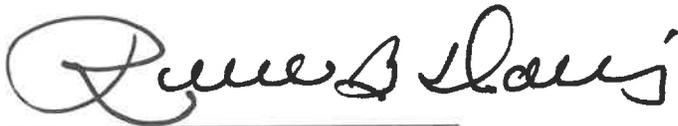


Nash County
Program Compliance Plans and Policies
2023 CDBG-NR (“Program”)

Nash County Commissioners approved this document on September 9, 2024.

A handwritten signature in cursive script that reads "Robbie B. Davis". The signature is written in black ink and is positioned above a horizontal line.

Robbie B. Davis, Chairman

Contents

Program Contact and Signature Policy

Equal Opportunity Plan

Section 3 Plan

Procurement Plan & Code of Conduct

Language Access Plan

Citizen Participation Plan

Fair Housing Plan

Excessive Force Policy

Anti-displacement and Relocation Assistance Plan

Section 504 Grievance Procedure

General Complaint Procedure

Record Review Policy

Program Contact and Signature Policy:

The approved *Program Contact* effective for all plans contained in the Program Plans and Policies shall be:

*Emily Moore, Director
Grants and Intergovernmental Relations
Nash County
120 W Washington Street
Nashville, NC 27856
(252) 462-2471
emily.moore@nashcountync.gov*

Any successors to this position shall be the approved *Program Contact*.

The County Manager shall be authorized to approve/sign the following:

- Administration & Program Management service contract
- Miscellaneous Service Delivery contracts
- Housing Rehabilitation/Demolition contracts
- Funding Approval condition release information
- Floodplain Certification
- Compliance Plans and Policies revisions and updates
- Fair Housing Assessment and revisions as needed on behalf of the Board
- Closeout Package information

The *Program Contact* shall be authorized to approve/sign the following:

- Miscellaneous correspondence with the funding agency
- Annual Performance Reports
- Quarterly, Monthly or other reports required the funding agency
- 504 Plan

Equal Opportunity

Equal Employment Opportunity Plan

Nash County maintains the policy of providing equal employment opportunities for all persons regardless of race, color, religion, sex, national origin, handicap, age, political affiliation, or any other non-merit factor, except where religion, sex, national origin, or age are bona fide occupation qualifications for employment.

Nash County prohibits any retaliatory action of any kind taken by any employee of the locality against any other employee or applicant for employment because that person made a charge, testified, assisted or participated in any manner in a hearing, proceeding or investigation of employment discrimination.

Nash County will strive for greater utilization of all persons by identifying previously underutilized groups in the workforce, such as minorities, women, and the handicapped, and making special efforts toward their recruitment, selection, development and upward mobility and any other term, condition, or privilege of employment.

Responsibility for implementing equal opportunities and affirmative action measures is hereby assigned to the *Program Contact* to assist in the implementation of this policy statement.

Nash County will develop a self-evaluation mechanism to provide for periodic examination and evaluation. Every 2 years the program will present a report to the CEO reporting on the progress of EEO and any affirmative actions. The Nash County will maintain this information in the program files and provide it to the funding agency as needed.

Nash County will place the EEO phrase on all CDBG documents intended to be shared with the public to include but not limited to employment outreach, publications, posters, outreach and applicable distributions.

Nash County will secure a contractual obligation contractors will not discriminate against any employee or applicant for employment due to race, color, religion, sex or national origin.

Nash County will secure a contractual obligation contractors will take affirmative action to ensure employees and applicants for employment will be treated without regard to race, color, religion, sex or national origin. Such actions may include but are not limited to employment promotion, demotion, transfer; recruitment or recruitment advertising; layoff or termination; pay rates or other compensation; and selection for training including apprenticeship. This obligation shall also all solicitations or advertisements for employment state all qualified applicants will receive consideration without regard to race, color, religion, sex, or national origin.

Equal Housing Opportunity Plan

Reference: Civil Rights Act of 1964, Fair Housing Act & EO 12892

Nash County will place the EHO logo on all CDBG documents intended to be shared with the public to include but not limited to employment outreach, publications, posters, outreach and applicable distributions.

Nash County will, to the greatest extent possible, eliminate housing discrimination and achieve diverse, inclusive communities by the enforcement, administration, and public understanding of fair housing laws and policies.

Nash County will post Equal Housing Opportunity posters and/or additional information in public buildings and other public places.

Section 3 Plan - Local Jobs Initiative

Local Economic Benefit for Low- and Very Low-Income Persons

APPLICATION AND COVERAGE OF PLAN

Nash County will endeavor to provide opportunities for training and employment for lower income residents of the CDBG project area and award contracts for work in connection with Program to business concerns located or owned in substantial part by persons residing in the Section 3 covered area. Therefore, Nash County, has developed the following Plan:

Nash County will comply with all applicable provisions of Section 3 of the HUD Act of 1968, as amended (24 CRF Part 135), all regulations issued pursuant thereto by the HUD Secretary, and all applicable rules and orders of the Department issued thereunder.

This Section 3 covered project area for the purposes of this grant program shall include Nash County and portions of the immediately adjacent area.

Nash County will be responsible for implementation and administration of the Section 3 plan. Nash County will follow this Section 3 Plan to provide increased opportunities for local residents and businesses.

This Section 3 Plan shall apply to services needed in connection with the grant including, but not limited to, businesses in the fields of planning, consulting, design, building construction/renovation, maintenance, and repair, etc.

Nash County will place a display advertisement in the local newspaper containing Section 3 job opportunities.

Nash County will provide opportunities to inform and educate low-income residents and businesses of employment and procurement opportunities where applicable.

Nash County will identify suppliers, contractors, or subcontractors located in Section 3 area when in need of a service. Resources will include NC Department of Administration Minority Business Directory, local directories, SBA local offices and word of mouth.

Nash County will include a Section 3 Plan in all contracts executed under the Program. Where necessary, listings from any agency noted above deemed shall be included as well as sources of subcontractors and suppliers. The Section 3 Plan shall be mentioned in the pre bid meetings and preconstruction meetings.

Nash County will require the prime contractor selected for major public works facility or public construction work submit a Section 3 Plan which will outline work needs in connection with the project and refer the Contractor to the local Employment Security Commission office should a need exist to hire any additional personnel.

Nash County will require the contractor for any housing rehabilitation contract of more than \$200,000 to submit a Section 3 Plan will outline the work needs in connection with the project.

Nash County will develop a listing of jobs, supplies, and contracts likely to be utilized during Program prior to any construction and related contracting, major purchases, or hiring, advertise the pertinent information as outlined below, and provide information the same information to the funding agency (for additional outreach).

Nash County will make a best faith effort to meet the funding agency required Section 3 minimum numerical goals and will provide an explanation and describe efforts to meet the funding agency required Section 3 goals in the Annual Section 3 report submitted with the APR during the life of the grant.

Section 3 minimum goals:

- 30% of the aggregate number of new hires shall be Section 3 residents.
- 10% of the total dollar amount of all covered construction shall be awarded to Section 3 business concerns.
- 3% of the total dollar amount of all covered non-construction contracts shall be awarded to Section 3 business concerns.

A Section 3 business concern is defined as a business where:

- 51% or more of the business is owned by a Section 3 resident, or
- 30% or more employed staff are Section 3 residents, or
- 25 % of subcontracts are committed to Section 3 businesses.

AFFIRMATIVE ACTIONS FOR RESIDENT AND BUSINESS PARTICIPATION

Nash County will take the following steps to assure low-income residents and businesses within the Program project area and within Nash County are used whenever possible.

Maintain a list of qualified residents and businesses and notify people on the list of any upcoming contracting and service opportunities.

Divide total requirements into smaller tasks or quantities to permit maximum participation by Section 3 residents and businesses where economically feasible.

Where feasible establish delivery schedules to allow participation of Section 3 residents and businesses

Place a display advertisement in the local newspaper containing the following information:

- A brief description of the project
- A listing of jobs, contracts and supplies likely to be utilized in carrying out the project.
- An acknowledgement that under Section 3 of Housing and Community Development Act, local residents and businesses will be utilized for jobs, contract and supplies in carrying out the project to the greatest extent feasible.
- A location where individuals interested in jobs or contracts can register for consideration.
- A statement all hiring will be done through the local office of the North Carolina Employment Security Commission
- A statement all contracts will be listed with the North Carolina Division of Purchase and Contracts
- A statement potential employees and businesses may seek development and training assistance through local educational institutions.

Refer Section 3 individuals and business to the local community college, JTPA and other available job training and technical assistance programs provided in the local community for low-income residents requiring job training skills.

Post the Section 3 Plan on the public notice bulletin board other appropriate local public places.

Utilize lower income area residents as trainees and employees to the greatest extent feasible,

Encourage public works and rehabilitation contractors to hire local area residents.

Encourage all contractors to subcontract with local Section 3 businesses.

Encourage all contractors to purchase supplies and materials from local merchants.

RECORDS AND REPORTS

Nash County will maintain and furnish records, accounts, and reports as required under the Section 3 regulations, and permit authorized representatives of THE FUNDING AGENCY, and federal agencies access to books, records, and premises for purposes of investigation in connection with a grievance or to ascertain compliance with this Section 3 Plan.

Nash County shall report to THE FUNDING AGENCY Section 3 numbers annually using form HUD 60002 in the Annual Performance Report.

MONITORING COMPLIANCE

Nash County will require each applicable contractor provide a Section 3 Plan and will monitor compliance during the performance of the work, and maintain copies of all advertisements, notices, and published information necessary to document implementation of this Plan.

COMPLAINTS CONTACT

Any complaints involving this Section 3 Plan should be directed to the *Program Contact*.

HUD PORTAL SECTION 3:

http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/section3/section3

Procurement Policy

This policy was developed upon the advice of James Höemann, Deputy Director of the HUD State and Small Cities Program, to replace Subpart D of 2 Part 200, which does not apply to the CDBG State programs, per 2 Part 200.101(d). This policy takes the more stringent of the two procurement requirements, either state or federal, and applies them to Nash County government's procurement. Included by reference is the document "Comparison of Federal and State Procurement Requirements for North Carolina Local Governments" from the UNC School of Government.

MICRO-PURCHASE PROCEDURE:

Applies to:

- All purchases of goods and services, including construction
- Up to the micro-purchase threshold of \$10,000.00

Process:

- Can award contract without competition if price is fair and reasonable.
- Must distribute micro-purchases equitably among qualified suppliers to the extent practicable
- Cannot divide contract to lower cost below micro-purchase threshold to avoid competitive bidding requirements.
- If using this method for services, check for eligibility at SAMS.gov and at the NC Department of Administration Debarred Vendors listing prior to finalizing the service contract.
- Must document decision process for the purchase.

(Cite 2 CFR §§ 200.67; 200.320(a)). There is no comparable method in State law. Purchase and service contracts costing less than 30,000 are not subject to state competitive bidding requirements.

SMALL PURCHASE PROCEDURE:

Applies to:

- All purchases of goods and services, including construction
- \$10,001 up to the limits listed below.
 - Construction/Repair: Cost up to the Simplified Acquisition Threshold of \$150,000
 - Goods and Purchase contracts: Cost up to \$89,999
- Fixed price, unit price, or not-to-exceed contract types.

Process:

- Obtain price or rate quotes from at least three sources.
- Document quotes, with dates and names of those giving quotes, and maintain them in the files.
- Standard of award: To lowest cost responsible bidder.
- Cannot divide contract to bring contract cost under the threshold; changes to the contract must fall within the original scope.
- If using this method for services, check for eligibility at SAMS.gov and at the NC Department of Administration Debarred Vendors listing prior to finalizing the service contract.
- Documentation: Quotes, with dates and names of those giving quotes, and maintain them in the files.

(Cite 2 CFR §§ 200.88; 200.320(b); PDAT Supplement at II-6, V-8; NCGS 143-131)

SEALED BID PROCEDURE: ("Formal Bidding" is rough equivalent in State law)

Applies to:

- All purchases of goods and services, including construction
 - Construction/Repair: (Above the Simplified Procurement Threshold)\$150,001 and over;
 - Goods and Purchase contracts: \$90,000 and over.

- Preferred method for construction contracts above the simplified acquisition threshold

Process:

- A pre-bid meeting must be held involving all interested contractors, the funding agency appropriate representatives and the grant program manager. Meeting must be scheduled to give contractors sufficient time to factor in the additional work required of complying with Davis-Bacon and Section 3 regulations.
- Public advertisement of at least thirty (30) days prior to bid opening.
- A complete, adequate, and realistic set of plans/specifications or purchase description is available to bidders.
- The Nash County must receive at least two bids for the purchase of goods and at least three bids for construction/repair to accept bids on the first attempt.
- Nash County will not accept bids if the minimum number of bids are not received on the first attempt.
- If a minimum number of bids are not received, Nash County must publicly advertise in a newspaper with a larger distribution than the initial advertisement for at least seven days (NCGS 143-129).
- Nash County will open any bids received because of the second solicitation for bids.
- If Nash County receives only one bid, Nash County will conduct a price analysis to ensure the bid is reasonable and send a letter sent to the funding agency requesting approval to move forward with a sole source procurement.
- Solicit bids from an adequate number of known suppliers. Nash County will send at least three direct solicitations, in addition to the public advertisement, and where required, publication on the state IPS website. Direct solicitations must include qualified MBE, WBE and small businesses in the area to comply with direct solicitation requirements. Section 3 businesses/firms must be in the project area, or the town, county, or adjoining county to be fully qualified as a Section 3 business for a particular project.
- Public bid opening at date and time advertised.
- Contract awarded on a firm-fixed-price basis in writing.
- Determination of lowest price must include factors such as discounts, transportation costs, and lifecycle costs.
- Can reject all bids for “sound documented reasons”.
- Check for eligibility to receive federal funds at SAMS.gov and at the NC Department of Administration Debarred Vendors listing prior to finalizing the construction contract.
- Documentation: pre-bid meeting minutes, advertisement(s) with an affidavit(s) of publication, copy of each solicitation, copy of the IPS posting, bid tabs, documentation of lowest price determination.

Standard of award:

- Lowest responsive, responsible bidder.

(Cite 2 CFR §200.320(c); NCGS 143-129)

COMPETITIVE PROPOSAL PROCEDURE: (No similar procedure in state statute that generally applies to procurement)

Applies to:

- Procurement of grant administrators, lawyers, planners, accountants, etc. for the project, regardless of the size of the contract.
- Any contract costing more than the simplified acquisition threshold (\$150,000 as of 3/21/17);
- Situations where conditions are not appropriate for the use of sealed bids.

Process:

- The Request for Proposals (RFP) must be publicly advertised in a newspaper of general circulation. In addition, the RFP must be published in the IPS system where required by the funding agency.
- Evaluation criteria and relative importance is identified in the RFP.
- Any responses to the publicized RFP must be considered to the maximum extent practical
- Proposals must be directly solicited from at least three sources.
- Must have written method for conducting technical evaluations of proposals and selecting a contractor.
- Evaluations of each proposal must be in writing and dated. Those evaluations must be maintained in the project files.
- The author of the RFP may not respond to the same RFP. They are ineligible for consideration due to conflict of interest.
- Must have a minimum of two respondents to move forward with a contract.
- If there is only one respondent, the RFP must be republished in a newspaper of wider distribution for fifteen business days.
- If only one firm responds again, request permission in writing from the DEQ CDBG Supervisor to use sole source procurement.
- Check for eligibility to receive federal funds at SAMS.gov and at the NC Department of Administration Debarred Vendors listing prior to finalizing the administrative services (grant administrative services, accounting, planning, legal services, etc.) contract.
- Documentation: advertisement(s) of RFP, affidavit of publication(s) of RFP, evaluation criteria, evaluations of every candidate, responses to proposal received, reason for final selection, council/commission meeting minutes of award.

Standard of award:

- Responsible firm with the most advantageous proposal, taking into account price and other factors identified in the RFP.

(Cite 2 CFR §200.320(d))

COMPETITIVE PROPOSALS PROCEDURE FOR SOLICITING ARCHITECTURAL AND ENGINEERING(A/E) SERVICES:

Applies to:

- Procurement of architectural, engineering, construction management at-risk services and surveying services for the project, regardless of the size of the contract.
- Process may only be used for architectural and engineering services, no other services. This process may not be used for procurement of grant administrators.

Process:

- The Request for Qualifications (RFQ) must be published in a newspaper of general circulation (publicly advertised).
- The RFQ must also be directly solicited from at least three sources, in addition to the publication in a newspaper of general circulation. Direct solicitations must include qualified M/WBEs and small businesses in the area to comply with direct solicitation requirements. Section 3 businesses/firms must be in the project area, or the town, county, or adjoining county to be fully qualified as a Section 3 business for a particular project.
- Evaluation criteria and relative importance must be identified in the RFQ; however, *price is not a factor in the initial selection of the most qualified firm.*
- The author of the RFQ may not respond to the same RFQ. They are ineligible for consideration due to conflict of interest.

- Must have a written method for conducting technical evaluations of proposals and selecting a consultant.
- Must have a minimum of two respondents to move forward with the process.
- If there is only one respondent, the RFQ must be republished in a newspaper of wider distribution for at least 15 business days.
- If only one firm responds the second time, request permission in writing from the DEQ CDBG Supervisor to use sole source procurement.
- Any responses to the publicized RFQ must be considered to the maximum extent practical.
- Qualifications of respondents are evaluated to select the most qualified firm.
- Once the most qualified firm is selected, fair and reasonable compensation can then be negotiated.
- State licensure requirements apply.
- Check for the firm's eligibility to receive federal funds at SAMS.gov and at the NC Department of Administration Debarred Vendors listing prior to finalizing the engineering contract.
- May use local geographic preferences for the procurement of these specific services, if this leaves an appropriate number of qualified firms (three) given the nature and size of the project, to compete for the contract.
- Documentation: advertisement of RFQ, affidavit of publication of RFQ, evaluation criteria, evaluations of every candidate, responses to the request for qualifications received, reason for final selection, council/commission meeting minutes of award.

(Cite 2 CFR §§200.319(b); 200.320(d)(5); NCGS 143-64.31)

NON-COMPETITIVE PROPOSAL PROCEDURE:

Applies to:

- Solicitation from just one source and fit within one of the following four exceptions:

Applies when:

- Item is available from only one source.
- Public exigency or emergency will not permit a delay that would result from competitive process.
- Competition deemed inadequate after soliciting from several sources using one of the other procurement methods identified in 2 CFR Part 200.320(a)-(d) – that is micro-purchase procedures, small purchase procedures, sealed bidding, or competitive proposals.
- Nash County will send a letter to the funding agency to request approval of non-competitive procurement for the services needed.

Process:

- Perform cost or price analysis if procurement is above the simplified acquisition threshold (\$150,000 as of 3/21/17) or the equivalent local/state threshold if more restrictive.
- If after the initial solicitation of proposals/qualifications only one response was received, the unit of local government is required to broaden their initial publication and direct solicitation by republishing in a larger circulation newspaper and expanding direct solicitation efforts. If after the second attempt only one response is received:
 - Submit procurement documentation to DEQ CDBG Supervisor to use sole-source procurement.
 - Negotiate profit as a separate element of the contract price.
- Documentation: All required documentation as listed above, plus a copy of the letter to the DEQ CDBG Supervisor requesting permission to use sole source procurement and the response from the DEQ. Also, a copy of the price analysis performed.

(Cite 2 CFR §200.320(f); NCGS 143-129(e)(2))

Code of Conduct

This Code shall govern the performance of officers, employees, and agents engaged in the award and administration of contracts supported by Federal funds.

No employee, officer or agent of Nash County shall participate in selection, or in the award or administration of a contract supported by Federal funds if a conflict of interest, real or apparent, is involved. Such a conflict would arise when:

1. The employee, officer or agent,
2. Any member of his immediate family,
3. His or her partner, or
4. Any organization which employs or is about to employ any of the above has a financial or other interest in the firm selected for award.

Officers, employees or agents shall neither solicit nor accept gratuities, favors or anything of monetary value from contractors, potential contractors or parties to sub-agreements.

Nash County, at its discretion may make determinations of minimum rules where financial interest is not substantial or the gift is an unsolicited item of nominal intrinsic value.

All violations of these standards deemed by the Governing Board of to be in excess of minimum levels determined above., will result in penalties, sanctions or disciplinary action as required by State and Local laws and regulations or as deemed appropriate by the Nash County Governing Board.

Language Access Plan

Providing meaningful communication with persons with limited English proficiency

The purpose of this Policy and Plan is to ensure compliance with Title VI of the Civil Rights Act of 1964, and other applicable federal and state laws and their implementing regulations with respect to persons with limited English proficiency (LEP). Title VI of the Civil Rights Act of 1964 prohibits discrimination based on the ground of race, color or national origin by any entity receiving federal financial assistance. Administrative methods or procedures, which have the effect of subjecting individuals to discrimination or defeating the objectives of these regulations, are prohibited.

POLICY:

Nash County will take reasonable steps to ensure that persons with Limited English Proficiency (LEP) have meaningful access and an equal opportunity to participate in benefits and services for which such persons qualify to avoid discrimination on the grounds of national origin, all programs or activities administered by Nash County.

DEFINITIONS:

Limited English Proficient (LEP) individual – Any prospective, potential, or actual recipient of benefits or services from Nash County who cannot speak, read, write, or understand the English language at a level that permits them to interact effectively with health care providers and social service agencies.

Vital Documents – These forms include, but are not limited to, applications, consent forms, all compliance plans, bid documents, fair housing information, citizen participation plans, letters containing important information regarding participation in a program; notices pertaining to the reduction, denial, or termination of services or benefits, the right to appeal such actions, or that require a response from beneficiary notices advising LEP persons of the availability of free language assistance, and other outreach materials.

Title VI Compliance Officer: The person or persons responsible for administering compliance with the Title VI LEP policies. For the purposes of this program this position shall be filled by the *Program Contact*.

Substantial number of LEP: 5% or 1,000 people, whichever is smaller, are potential applicants or recipients of the agency and speak a primary language other than English and have limited English proficiency.

IDENTIFYING LEP PERSONS AND THEIR LANGUAGE

Nash County will promptly identify the language and communication needs of the LEP person. Staff will use a language identification card (or “I speak cards,” <http://www.lep.gov/resources/ISpeakCards2004.pdf>) and LEP posters to determine the language. In addition, when records are kept of past interactions with individuals or family members, the language used to communicate with the LEP person will be included as part of the record. Nash County will post signs at intake areas and point of entry such as main lobbies and waiting rooms which share information about interpreters, translators and other aids available.

OBTAINING A QUALIFIED INTERPRETER

Nash County will use the methods checked below to obtain a qualified interpreter:

Maintain an accurate and current list showing the language, phone number and hours of availability of bilingual staff.

Contact the appropriate bilingual staff member to interpret, in the event an interpreter is needed, if an employee who speaks the needed language is available and is qualified to interpret.

Obtain an outside interpreter if a bilingual staff member or staff interpreter is not available or does not speak the needed language. John Andrews and Maria Andrews are known resources who can provide phone interpretation for Spanish.

Other: Nash County will secure online interpreter services which are readily available when needed

Nash County will provide all pertinent staff who may have direct contact with LEP individuals with a copy of this policy and procedure and will train staff who may have direct contact with LEP individuals in effective communication techniques including the effective use of an interpreter. Family members or friends of the LEP person will not be used as interpreters unless specifically requested by the LEP person and only after the LEP person understands an independent interpreter is available at no charge to the LEP person. If the LEP person chooses a family member or friend as an interpreter, Nash County will consider issues of competency, confidentiality, privacy and conflict of interest. If the LEP selected interpreter is not competent or appropriate for any of these reasons, Nash County will provide competent interpreter services. Nash County will not allow children and other residents to interpret, to ensure confidentiality of information and accurate communication.

PROVIDING WRITTEN TRANSLATIONS

Nash County will set benchmarks for translation of vital documents into additional languages.

- When translation of vital documents is needed, Nash County will submit documents for translation into frequently encountered languages.
- Nash County will provide translation of other written materials, if needed, as well as written notice of the availability of translation, free of charge, for LEP individuals.

PROVIDING NOTICE TO LEP PERSONS

Nash County will inform LEP persons of the availability of language assistance by providing written notice in languages LEP persons will understand and provide all interpreters, translators and other aids needed to copy with this policy with CBDG funds and at no cost to the LEP individuals. Nash County will notify the LEP individual and their families of the availability of assistance free of charge and will post notices and signs at intake areas and points of entry such as main lobbies and waiting rooms. Nash County will also provide notification through outreach documents, public places postings, local newspapers, other local media, or community-based organizations.

MONITORING LANGUAGE NEEDS AND IMPLEMENTATION

Nash County will assess changes in demographics and changes in the types of services needed due to demographic changes and will assess the effectiveness of procedures contained in this Plan, the mechanisms needed for securing interpreter services, complaints filed by LEP individuals, feedback from residents and community organizations, etc.

Compliance Procedures, Reporting and Monitoring

Reporting: Nash County will complete an annual compliance report and send this report to the funding agency.
Monitoring: Nash County will complete a self-monitoring report on a semi-annual basis, using a standardized reporting system proposed by the local government. These reports will be maintained and stored by the Title VI Compliance Officer and will be provided to the funding agency upon request.

The agency will cooperate, when requested, with special review by the funding agency.

Applicant/Recipient Complaints of Discriminatory Treatment

Complaints: Nash County will help LEP individuals who do not speak or write in English if they indicate that they would like to file a complaint. A complaint will be filed in writing, contain the name and address of the person filing it or his/her designee and briefly describe the alleged violation of this policy. Nash County will maintain records of any complaints filed, the date of filing, actions taken and resolution and will notify the funding agency of complaints filed, the date of filing, actions taken and resolution within 30 days of resolution.

Resolution of Matter: If Nash County cannot resolve a complaint by informal means, Nash County will inform the LEP individual, in their primary language of their right to appeal further to the funding agency. The funding agency Compliance Office will investigate of the allegations of the complaint and will afford all interested persons and their representatives an opportunity to submit evidence relevant to the complaint. The investigation will not exceed 30 days, absent a 15-day extension for extenuating circumstances. If the investigation indicates a failure to comply with the Act, the local unit of government, agency Director or his/her designee will so inform the recipient and the matter will be resolved by informal means whenever possible within 60 days. If the matter cannot be resolved by informal means, then the individual will be informed of his or her right to appeal further to the Department of Justice. This notice will be provided in the primary language of the individual with Limited English Proficiency. If not resolved by the funding agency, then complaint will be forwarded to Department of Justice (DOJ), Department of Housing and Urban Development (HUD) Field Office.

HUD PORTAL LEP:

http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/promotingfh/lep-faq

CITIZEN PARTICIPATION PLAN

INTRODUCTION

Nash County has developed to comply with requirements of the CDBG program as administered by the funding agency and HUD. Citizens are encouraged to participate in all stages of the CDBG process.

SCOPE OF PARTICIPATION

Nash County will make reasonable efforts to provide for citizen participation throughout the process to include but not limited to identification and assessment of CDBG needs and changes to any approved CDBG program. Nash County will conduct all phases of the CDBG process in an open manner, provide full access to all public program information, and encourage citizens to participate at all phases of the CDBG process.

CITIZEN PARTICIPATION CONTACT PERSON

Nash County has designated the *Program Contact* listed above to monitor all matters involving citizen participation activities. The Program Contact shall insure the following activities take place.

- Dissemination of information concerning proposed projects and current project activities
- Coordination of groups which may be participating in the community development process.
- Receipt of written comments and informal ideas and comments and transmitting information on to appropriate officials or staff
- Monitor the overall citizen participation process and recommend Plan revisions as needed.

Citizens may contact the *Program Contact* during regular business hours at the address and/or phone number first listed above.

TECHNICAL ASSISTANCE

Nash County staff shall provide technical assistance upon request to individuals or groups as needed to adequately provide for citizen participation in all phases of the CDBG program. Technical assistance may include but not be limited to the following.

- Interpret CDBG program rules, regulations, procedures and/or requirements.
- Provide information and/or materials concerning the CDBG program.
- Assist low-moderate income citizens communicate views and needs statements and develop activity proposes to address stated needs

Citizens should contact the *Program Contact* to coordinate Technical assistance activities.

PUBLIC HEARINGS

Nash County will conduct public hearings to allow citizens to voice opinions and offer proposals concerning CDBG programs. Local officials will respond to non-complaint questions and proposals from citizens at each public hearing. Local officials will respond to any complaint questions and comments through the approved Complaint Procedure. Citizens may also voice opinions and offer proposals during the public comment agenda item at any regularly scheduled meeting.

Public Hearing Times and Locations

Nash County will conduct public hearings as follows with respect to time and location at a:

- locations accessible to all citizens, especially LMI persons
- convenient times
- locations which provide adequate access for citizen participation
- locations accessible to persons with disabilities
- locations other than the routine location if adequately publicized in the public hearing notice.
-

Application Public Hearing

Nash County will conduct at least one public hearing or more as required by the funding agency application requirements prior to submission of a funding request application and may present multiple applications at one hearing. The purpose of the public hearing will be as follows.

- Assess community needs and problems.
- Discuss items regarding community development needs, the CDBG program, and the application process.
- Entertain proposals and comments from citizens.
- Present activities selected for an application for public comment and review.
- Solicit public comment concerning activities proposed for an application.

Nash County will provide the following information at a public hearing.

- goals and objectives of the CDBG program
- total amount of CDBG funds available in the application intake round and fiscal year
- role of the public in program planning, implementation, and assessment
- eligible activities
- application development process
- statement all funds will be used to benefit LMI people.
- projects proposed for submission to include activities.
- schedule of meetings and hearings
- locations where the public can review applications.
- programs/activities funded through previous CDBG approved applications.
- an identification of projects which could result in relocation of residences or businesses and what actions will be taken if such relocation is necessary.
- contact information of complaints or grievances
- projects proposed for submission to include activities, location, estimated cost, local match, project impact especially for LMI persons, and application submittal date.

Nash County may conduct a community meeting in addition to the public hearing to solicit comments prior to submission of the proposed or other applications.

Amendment Public Hearings

Nash County will hold one public hearing for all formal amendments which require approval of the funding agency and involve changes in dollars spent on any activity, changes in program beneficiaries, changes in location of activities, changes in project activities and require approval of the funding agency. Nash County will receive public input for any changes or amendments not requiring approval of the funding agency at their regular scheduled meetings.

Assessment of Performance Public Hearings

Nash County will hold one public hearing at the conclusion of every CDBG project to allow public comment on the performance of local officials, local staff, consultants, engineers, contractors and the actual use of CDBG funds. The hearing will also solicit performance in addressing community development needs, goals and objectives. Nash County will conduct this hearing prior to submitting the final Annual Performance Report and other closeout documents.

Additional Hearings

Nash County may conduct additional public hearings to inform the public and solicit public input. Such hearings will comply with the other requirements of this Plan.

Limited English Proficiency Citizens

Nash County will take all reasonable actions necessary, to include an interpreter and/or materials in the appropriate language or format, to allow LEP citizens to participate in the community development process.

Public Hearing Notice

Nash County will provide notice of all public hearings in the non-legal section of a newspaper of local circulation at least 10 days and not more than 25 days prior to the hearing. The notice shall include the time, date, and location of the hearing along with items proposed for discussion.

Accessibility to Low and Moderate Income Persons

Nash County may take additional steps to promote participation by persons or groups which may otherwise be excluded. Additional steps may include but are not limited to posting notices in LMI neighborhoods or places frequented by LMI persons, holding public hearing in LMI neighborhoods or holding public hearings in areas proposed for CDBG project activities.

Accessibility to Persons with Disabilities

Nash County will make the following provisions when the *Program Contact* is notified of the need for accessibility a minimum of 48 hours prior to the hearing.

- Sign language interpreter for the hearing impaired
- Qualified reader for the visually impaired
- Reasonable accommodations for persons with mobility or developmental disabilities

PROGRAM INFORMATION

Nash County will keep all documents related to the CDBG program in the office of the *Program Contact* and make CDBG program information available to the public, especially the LMI and LEP populations. The public may examine or duplicate available information in accordance with the Record Review Policy and available information will include but not be limited to information surrounding Grant Contract and condition release details, Program Plans & Policies, public hearing minutes, miscellaneous correspondence, environmental review record, procurement records, financial information, service Agreements, construction contract documents, Davis-Bacon compliance, performance reports, evaluation reports, other required reporting, CDBG applications, miscellaneous correspondence, and written complaints or comments with responses where applicable.

Nash County will have appropriate information available at the regular scheduled meetings when the CDBG program is discussed.

Nash County shall not disclose any program beneficiary financial status information of any information which may, in the opinion of the CEO, be confidential in nature.

PROCEDURES FOR COMMENTS, OBJECTIONS AND COMPLAINTS

Any citizen or citizen's group desiring to comment, object or have a complaint during any phase of a CDBG application or program, should submit such comments, objections, or complaints in writing to the *Program Contact*. Nash County shall respond in writing to any written comment, objection, or complaint within 10 calendar days and will attempt to resolve the comment, objection, or complaint.

Citizens are encouraged to attempt to resolve issues at the local level. However, if a citizen feels the Nash County has not adequately addressed the comment, objection or complaint, the citizen may submit the comment, objection, or complaint in writing to the funding agency or HUD at the following address.

*NC Department of Commerce
Rural Economic Development Division
4346 Mail Service Center
Raleigh, NC 27699-4346*

Or:

*U.S. Department of Housing and Urban Development
Community Planning and Development Division
Greensboro Field Office
1500 Pinecroft Road
Greensboro, NC 27407*

Nash County will maintain records of comments, objections and/or complaints by citizens along with resolution efforts and will be made available for review in accordance with the Record Review Policy.

AMENDMENTS

Nash County will periodically evaluate this Citizen Participation Plan to ensure this Plan is effectively allowing Citizen Participation in the CDBG process and program and make revision as needed.

Recipient's Plan to Further Fair Housing

Indicate if the Recipient will be affirmatively furthering fair housing for the first time or has implemented specific activities in the past.

First Time x *Past Activities* _____

Identify and analyze obstacles to affirmatively furthering fair housing in recipient's community.

Lack of knowledge among citizens of fair housing laws

Will the above activities apply to the total municipality or county?

Yes x No ___

Listed below the quarterly activities the grant recipient will undertake over the active period of the grant to affirmatively further fair housing in their community to include an estimated cost of each activity.

<i>Quarterly Fair Housing Activity</i>	<i>Months</i>	<i>Year</i>	<i>Estimated Cost</i>	<i>Actual Cost</i>
Place or Ensure Fair Housing Posters and similar notices are in placed in the Nash County Administrative office.	April-June	2024	\$70	
Development of information needed for a Fair Housing Analysis	July-Sept	2024	560\$	
Publish a Fair Housing Complaint Procedure	Oct-Dec	2024	\$200	
Publish a General Fair Housing Information Notice	Jan-March	2025	\$200	
Mail Fair Housing information concerning general fair housing law and complaint process to three local churches.	April-June	2025	\$70	
Place Fair Housing handouts in the Nash County Administrative office.	July-Sept	2025	\$70	
Mail Fair Housing information concerning general fair housing law and complaint process to local lending institutions.	Oct-Dec	2025	\$70	
Place Fair Housing handouts and posters in the local library, post office, and/or Social Services office if available.	Jan-March	2026	\$70	
Mail Fair Housing information concerning general fair housing law and complaint process to local real estate offices.	April-June	2026	\$70	
Restock/place Fair Housing handouts in the Nash County Administrative Office	July-Sept	2026	\$70	
Mail Fair Housing information concerning general fair housing law and complaint process to three local churches.	Oct-Dec	2026	\$70	

Restock Fair Housing handouts in the local library, post office, and/or Social Services office.	Jan-March	2027	\$70	
Ensure Fair Housing posters are in place in the Nash County administrative office and other locations receiving posters during the execution of this Fair Housing Plan	April-June	2027	\$70	

Nash County will conduct one community outreach activity which includes a fair housing discussion prior to the end of the final quarter in the form of a workshop, public forum, fair housing information booth, fair housing fair, or similar event. This activity will serve as the quarterly activity in lieu of the above listed activity for the respective quarter.

Describe recipient's method of receiving and resolving housing discrimination complaints.

- Any person or persons wishing to file a complaint of housing discrimination may do so by informing the *Program Contact* of the facts and circumstance of the alleged discriminatory acts or practice.
- The *Program Contact* shall acknowledge the complaint in writing within 10 calendar days after receipt of the complaint and inform the funding agency and the NC Human Relations Commission of the complaint.
- The *Program Contact* shall assist the Commission in the investigation and reconciliation of all housing discrimination complaints which are based on events occurring in Nash County
- The *Program Contact* shall publicize in the local newspaper who is the local contact to contact concerning housing discrimination complaints. Publications will include TDD (711 – Relaync.com).

HUD PORTAL FH: http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp

Excessive Force Policy

Nash County hereby adopts an Excessive Force Policy that is in accordance with the applicable State of North Carolina and Federal Regulations, i.e., Section 519 of Public Law 101-144, (1990 HUD Appropriations Act) requiring units of government receiving CDBG funds to adopt and enforce *Excessive Force Provision*.

Nash County, as the recipient of Federal and/or State CDBG Grant Funds, acknowledges its responsibility to and will adhere to the aforesaid NC State and Federal Excessive Force Regulations. Nash County adopts and will enforce a policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against all individuals engaged in non-violent civil rights demonstrations and is adopting and will enforce a policy of enforcing applicable state and local laws against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstration within the Nash County.

RESIDENTIAL ANTI-DISPLACEMENT & RELOCATION ASSISTANCE PLAN

Nash County has prepared this Residential Anti-displacement & Relocation Assistance Plan in accordance with the Housing and Community Development Act of 1974, as amended; and HUD regulations at 24 CFR 42.325 and applies to all current CDBG projects.

Minimize Displacement

Nash County will take the following steps to minimize the direct and indirect displacement of persons from their homes because of Program:

- Assist family units temporarily displaced by Program to locate temporary housing locations and provide Optional Coverage Plan financial assistance through the grant program.
- Make all reasonable efforts to select design and construction alternatives which will minimize demolition of occupied and vacant occupiable housing units.

Relocation Assistance to Displaced Persons

Nash County will provide Relocation assistance for any family unit involuntarily and permanently displaced by the Program. Relocation assistance will be as outlined in the URA and regulations at 49CFR24 or section 104(d) as appropriate for the family units and shall be funded with Program funds.

One-for-One Replacement of Lower-Income Dwelling Units

Nash County anticipates the voluntary demolition of three housing units and does not anticipate the conversion of lower-income housing units or the permanent, involuntary displacement of any family units. However, Nash County will take the following actions if these unanticipated situations occur.

Nash County will replace all occupied and vacant occupiable lower-income dwelling units demolished or converted to a use other than lower-income housing in connection with a Grant in accordance with 24 CFR 42.375.

Nash County will make public by posting at three public local locations the information listed below before entering a contract which will provide funds to demolish or convert lower income to other uses.

1. A description of the proposed assisted project
2. The address, number of bedrooms, and location on a map of the affected housing units
3. A time schedule for the demolition or conversion
4. The number of dwelling units needed by size (number of bedrooms), location, source of funding and time schedule for the replacement lower income housing.
5. The basis for concluding each replacement dwelling unit will remain a lower income dwelling unit for at least 10 years after the date of initial occupancy.
6. If applicable, information demonstrating replacement unit of a different size than original existing is appropriate with the HUD approved Consolidated Plan and 24 CFR 42.375(b)

If the information contained in items 4-6 is not known at the time of demolition, Nash County will identify the general location of the dwellings on a map and publicize the remaining information as soon as the information is available.

One-for-One Waiver Request

Nash County may request the funding agency waive the one-for-one requirement based on the fact an adequate supply of standard condition, vacant lower-income housing is available within the areas.

Temporary Displacement

The Program recognizes each family voluntary chooses to participate in the demolition/reconstruction program, and beneficiary families will be displaced during the demolition/reconstruction process. Each family may be voluntarily displaced for up to 5 months.

Two options are available for the families temporarily displaced as a part of the voluntary demolition/reconstruction process.

Option 1: Lump Sum Payment to the family of \$4,000 (*must relocate to decent safe and sanitary housing.*)

Option 2: Actual Cost of housing costs of not-to-exceed \$10,000.
(*not to include utilities, food, transportation, or other costs which may be duplication of the existing costs*)

Section 504 Grievance Procedure

Any Citizen or Citizen's group should submit any Complaint concerning Section 504 or accessibility issues to the *Program Contact* in written form. The *Program Contact* shall respond in writing to the inquiring party within 15 working days and provide due process to resolve the Complaint equitably and promptly at the local level.

However, if the inquiring party feels Nash County has not adequately address their Complaint, the inquiring party may submit the Complaint to the funding agency at the following address.

*NC Department of Commerce
Rural Economic Development Division
4346 Mail Service Center
Raleigh, NC 27699-4346*

Nash County shall document all situations involving complaints to include the initial complaint through resolution of the complaint. Nash County will take the following proactive measures to provide information concerning Section 504.

- Notify beneficiaries and program participants of the Section 504 Grievance Procedure and that Nash County does not discriminate based on handicap by providing handouts to these parties.
- Notify staff of the Section 504 Grievance Procedure and that Nash County does not discriminate based on handicap in the workplace by posting information on workplace public notice bulletin boards.
- Will notify the public of the Section 504 Grievance Procedure and that Nash County does not discriminate based on handicap by posting information on the Nash County public information website.

General Complaint Procedure

Any Citizen or Citizen's group should submit any Complaint to the *Program Contact* in written form.

- A. The *Program Contact* shall respond in writing to the inquiring party within 10 Calendar days and provide due process to resolve the Complaint equitably and promptly at the local level.
- B. If resolution is not obtained, the *County Manager* shall review the complainant's statement. The *County Manager* shall decide which will be final.
- C. The *County Manager's* decision will provide a written decision to the complainant along with the mailing and phone information of the *REDD Project Representative* for program.

Records Review Policy

- A. Anyone wishing to review records must submit a written request to Nash County at least 2 days prior to the desired date for reviewing. The request must include an accurate name, address, phone no. and affiliation of the person or organization making the request.
- B. Nash County shall verify in writing the address listed in item A above and a date and time to review program records.
- C. A Nash County employee or agent designated by Nash County shall always be present when records are being reviewed.
- D. Copying shall be \$0.35 per page and shall be payable before copying.
- E. No records shall be removed without the permission of Nash County.