to be implemented during difficult times. VIHFA will evaluate technology, communication platforms and alternative methods of participation and outreach as they become available to determine the most accessible, effective and cost reasonable communication with the Territory.

9.1 Communication Strategies for Public Outreach and Engagement

Accurate information from reliable sources and the methods of communication can have tangible effects on our communities. Social media and collaborative technologies are a critical component of the outreach and engagement and become increasingly important when public meetings are not an available option.

9.1.1 Challenges for All Public Outreach and Engagement

All public outreach strategies run the risk of not reaching the most vulnerable segments of a community. Considerations of conditions that may present challenges for participating in public outreach efforts are:

- Geographic isolation of vulnerable individuals
- Linguistic and/or cultural isolation of immigrant populations
- Homeless or those at-risk of becoming homeless
- Access to methods of participating in outreach effort
- Ensuring the outreach plan reaches the target populations, based on programs
- Low stakeholder involvement

The goal of the VIHFA Citizen Participation Plan is to ensure the efforts result in meaningful and successful engagement. The use of online engagement through a variety of social media platforms provides the ability to provide and seek information.

The use of social media allows VIHFA to:

- Facilitate the dissemination of information to the Territory
- Solicit and obtain feedback from the public
- Meet and manage public expectations
- Engage the community in problem solving, and
- Provide program updates and information

Strategies for providing information and soliciting public comments can include (but may not be limited to):

1. Digital “townhall” meetings with recorded presentations and write/call in questions capabilities
2. Leveraging public access television and radio
3. Social media (Facebook, Twitter, etc.)
4. Livestreaming
5. Coordinated website postings (VIHFA, GVI agencies and departments)

The use of social media provides a mechanism to collaborate among the community, providers, stakeholders and other agencies. Social media provides individuals a voice and empowers them to participate in their own community as a whole. VIHFA, as leaders of the programs, are able to provide guidance, ask for and accept feedback, and ensure accuracy of information that is shared, providing transparency and accountability.

Coordination of actions include:

- Involve neighborhood leaders
- Partner with agencies that provide services or interact with targeted populations
- Work with those likely to identify those belonging to the targeted populations, including:
 - o Government agencies
 - o Non-profit entities

- Religious leaders
 - Schools
 - Community Action Program leaders
- Provide non-traditional outreach through flyers located at grocery stores, gas stations, and other areas large numbers of the public frequent

10.0 APPENDIX A

10.1 “I Speak” Cards

10.1.1 “I Speak Spanish”

I Speak Spanish.

I need assistance and have the right to receive assistance in my spoken language. Please provide me with an interpreter and note my spoken language in your permanent records. Thank you.

Federal law requires that agencies provide you with information and assistance in your language for free. If you do not receive help in your language, please call the Virgin Islands Housing Finance Authority at:

(340) 772-4432.

If you do not receive help, you may call HUD at 800-669-9777 (or 1-800-927-9275 for TTY) to file a complaint, or you may file online at:

https://www.hud.gov/program_offices/fair_housing_equal_opp/online-complaint# How to File

Hablo español.

Necesito ayuda y tengo el derecho de recibirla en mi idioma. Por favor provéame un intérprete y anote mi preferencia de idioma en mi expediente. Gracias.

La ley de distrito establece que las agencias deben brindar la información necesaria y ofrecer la asistencia correspondiente en su idioma en forma gratuita. Si no recibe ayuda en su idioma, comuníquese con la Autoridad de Financiamiento de Viviendas de las Islas Virgenes al teléfono 340-772-4432.

Si no recibe ayuda, puede llamar a HUD al telefono (800-669-9777) para presentar una queja, o puede hacerlo en línea en

https://portalapps.hud.gov/AdaptivePages/HUD_Spanish/Espanol/complaint/complaint-details.htm

10.1.2 “I Speak French”

I Speak French.

I need assistance and have the right to receive assistance in my spoken language. Please provide me with an interpreter and note my spoken language in your permanent records.

Thank you.

District law requires that agencies provide you with information and assistance in your language for free. If you do not receive help in your language, please call the Virgin Islands Housing Finance Authority at (340) 772-4432.

If you do not receive help, you may call HUD at 800-669-9777 (or 1-800-927-9275 for TTY) to file a complaint, or you may file online at:

https://www.hud.gov/program_offices/fair_housing_equal_opp/online-complaint# How to File

Je parle français.

J'ai besoin d'aide et j'ai le droit de la recevoir dans la langue que je parle. Veuillez me fournir un interprète et consigner dans vos dossiers, pour toute communication ultérieure, que la langue que je parle est le français. Merci.

La loi du District exige que les agences gouvernementales fournissent gratuitement de l'aide et des informations dans votre langue si vous ne maîtrisez pas l'anglais. Si vous ne recevez pas d'aide dans votre langue, veuillez appeler la Virgin Islands Housing Finance Authority au (340) 772-4432.

Si vous n'avez pas reçu d'aide, vous pouvez appeler HUD au 800-669-9777 pour déposer une plainte.

10.3 American Sign Language Logo

