

AMERICAN SAMOA DEPARTMENT OF COMMERCE-COMMUNITY DEVELOPMENT BLOCK GRANT-DISASTER RECOVERY (CDBG-DR) ACTION PLAN

## **SECTION 5: CITIZEN PARTICIPATION PLAN**

### **DEPARTMENT OF COMMERCE**

### **COMMUNITY DEVELOPMENT BLOCK GRANT – DISASTER RECOVERY**

### **CITIZEN PARTICIPATION PLAN**

The American Samoa Government must ensure adequate citizen involvement by providing everyone an opportunity to be part of the planning, implementation and evaluation process of its CDBG-DR funding allocation.

To ensure CDBG-DR funds are awarded and implemented timely, the Citizen Participation requirements for American Samoa's CDBG-DR funding does not mandate public hearings. Accordingly, the provisions of 42 U.S.C. 5304(a)(2) and (3), 42 U.S.C. 12707, 24 CFR 570.486, 24 CFR 1003.604, and 24 CFR 91.115(b) and (c) are waived. However, the Citizen Participation requirements for CDBG-DR in American Samoa are as follows:

a) Participation

The Citizen Participation Plan for CDBG-DR mandates ASG to encourage and facilitate the participation of all its residents, including minorities and non-English speaking persons, and persons with disabilities, in the planning process for its CDBG-DR funds. Service providers, government agencies, and others in developing the CDBG-DR Action Plan and Amendments (substantial or non-substantial) are also encouraged to participate.

Participation is highly encouraged in discussions about identified needs, prioritization, funding allocation, and recommendations relevant to the unmet needs of the territory as a result of Tropical Storm Gita. The ASG shall provide for and encourage citizen participation with particular emphasis on:

- 1) Low-and-moderate-income persons;
- 2) All persons residing in American Samoa as a low-moderate income area; and,
- 3) Persons residing in areas affected by the proposed use of CDGB-DR grant funds.

ASG shall ensure that limited English proficiency (LEP) populations have meaningful access to federally funded programs, services, and written materials.

The territory is also committed to complying with Section 508 of the Americans with Disabilities Act (ADA) by providing reasonable modifications enabling full participation of residents with disabilities upon request. As a recipient of HUD financial assistance, any sub-recipients, partners,

or grantees must ensure appropriate steps to communicate effectively with individuals with disabilities.

American Samoa's CDBG-DR Action Plan was coordinated through the Governor's Office and in collaboration with key ASG agencies, including the: Office of Disaster Assistant and Petroleum Management, Department of Human and Social Services, Department of Homeland Security, Department of Public Works, the American Samoa Community College, the American Samoa Power Authority, the American Samoa Telecommunications Authority, the LBJ Tropical Medical Center, Port Administration, and Treasury. These agencies were involved in immediate disaster recovery efforts for the territory and are all deemed as stakeholders to review and determine the unmet priority needs of American Samoa as a result of Tropical Storm Gita.

b) Public Comments

The initial Action Plan was required to be posted to the ASG CDBG-DR website for a minimum of 30 days. ASG is required to provide residents, service providers, government agencies, and other stakeholders ample time, not less than 30 days, to review and/or comment on the proposed use of CDBG-DR funds.

For the initial Action Plan, public notices were published via newspaper of general circulation to announce the purpose, time and for a 30-day public comment period, which began on Thursday, October 22, 2020, and ended on Monday, November 23, 2020, at 4:00pm, with comments directed to the CPD Director. For the first Substantial Amendment, the 30-day public comment began on Wednesday, July 27, 2022, and ended on Friday, August 26, 2022, at 4:00pm, with comments directed to the CDBG-DR Coordinator. As required by 24 CFR Part 91, interested persons were invited to submit comments in writing. Contact information is provided on all public notices as well as on any of the documents or materials being considered. All comments are reviewed with documented responses incorporated in the Action Plan.

c) Availability and Accessibility of the CDBG-DR Action Plan

A copy of the CDBG-DR Action Plan and any amendments are available at the Department of Commerce and on the agency's disaster recovery website. A copy of the plan is also made available upon request. When the need is anticipated or requested, language translation services shall be made available for LEP residents as well as accessible for persons. This will also include performance reports and any substantial or non-substantial amendments.

Public comments on the CDBG-DR Action Plan are welcome within the 30-day comment period as required by 24 CFR Part 91. A copy of the Action Plan can be accessed on the DOC recovery website and a hardcopy can be reviewed at the Department of Commerce. Translation into and out of native language (Samoan) that is widely spoken will be provided.

When the need is anticipated or requested, language translation services shall be made available for Limited English Proficiency (LEP) populations as well as accessible means for persons with disabilities. This will also include performance reports and any substantial or non-substantial amendments.

For physical accessibility and reasonable accommodations, recipients of CDBG-DR funds must make auxiliary aids, services, or special accommodations available to applicants for and beneficiaries of CDBG-DR funds.

d) Consultation

For the initial CDBG-DR Action Plan, stakeholder meetings were held among ASG agencies and non-government organizations who were involved in disaster recovery during Gita to discuss potential projects for CDBG-DR funding consideration based on a complete unmet needs' assessment. Everyone came with their proposed projects in mind, with the ultimate priority was housing and infrastructure for long-term recovery from Gita. Subsequent information, as reflected in the first Substantial Amendment, focused investments on infrastructure, which also provided protections to housing stock.

e) Substantial Amendments

There are times when it may be necessary for ASG to process a 'substantial amendment' to its CDBG-DR Action Plan to allow for new project activities; modification of existing activities or other program administrative actions.

Any substantial amendment is subject to the CDBG-DR Citizen Participation Process, and requires formal action by the ASG and final approval from HUD. A thirty (30) day public notice is published to provide an opportunity for the public to review and comment on the proposed substantial amendment(s). ASG will consider all written and verbal comments received from the public. A summary of these comments will be included in the final submission to HUD. The summary will include unacceptable comments and reasons why they may be deemed unacceptable.

In accordance with 24 CFR Pat 91.505(b), the grantee must identify the criteria for determining if a proposed action is considered a 'Substantial Amendment.' The following criteria will be used by ASG - if any one of the following criteria applies:

- i. A new activity not previously listed and described in the CDBG-DR Action Plan;
- ii. When a proposal is made to amend the description of existing activity in such a way that the newly described purpose, scope,

location or beneficiaries differ significantly from the original activity's purpose, scope, location or beneficiaries;

- iii. An increase in the amount of CDBG-DR funds allocated to an existing activity when the following apply:
  - a. An increase in funding for a CDBG-DR public service type activity in an amount greater than \$500,000 over the current funded amount; or,
  - b. An increase in funding for other activities (housing, infrastructure, and economic revitalization) in an amount greater than \$1,000,000 over the current funded amount.
- iv. In an effort to efficiently utilize CDBG-DR funds, ASG will consider reprogramming unspent funds from completed and canceled activities to other eligible activities. Activities under the territory's thresholds may be canceled for cause and funds reprogrammed without resulting in a substantial change. Examples of causes are:
  - Cancellation requested by the subrecipient (if any);
  - Determination that insufficient funding prevents accomplishment of the activity; and,
  - Determination that the project cannot be carried out in a timely or eligible manner.

In the event that any of the above administration reprogramming actions are over the threshold, and fall under the 'substantial amendment' criteria, the proposed actions are subject to the Citizen Participation process and will require formal action by the ASG, and notification to HUD.

f) Non-substantial Amendments

ASG shall notify HUD at least 5 business days before an amendment becomes effective for a CDBG-DR Action that is deemed non-substantial. All CDBG-DR Action Plan amendments must be numbered sequentially and posted on the website.

g) Public Website

The CDBG-DR Action Plan, amendments (substantial and non-substantial), performance reports, citizen participation requirements, policies & procedures, procurement policies, and list of activities or projects described in the action plan will be made available online for public

access at <https://www.doc.as.gov/cdbg>. Contracts will also be posted as defined in 2 CFR 200.22. The DOC website shall dedicate a section to the CDBG-DR funds for the territory.

The CDBG-DR grant award outlines the policies and procedures to facilitate that process and maximize public participation when putting together this substantial amendment to the initially submitted CDBG-DR Action Plan.

The American Samoa Government and all its constituents included in the CDBG-DR program will not discriminate against individuals with disabilities or any other classification protected by federal or territorial law in its services, programs, or activities. DOC will meet accessibility standards, provide reasonable accommodation to persons with disabilities in accessing services and information, and consider the functional needs of persons with disabilities in all processes of CDBG-DR program activity.

In practice, in-person public hearing events conducted as part of HUD-funded CDBG-DR activities will take place at an ADA-accessible location. Events held online or will provide accommodation to individuals with disabilities to ensure information is accessible. ASG will ensure digital information posted on its disaster recovery website complies with Section 508 of the Rehabilitation Act of 1973.

ASG will ensure access for individuals with limited English proficient (LEP) by provided translations of information and program materials, as is consistent with its Citizen Participation Plan, to ensure language is not a barrier to accessing benefits or services, understanding and exercising necessary rights, complying with applicable responsibilities, or understanding other information provided by DOC.