

JACKSON COUNTY PLANNING OFFICE

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MEMO

To: Jackson County Board of Commissioners
Cc: Don Adams, County Manager
From: Caroline Edmonds, Planner 1
Date: September 6, 2018

RE: Community Development Block Grant 09-D-2945 Compliance Plans

Jackson County has received funding from the State of North Carolina Department of Environmental Quality for public water and sewer improvements at Blue Ridge School. The following compliance plans are required by the State of North Carolina, to be adopted and enforced by the local government.

- Equal Opportunity and Procurement Plan- Pursuant to the Civil Rights Act of 1964, the Fair Housing Act and the Executive Order 12892 Equal Opportunity in Housing, the plan states that Jackson County shall work to eliminate housing discrimination and inform the community about Equal Housing Opportunity policies and laws. Some specific actions that Jackson County is taking to secure public understanding and exercise Equal Housing Opportunities are:
 - Display posters and brochures in public buildings
 - Posting Housing Committee Meeting agendas on social media.
 - The Housing Committee is working to develop a Housing Trust Fund.
 - Survey existing housing inventory to better understand the strengths and weaknesses of the County's housing stock.
 - Establish a housing task force comprised of County, municipal, business, higher education and non-profit stakeholders.
- Language Access Plan- Pursuant to Title VI of the Civil Rights Act of 1964, the Language Access Plan is adopted in order to provide meaningful communication with persons with limited English proficiency in regards to the project. The qualified interpreter that will provide translation services is Language Line Services Inc. from Monterey California. Notice of the availability of free interpretation services will

be posted in the Planning Department, Department of Social Services, Health Department and Town of Sylva Municipal Hall.

- **Citizen Participation Plan-** The goal of this plan is to encourage citizens, especially low and moderate income citizens of the community, to participate in the Community Development Block Grant program. The plan sets forth policies and procedures for citizen participation, that are designed to maximize the opportunity for citizen participation in the community development process. Some policies that will encourage participation are public hearings related to the project being published in the local newspaper, a designated Citizen Participation Contact and a procedure for receiving comments, objections and complaints.
- **Excessive Force Policy-** Pursuant to State of North Carolina and Federal Regulations, units of government receiving Community Development Block Grant funds are required to adopt and enforce an Excessive Force Policy. This policy prohibits the use of excessive force by law enforcement agencies against any and all individuals engaged in non-violent civil rights demonstrations and prohibits physically barring entrances and exits of facilities of such non-violent civil rights demonstrations within Jackson County.
- **Residential Anti-Displacement and Relocation Assistance Plan-** Pursuant to the Housing and Community Development Act of 1974 and HUD regulations 24 CFR 42.325, Jackson County must adopt this plan identifying actions that Jackson County will take to minimize the direct and indirect displacement of persons from their homes. Some steps that Jackson County will take are:
 - Coordinate code enforcement with rehabilitation and housing assistance programs.
 - Where feasible, give priority to rehabilitation of housing, as opposed to demolition, to avoid displacement.
- **Local Jobs Initiative Section 3 Plan-** The Section 3 Plan states that Jackson County will, whenever possible, give employment to lower income residents of the project area. The following step will be taken to assure that low income residents and businesses within Jackson County are given the opportunity for employment whenever possible:
 - Jackson County will place ads in the Sylva Herald when new segments of the project arise that will be going out for bid.
- **Section 504 Compliance Officer/Grievance Procedure-** This document sets up the internal grievance procedure for prompt and equitable resolution of complaints alleging any action prohibited by the Americans with Disabilities Act and the United States Department of Housing and Urban Development. Complaints will be received by County Manager Don Adams and investigated by Planning Director Michael Poston.

Equal Opportunity Plan

A. Equal Housing Opportunity Plan

Civil Rights Act of 1964

The Civil Rights Act of 1964 prohibits all racial discrimination in the sale or rental of property.

The Fair Housing Act

The Fair Housing Act declares a national policy of fair housing throughout the United States, making illegal any discrimination in the sale, lease or rental of housing, or making housing otherwise unavailable, because of race, color, religion, sex, handicap, familial status, or national origin.

Executive Order 12892, Equal Opportunity in Housing

Executive Order 12892, as amended (Leadership and Coordination of Fair Housing in Federal Programs: Affirmatively Furthering Fair Housing), provides that programs and activities relating to housing and urban development (including any Federal agency having regulatory or supervisory authority over financial institutions) shall be administered in a manner affirmatively to further the purposes of the Act and shall cooperate with the Secretary of Housing and Urban Development, who shall be responsible for exercising leadership in furthering the design and delivery of Federal programs and activities.

The ***County of Jackson*** shall eliminate housing discrimination, and achieve diverse, inclusive communities by leading the ***County of Jackson*** in the enforcement, administration, and public understanding of federal fair housing policies and laws.

The ***County of Jackson*** shall include the Equal Housing Opportunity logo and/or the phrase affirming Equal Opportunity in Housing on all the CDBG documents intended to be shared with the public.

The ***County of Jackson*** shall post in public buildings and the CDBG project area the Equal Housing Opportunity posters and/or additional information the local government has prepared to inform the community with the Equal Housing Opportunity policies and laws.

Describe specific actions to be taken to contact and develop working relationships with local owners, real state and civic, charitable or neighborhood organizations in particular, to secure public understanding and responsibilities to exercise Equal Housing Opportunity:

- Jackson County's Housing Committee will display their meeting dates and times on social media.

- Jackson County's Housing Committee is made up of Tuckaseegee Water and Sewer Authority, Mountain Projects, Jackson County Economic Development, Jackson County's Attorney and Jackson County Planning staff.
- The Housing Committee is working to develop a Housing Trust Fund in an effort to begin filling the housing gap in Jackson County and provide incentive to developers.
- A survey of existing housing inventory will be conducted in the next 2 years in an effort to better understand the strengths and weaknesses of Jackson County's housing stock.
- Jackson County plans to establish a housing task force comprised of County, municipal, business, higher education and non-profit stakeholders.

B. Equal Employment Opportunity Plan

Executive Order 11246, as amended by Executive Orders 11375, 11478, 12086, and 12107 (3 CFR 1964-1965 Comp. p. 339; 3 CFR, 1966-1970 Comp., p. 684; 3 CFR, 1966-1970., p. 803; 3 CFR, 1978 Comp., p. 230; 3 CFR, 1978 Comp., p. 264 (Equal Employment Opportunity), and Executive Order 13279 (Equal Protection of the Laws for Faith-Based and Community Organizations), 67 FR 77141, 3 CFR, 2002 Comp., p. 258; and the implementing regulations at 41 CFR chapter 60;

The ***County of Jackson*** 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.

In furtherance of this policy, the ***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.

The ***County*** shall 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 ***Mayor/Chairman and/or other persons designated by the Chief Elected Official*** to assist in the implementation of this policy statement.

The ***County*** shall develop a self-evaluation mechanism to provide periodic examination and evaluation. Every two years the results of the self-evaluation reporting on the progress of Equal Employment Opportunity and Affirmative Action will be presented to the ***Chief Elected***

Official. Records presented to the **Chief Elected Official** shall be maintained in the files and will be provided to DWI as needed.

The **County** is committed to this policy and is aware that with its implementation, the **County** will receive positive benefits through the greater utilization and development of all its human resources.

The **County of Jackson** shall include the Equal Employment Opportunity logo and/or the phrase affirming Equal Employment Opportunity on all the CDBG documents intended to be shared with the staff and the public.

The **County of Jackson** shall obtain commitment from contractors that they will not discriminate against any employee or applicant for employment because 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. Contractors will take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their 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. Such action shall include, but not be limited to the following: Employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.

The **County** shall obtain commitment from Contractors that will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive considerations for employment without regard to 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.

Adopted this _____ day of _____, 20__.

(Chief Elected Official)

ATTEST:

LANGUAGE ACCESS PLAN

Providing Meaningful Communication with Persons with Limited English Proficiency

Jackson County
(Town/City/County)

September 17, 2018 to September 3, 2021
(Time Period)

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:

In order to avoid discrimination on the grounds of national origin, all programs or activities administered by *Jackson 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. This Policy defines the responsibilities *Jackson County* has to ensure LEP individuals can communicate effectively.

DEFINITIONS:

Limited English Proficient (LEP) individual – Any prospective, potential, or actual recipient of benefits or services from *Jackson 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.

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

PROCEDURES:

1. IDENTIFYING LEP PERSONS AND THEIR LANGUAGE

The *County of Jackson* 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.

2. OBTAINING A QUALIFIED INTEPRETER

List the current name, office telephone number, office address and email address of the Title VI compliance officers:

(Note: The local unit of government must notify the Division of Water Infrastructure (DWI) Compliance Specialist immediately of changes in name or contact information for the Title VI compliance officer.)

Check all methods that will be used:

- Maintaining an accurate and current list showing the language, phone number and hours of availability of bilingual staff (*provide the list*):
- Contacting the appropriate bilingual staff member to interpret, in the event that an interpreter is needed, if an employee who speaks the needed language is available and is qualified to interpret;
- Obtaining an outside interpreter if a bilingual staff or staff interpreter is not available or does not speak the needed language.

(Identify the organization (s) name(s) with whom you have contracted or made arrangements)

Language Line Services Inc.
1 Lower Ragsdale Drive Bldg. 2
Monterey, CA 93940

Has agreed to provide qualified interpreter services. The organization's telephone number is 800-752-6096, and the hours of availability are 8:00 a.m. to 5:00 p.m. Our contact is Michael Schmidt.

Other (*describe*):

All staff will be provided notice of this policy and procedure, and staff that may have direct contact with LEP individuals will be trained in effective communication techniques, including the effective use of an interpreter.

Some LEP persons may prefer or request to use a family member or friend as an interpreter. However, family members or friends of the LEP person will not be used as interpreters unless specifically requested by that individual and **after** the LEP person has understood that an offer of an interpreter at no charge to the person has been made by the facility. Such an offer and the response will be documented in the person's file. If the LEP person chooses to use a family member or friend as an interpreter, issues of competency of interpretation, confidentiality, privacy, and conflict of interest should be considered. If the family member or friend is not competent or appropriate for any of these reasons, competent interpreter services will be provided to the LEP person.

Children and other residents will **not** be used to interpret, in order to ensure confidentiality of information and accurate communication.

3. PROVIDING WRITTEN TRANSLATIONS

- i. The *County of Jackson* will set benchmarks for translation of vital documents into additional languages. *(please ensure to keep records of those documents that apply to your local unit of government)*
- ii. When translation of vital documents is needed, the *County of Jackson* will submit documents for translation into frequently-encountered languages.
- iii. Facilities 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.

4. PROVIDING NOTICE TO LEP PERSONS

The *County of Jackson* will inform LEP persons of the availability of language assistance, free of charge, by providing written notice in languages LEP persons will understand. Example: The notification will include, in the primary language of the applicant/recipient, the following language: IMPORTANT: IF YOU NEED HELP IN READING THIS, ASK THE *County of Jackson* FOR AN INTERPRETER TO HELP. AN INTERPRETER IS AVAILABLE FREE OF CHARGE.

The *County of Jackson* shall include at minimum the following phrases in English and Spanish in any document requesting public comments, or notifying the community of any modifications/amendments to the CDBG program during the life of the grant, including but not limited to public hearing notifications, citizen participation documents, Environmental Review notifications, among other documents:

- *"This information is available in Spanish or any other language upon request. Please contact (Insert Name) at (Insert Phone Number) or at (Insert physical location) for accommodations for this request."*
- *"Esta información está disponible en español o en cualquier otro idioma bajo petición. Por favor, póngase en contacto con (Insert Name) al (Insert Phone Number) o en (Insert physical location) de alojamiento para esta solicitud."*

****Please note the address and name itself should not be translated (e.g. "Charlie" should not be translated to "Carlos"; "Main Street" should not be translated to "Calle Principal")**

All interpreters, translators and other aids needed to comply with this policy shall be provided without cost to the person being served, and individuals and their families will be informed of the availability of such assistance free of charge.

At a minimum, notices and signs will be posted and provided in intake areas and other points of entry, including but not limited to the main lobbies, waiting rooms, etc.

Jackson County Planning Department

Jackson County Department of Social Services

Jackson County Health Department

Town of Sylva Municipal Hall

Notification will also be provided through one or more of the following: outreach documents, telephone voice mail menus, local newspapers, radio and television stations, and/or community-based organizations

(Include those that apply to your local unit of government).

5. MONITORING LANGUAGE NEEDS AND IMPLEMENTATION

On an ongoing basis, the *County of Jackson* will assess changes in demographics, types of services or other needs that may require reevaluation of this policy and its procedures. In addition, the *County of Jackson* will regularly assess the efficacy of these procedures, including but not limited to mechanisms for securing interpreter services, complaints filed by LEP persons, feedback from residents and community organizations, etc.

I. Compliance Procedures, Reporting and Monitoring

A. Reporting

The *County of Jackson* will complete an annual compliance report and send this report to DWI. The form can be found at <http://portal.ncdenr.org/web/wi/cdbg-i-compliance1>.

B. Monitoring

The *County of Jackson* will complete a self-monitoring report on a semiannual 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 DWI upon request.

The *County of Jackson* will cooperate, when requested, with special review by the DWI.

II. Applicant/Recipient Complaints of Discriminatory Treatment

A. Complaints

The *County of Jackson* will provide assistance to 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. The form can be found at <http://portal.ncdenr.org/web/wi/cdbg-i-compliance1>. The *County of Jackson* will maintain records of any complaints filed, the date of filing, actions taken and resolution.

The *County of Jackson* will notify the appropriate section within DWI of complaints filed, the date of filing, actions taken and resolution. This information will be provided within 30 days of resolution.

A. Resolution of Matter

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 (DOJ). This notice will be provided in the primary language of the individual with Limited English Proficiency. If not resolved by DWI, then complaint will be forwarded to U.S. Department of Justice (DOJ) and U.S. Department of Housing and Urban Development (HUD) Field Office.

SUBMITTED AND ADOPTED BY:

Name of Mayor or Chairman of Board

Signature of Mayor or Chairman of Board

Date

HUD PORTAL LEP:

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

CITIZEN PARTICIPATION PLAN
DIVISION OF WATER INFRASTRUCTURE
NORTH CAROLINA DEPARTMENT OF ENVIRONMENTAL QUALITY
COMMUNITY DEVELOPMENT BLOCK GRANT- INFRASTRUCTURE PROGRAM

Grantee: Jackson County

Recipient's Address: 401 Grindstaff Cove Road Sylva, NC 28779

Contact Person: Michael Poston

Contact Email: michaelposton@jacksonnc.org

Contact Phone #: (828) 631-2255

TDD#: 711 Telecommunications Relay Service provided by the FCC

The primary goal of the Citizen Participation Plan is to provide citizens, especially low and moderate income citizens of the community where CDBG-funded activities will take place, an opportunity to participate in an advisory role in the planning, implementation, and assessment of the programs and projects.

The Citizen Participation Plan is required by Section 104(a) (2) of the Housing and Community Development Act and by regulations at 24 CFR 570.486(a) (6)

The plan is vitally important to the success of CDBG-funded activities undertaken by local governments. Compliance with the plan reduces the number of legal challenges and citizen complaints against the local government recipient.

1. INTRODUCTION

The *County of Jackson* has designed this community-wide Citizen Participation Plan to provide for and encourage citizen participation in the Community Development Block Grant (CDBG) program. This Plan is an essential element of the County of Jackson's present and future community development process and has been developed to comply with the regulations and requirements of the CDBG program as administered by the North Carolina Department of Environmental Quality – Division of Water Infrastructure (NCDEQ-DWI) and the Department of Housing and Urban Development (HUD).

The primary goal of this Citizen Participation Plan is to provide all citizens of the community with adequate opportunity to participate in an advisory role in the planning, implementation, and assessment of the County of Jackson's CDBG program(s). The Plan sets forth policies and procedures for citizen participation, which are designed to maximize the opportunity for citizen participation in the community development process. Special emphasis has been placed on encouraging participation by persons of low and moderate incomes, residents of blighted neighborhoods, and residents of areas where community development funds are utilized.

Citizens are encouraged to participate in all phases of the CDBG program(s) and will be provided full access to program information. However, final responsibility and authority for the development and implementation of CDBG program(s) will lie with the County of Jackson.

2. SCOPE OF PARTICIPATION

The *County of Jackson* will make reasonable efforts to provide for citizen participation during the community development process and throughout the planning, implementation and assessment of all CDBG program(s) undertaken by the County of Jackson. Local officials will make every effort to involve citizens in all phases of the development, implementation and assessment of community development programs including, but not limited to, the following phases:

- a. identification and assessment of housing and community development needs; determination of CDBG project(s) and documentation; and the development of CDBG application(s);
- b. changes and/or amendments to approved CDBG projects; and,
- c. assessment of CDBG program performance.

All phases of the community development process will be conducted by local officials in an open manner. Citizens of the *Jackson County* are encouraged to participate at all levels and will be given access to program information during each phase of any CDBG program as outlined herein.

3. CITIZEN PARTICIPATION CONTACT PERSON

Michael Poston, Planning Director has been designated Citizen Participation Coordinator by the (Chief Elected Official) and will serve as the contact person for all matters concerning citizen participation activities. This person shall be responsible for overseeing citizen participation throughout the community development process and the implementation of all citizen participation activities and functions, except those which may be specifically delegated to other parties by this Plan.

The specific duties and responsibilities of the Citizen Participation Coordinator shall include, but not necessarily be limited to: disseminating information concerning proposed projects and the status of current project activities; coordinating various groups which may be participating in the community development process; receiving written comments; serving as a vehicle by which ideas, comments, and proposals from local residents may be transmitted to local officials and/or program staff; and, monitoring the citizen participation process and proposing such amendments to the Citizen Participation Plan as may be necessary.

The Citizen Participation Coordinator may be contacted at 401 Grindstaff Cove Road Suite A-258 Sylva, NC 28779 or 828-631-2261 during regular business hours. All questions concerning citizen participation in the community development process should be addressed to the Citizen Participation Coordinator.

4. TECHNICAL ASSISTANCE

The staff of Jackson County shall provide technical assistance to individual citizens and citizen groups, especially those groups representative of persons of low or moderate income, as may be required to adequately provide for citizen participation in the planning, implementation and assessment of CDBG program(s).

Such technical assistance is intended to increase citizen participation in the community development decision making process and to ensure that such participation is meaningful. Technical assistance shall also be utilized to foster public understanding of CDBG program requirements.

Technical assistance shall be provided on request and may include, but not necessarily be limited to: interpreting the CDBG program and its rules, regulations, procedures and/or requirements; providing information and/or materials concerning the CDBG program; and, assisting low and moderate income citizens, and residents of blighted neighborhoods to develop statements of views, identify their needs, and to develop activities and proposals for projects which, when implemented, will resolve those needs.

Technical assistance may be obtained by contacting the (Chief Elected Official) of Jackson County or the Citizen Participation Coordinator.

5. PUBLIC HEARINGS

Citizen participation in the community development process will be conducted on a community-wide basis and will actively involve the views and proposals of all citizens, especially low and moderate income persons and residents of areas where CDBG activities are proposed or on-going.

Public hearings will be held during all phases of the community development process, as outlined herein, to allow citizens to voice opinions and offer proposals concerning the development and performance of CDBG programs. Local officials will respond to questions and proposals from citizens at each public hearing. Any questions that citizens may have concerning a program will be answered and their comments, suggestions, and/or proposals will be received. Citizens may also express comments and views concerning the community development process or any specific CDBG project to the governing body at any regularly scheduled meeting.

5.1 Public Hearing Times and Locations

All public hearings will be held at times and locations which will be accessible to all citizens, especially persons of low and moderate incomes, and residents of blighted neighborhoods and CDBG project areas.

Public hearings will be scheduled for convenient times as determined by the County. Public hearings may be held at any site which, in the opinion of the County, provides adequate access for citizen participation.

Hearings will normally be held at the Jackson County Justice and Administration Center, Commissioner Board Room. This site is centrally located and generally accessible to all citizens. This building is also accessible to persons with disabilities. Hearings may, however, at the option of the County, be held at an alternate location to be specified in the public hearing notice(s).

5.2 Application Public Hearing

One public hearing shall be held during any CDBG program fiscal year prior to the submission of an application to the NCDEQ-DWI for CDBG assistance. The primary purposes of the public hearing shall be to assess community needs and problems in an effort to determine the most critical needs to be addressed by the CDBG program; and also to present for public comment and review the program activities which have been selected by the County to resolve the identified needs.

An application public hearing will be held during the initial stage of program development to discuss items regarding community development and housing needs, the CDBG program, and the application process. The objective of citizen participation at this stage is to provide meaningful, community-wide citizen input into the decision-making process during the assessment of community needs and the consideration of priorities and options associated with the development and submission of a CDBG application. Local officials will also entertain

proposals and comments from citizens concerning community development activities at this hearing.

This hearing will normally serve to discuss and review the information appropriate for all applications submitted by the County during any fiscal year. Additional changes in community development or housing needs in the community as determined by local officials can be addressed by a community meeting where citizens can share their comments prior to the submission of other CDBG applications late in the fiscal year.

Citizens will be provided with information concerning the CDBG program at this public hearing. Such information shall include, but not necessarily be limited to: the goals and objectives of the CDBG program; the total amount of CDBG funds available for the fiscal year and for the funding round; the role of citizens in program planning, implementation, and assessment; the range of activities which may be undertaken; the process to be followed in developing a CDBG application; a statement that 100 percent of the CDBG funds will be used to benefit low-to-moderate income people; the schedule of meetings and hearings; location where the application can be reviewed; activities previously funded in the County through the CDBG program; and, an identification of projects which could result in the relocation of area residences or businesses; and the actions that would be undertaken if such relocation were necessary; provide citizens with contact information such as address, telephone number, and dates for submitting complaints or grievances. Furthermore, the effectiveness of the Citizen Participation Plan in allowing citizen participation in the community development process and potential changes and/or amendments to the Plan shall also be discussed at this meeting.

The County may, at the option of local officials, review multiple CDBG project applications at one hearing when more than one application is to be submitted during the same fiscal year. Each such hearing shall be held prior to, and in preparation for, the application's approval by the County.

A second objective of citizen participation during this stage is to inform citizens of the proposed project activities to be included in a CDBG application(s) and to solicit comments from citizens concerning these activities.

Citizens attending this hearing will be provided with information concerning the CDBG project(s) proposed including, but not necessarily limited to: the project application(s) to be submitted and the applicable CDBG fund; specific project activities to be included; the location of the project activities; the approximate cost estimate for the proposed activities; the estimate of local match required; the impact of the project on low and moderate income persons; and, the approximate application submittal date.

5.3 Amendment Public Hearings

The County will assure the opportunity for citizen participation during the implementation of any CDBG program(s) when changes to the project are under consideration by the County. Citizen participation shall be obtained and considered in any amendments to a CDBG program which involves changes in dollar amount spent on any activity, changes in

program beneficiaries, changes in the location of approved activities, addition to or deletion of project activities, and major budget shifts between approved activities.

To ensure adequate opportunity for citizen participation during CDBG programs, the County shall hold a public hearing on all formal amendments which require the NCDEQ-DWI approval. For “local” amendments and changes for which the NCDEQ-DWI approval is not required, input from citizens concerning changes or amendments will be received at regularly scheduled County meetings where such changes or amendments are considered.

5.4 **Assessment of Performance** Public Hearings

Citizens of the County will be provided with the opportunity to comment on the performance of local officials, the County staff, consultants, engineers, and contractors, and the actual use of CDBG funds during the implementation of a CDBG program. Citizens will also be requested to assess the performance of the County in resolving identified community development and housing needs, and in achieving its community development goals and objectives. On-going community assessment of the effectiveness of the community development process is considered essential to the success of the CDBG program.

At the conclusion of each CDBG project, a public hearing will be held to review program activities and to assess program performance. This hearing shall be held prior to the submission of the Performance Assessment Report and any other required closeout documents to the NCDEQ-DWI for a CDBG project. This hearing will be used to ensure community-wide participation in the evaluation of the CDBG program.

5.5 Additional Hearings

Other public hearings may be held as deemed necessary by the County in order to inform citizens of community development project(s) and activities, and to solicit citizen opinions and comments. All additional hearings shall comply with the requirements set forth in this Plan.

5.6 Limited English Proficiency Residents

The County has followed the guidance provided in the Language Access Plan to determine the need to undertake reasonable actions to facilitate the participation of persons with Limited English Proficiency. Local officials will undertake all reasonable actions necessary to allow such persons to participate in the community development process. Such actions may include the provision of an interpreter and/or the provision of materials in the appropriate language or format for persons with Limited English Proficiency.

5.7 Public Hearing Notice

Notice of public hearings must be published in a local newspaper of general circulation, in a non-legal section of the paper at least ten (10) days prior to the hearing date, but no more than 25 days prior to the meeting date. Each notice of a hearing shall include the time, date, place, and topics and procedures to be discussed.

5.8 Accessibility to Low and Moderate Income Persons

The public hearing procedures outlined herein are designed to promote participation by low and moderate income citizens, as well as residents of blighted neighborhoods and CDBG project areas in any public hearing(s). **Local officials may take additional steps to further promote participation by such groups, or to target program information to these persons should officials feel that such persons may otherwise be excluded or should additional action be deemed necessary. Activities to promote additional participation may include: posting of notices in blighted neighborhoods and in places frequented by low and moderate income persons, and holding public hearings in low and moderate income neighborhoods or areas of existing or proposed CDBG project activities.**

5.9 Accessibility to Persons with Disabilities

The locations of all public hearings as described herein shall be made accessible to persons with disabilities. The County shall provide a sign language interpreter whenever the Citizen Participation Coordinator is notified in advance that one or more deaf persons will be in attendance. The County shall provide a qualified reader whenever the Citizen Participation Coordinator is notified in advance that one or more visually impaired persons will be in attendance. Additionally, the County shall provide reasonable accommodations whenever the Citizen Participation Coordinator is notified in advance that one or more persons with mobility or developmental disabilities will be in attendance.

6. PROGRAM INFORMATION

Citizens will be provided full access to CDBG program information during all phases of a CDBG project. Local officials of the County shall make reasonable effort to assure that CDBG program information is available to all citizens, especially those of low and moderate incomes and those residing in blighted or Limited English Proficiency neighborhoods and/or CDBG project areas.

To facilitate citizen access to CDBG program information, the Citizen Participation Coordinator will keep all documents related to a CDBG program on file in the Jackson County Planning Department. Information from the project files shall be made available for examination and duplication, on request, during regular business hours. CDBG program information and materials, concerning specific CDBG projects will be available and distributed to the public at the regularly scheduled public hearings as outlined in this Plan. Furthermore, information

concerning any CDBG project will be available at regularly scheduled council meetings where the program is discussed.

Materials to be made available shall include, but are not necessarily limited to: the Citizen Participation Plan; records of public hearing; mailings and promotional materials; prior CDBG program applications; letters of approval; grant agreements; the environmental review record; financial and procurement records; project design and construction specifications; labor standards materials; performance and evaluation reports; other reports required by the NCDEQ-DWI and/or HUD; proposed and approved CDBG program application(s) for the current year or project; written comments or complaints received concerning the community development program, and written responses from the County; and, copies of the applicable Federal and State rules, regulations, policies, requirements and procedures governing the CDBG program.

In no case shall the County locality disclose any information concerning the financial status of any program participant(s) which may be required to document program eligibility or benefit. Furthermore, the County shall not disclose any information which may, in the opinion of the (Chief Elected Official), be deemed of a confidential nature.

7. PROCEDURES FOR COMMENTS, OBJECTIONS AND COMPLAINTS

The public hearings scheduled, as described in this Citizen Participation Plan, are designed to facilitate public participation in all phases of the community development process. Citizens are encouraged to submit their views and proposals on all aspects of a community development program at the public hearings. However, to ensure that citizens are given the opportunity to assess and comment on all aspects of the community development program on a continuous basis, citizens may, at any time, submit written comments or complaints to the County.

Any citizen or citizen's group desiring to comment or object to any phase of the planning, development or approval of the application for CDBG funds, or to the implementation of any CDBG program, should submit such comments or objections in writing to the (Chief Elected Official). Should, after a reasonable period, a party believe that his/her comment or complaint has not been properly addressed or considered by the (Chief Elected Official), then the aggrieved may appeal his/her case to the County.

Local officials shall make every effort to provide written responses to citizen proposals or complaints within fifteen (15) working days of the receipt of such comments or complaints where practicable. Should the County be unable to sufficiently resolve an objection or complaint, it may be forwarded by the aggrieved party to the NCDEQ-DWI.

Citizens may, at any time, contact the NCDEQ-DWI and/or HUD directly to register comments, objections or complaints concerning the County's CDBG application(s) and/or program(s). Citizens are encouraged, however, to attempt to resolve any complaints at the local level as outlined above prior to contacting the NCDEQ-DWI or HUD.

All comments or complaints submitted to the NCDEQ-DWI or the HUD shall be addressed in writing to:

NC Department of Environmental Quality
Division of Water Infrastructure CDBG-I
1633 Mail Service Center
Raleigh, North Carolina 27699-1633

Or:

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

Records of all comments, objections and/or complaints by citizens concerning the County's CDBG program and subsequent action taken in response to those comments shall be maintained on file at County and shall be made available for public inspection upon request.

8. AMENDMENTS

The County may, from time to time, modify the provisions outlined herein through amendment to this Citizen Participation Plan. It shall be the policy of the County to periodically review and discuss the effectiveness of this Citizen Participation Plan in allowing citizen participation in the community development process and in helping to meet the community development needs and goals identified by the citizens of the County. To this end, the effectiveness of the Plan will be discussed at public hearings held in conjunction with the community development program as discussed herein, and potential amendments to the Plan will be reviewed at this time.

Amendments to the Plan will be made as necessary. All amendments shall be approved by resolution of the County and shall be incorporated into this Plan.

9. AUTHORITY

No portion of this Citizen Participation Plan shall be construed to restrict the responsibility and authority of the elected officials of the County in the development, implementation and execution of any Community Development Block Grant program.

ADOPTED this _____ day of _____, 20__.

(Chief Elected Official)

ATTEST:

(Clerk)

SAMPLE APPLICATION PUBLIC HEARING NOTICE

The **City of Anytown** will hold a public hearing on **January 10, 2009, 7:00 p.m. at City Hall** to discuss the city's submission of an application for the Fiscal Year 2009 Community Development Block Grant (CDBG) program. The city is interested in obtaining all citizens' input on community development needs within the city. As part of the hearing process citizens will be asked to verbally assist in the completion of a Needs Assessment document. The document will detail what the residents feel are the strengths and weaknesses of the community. The city needs as much local participation as possible in order to reflect the true desires of the community as a whole, as well as the comments relating to the proposed project application. The State has established a maximum application request for each funding category. Activities that are eligible for funding include the improvement of public works, public facilities, housing rehabilitation, and others allowed by law. At least 51% of the funds must be used to benefit low- and moderate-income persons. No displacement of persons will be proposed.

The city is proposing to replace some sewer lines, install some new sewer lines, and install a lift station in the southeast part of the city. The area to be addressed is bounded by Main Street on the east, Gordon Street on the west, BN Railroad on the north, and the City Limits on the south. The total project cost is estimated at \$322,000. The city proposes to contribute \$48,000 in cash, with grant funds of \$274,000 needed to make up the balance. The project, if funded, will benefit 100% low- and moderate-income persons. All citizens, including those in the targeted area, are encouraged to attend in order to comment on the proposed activities.

For more information, or if you require special accommodations at the hearing, contact Jane Doe at 123-456-7890. Para información en español o en otra lengua, o el requerimiento de una acomodación especial al momento de la audiencia, contacte a Jane Doe at 123-456-7890



SAMPLE PERFORMANCE ASSESSMENT AND CLOSE OUT PUBLIC HEARING NOTICE

The (locality) will hold a public hearing on (date) at (location) to discuss the locality's Community Development Block Grant project, CDBG project number (project number). The locality is interested in obtaining all citizens' input on the performance of local officials, the (Town/City/County) staff, consultants and administrators, engineers, and contractors, and the actual use of CDBG funds during the implementation of a CDBG program. Citizens will also be requested to assess the performance of the (Town/City/County) in resolving identified community development and housing needs, and in achieving its community development goals and objectives. All citizens, including those in the targeted area, are encouraged to attend in order to comment on the proposed activities.

For more information, or if you require special accommodations at the hearing, contact (Town/City/County's clerk or administrator) at (Town/City/County's phone number).

Para información en español o en otra lengua, o el requerimiento de una acomodación especial al momento de la audiencia, contacte (Town/City/County's clerk or administrator) at (Town/City/County's phone number).



Excessive Force Policy

Jackson County
(City/County/Town)
09-D-2945

(Grant Number or Time Period)

The **County of Jackson**, 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*. The **County of Jackson**, as the recipient of Federal and/or State CDBG-I Grant Funds, acknowledges its responsibility to and will adhere to the aforesaid NC State and Federal Excessive Force Regulations. More particularly, the **County of Jackson** adopts and will enforce a policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any and 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 **County of Jackson**.

Adopted this _____ day of _____, 20__.

(Chief Elected Official)

ATTEST:

(Clerk)

RESIDENTIAL ANTIDISPLACEMENT AND RELOCATION ASSISTANCE PLAN

Jackson County
(City/County/Town)

09-D-2945
(Grant Number or Time Period)

This Residential Anti-displacement and Relocation Assistance Plan is prepared by the *County* of Jackson in accordance with the Housing and Community Development Act of 1974, as amended; and HUD regulations at 24 CFR 42.325 and is applicable to our CDBG¹ projects.

Minimize Displacement

Consistent with the goals and objectives of activities assisted under the Act, the *County* of Jackson will take the following steps to minimize the direct and indirect displacement of persons from their homes:

- Coordinate code enforcement with rehabilitation and housing assistance programs.
- Where feasible, give priority to rehabilitation of housing, as opposed to demolition, to avoid displacement.

1. CDBG programs include: Entitlement Community Development Block Grant (CDBG) Program, State CDBG Program, CDBG Small Cities Program, Section 108 Loan Guarantee Program, CDBG Special Purpose Grants Program, and the Neighborhood Stabilization Program (NSP).

- Other: (*Describe*)

A. Relocation Assistance to Displaced Persons

The *County of Jackson* will provide relocation assistance for lower-income tenants who, in connection with an activity assisted under the CDBG Program[s], move permanently or move personal property from real property as a direct result of the demolition of any dwelling unit or the conversion of a lower-income dwelling unit in accordance with the requirements of 24 CFR 42.350. A displaced person who is not a lower-income tenant, will be provided relocation assistance in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and implementing regulations at 49 CFR Part 24.

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

The *County of Jackson* will replace all occupied and vacant occupy-able lower-income dwelling units demolished or converted to a use other than lower-income housing in connection with a project assisted with funds provided under the CDBG Program[s] in accordance with 24 CFR 42.375.

Before entering into a contract committing *County of Jackson* to provide funds for a project that will directly result in demolition or conversion of lower-income dwelling units, the *County of Jackson* *County* will make public by [*describe how, such as publication in a newspaper of general circulation*] and submit to State CDBG Program(s) North Carolina Department of Environmental Quality (NC DEQ) the following information in writing:

1. A description of the proposed assisted project;
2. The address, number of bedrooms, and location on a map of lower-income dwelling units that will be demolished or converted to a use other than as lower-income dwelling units as a result of an assisted project;
3. A time schedule for the commencement and completion of the demolition or conversion;
4. To the extent known, the address, number of lower-income dwelling units by size (number of bedrooms) and location on a map of the replacement lower-income housing that has been or will be provided. *NOTE: See also 24 CFR 42.375(d).*
5. The source of funding and a time schedule for the provision of the replacement dwelling units;
6. The basis for concluding that each replacement dwelling unit will remain a lower-income dwelling unit for at least 10 years from the date of initial occupancy; and
7. Information demonstrating that any proposed replacement of lower-income dwelling units with smaller dwelling units (e.g., a 2-bedroom unit with two 1-bedroom units), or any proposed replacement of efficiency or single-room occupancy (SRO) units with units of a different size, is appropriate and consistent with the housing needs and priorities identified in the HUD-approved Consolidated Plan and 24 CFR 42.375(b).

To the extent that the specific location of the replacement dwelling units and other data in items 4 through 7 are not available at the time of the general submission, the *County of Jackson* will identify the general location of such dwelling units on a map and complete the disclosure and submission requirements as soon as the specific data is available.

C. Replacement not Required Based on Unit Availability

Under 24 CFR 42.375(d), the *County of Jackson* may submit a request to the State (NC DEQ) for a determination that the one-for-one replacement requirement does not apply based on objective data that there is an adequate supply of vacant lower-income dwelling units in standard condition available on a non-discriminatory basis within the area.

D. Contacts

The Jackson County Planning Department 828-631-2261 is responsible for tracking the replacement of lower income dwelling units and ensuring that they are provided within the required period. The Jackson County Planning Department 828-631-2261 is responsible for providing relocation payments and other relocation assistance to any lower-income person displaced by the demolition of any dwelling unit or the conversion of lower-income dwelling units to another use.

Adopted this _____ day of _____, 20__.

(Chief Elected Official)

ATTEST:

(Clerk)

Local Jobs Initiative
Section 3 Plan
Local Economic Benefit for Low- and Very Low-Income Persons

Jackson County

(Town/City/County)

September 17, 2018 to September 3, 2021

(Time Period)

I. APPLICATION AND COVERAGE OF POLICY

The *County of Jackson* is committed to the policy that, to the greatest extent possible, opportunities for training and employment be given to lower income residents of the community development project area and contracts for work in connection with the federally assisted community development project be awarded to business concerns located or owned in substantial part by persons residing in the Section 3 covered area, as required by Section 3 of the Housing and Urban Development Act of 1968, the *County* of Jackson has developed and hereby adopts the following Plan:

The *County of Jackson* will comply with all applicable provisions of Section 3 of the Housing and Urban Development Act of 1968, as amended (24 C.R.F. Part 135), all regulations issued pursuant thereto by the Secretary of Housing and Urban Development, 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 the *County of Jackson* and portions of the immediately adjacent area.

The *County of Jackson* will be responsible for implementation and administration of the Section 3 plan. In order to implement the *County of Jackson's* policy of encouraging local residents and local businesses participation in undertaking community development activities, the *County of Jackson* will follow this Section 3 plan which describes the steps to be taken 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.

When in need of a service, the *County of Jackson* will identify suppliers, contractors or subcontractors located in the Section 3 area. Resources for this identification shall include the Minority Business Directory published through the State Department of Administration, local directories and Small Business Administration local offices. Word of mouth recommendation shall also be used as a source.

The *County of Jackson* will include the Section 3 clause and this plan in all contracts executed under this Community Development Block Grant (CDBG) 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 and the Section 3 minimum numerical goals shall be mentioned in the pre bid meetings and the preconstruction meetings.

The Section 3 minimum numerical goals shall be met by the *County of Jackson*, if the minimum numerical goals are not met, an explanation and the efforts taken by *County of Jackson* to meet the goals shall be described in the Annual Section 3 report. The report must be submitted along with the Annual Performance Report (APR) during the life of the grant.

Section 3 minimum numerical goals (the Section 3 regulations established thresholds and goals at **24 CFR 135.30**):

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 Section 3 residents or
- 30% or more employed staff are Section 3 residents; or
- 25% of subcontracts are committed to Section 3 businesses.

The prime contractor selected for major public works facility or public construction work will be required to submit a Section 3 Plan which will outline his/her work needs in connection with the project. Should a need exist to hire any additional personnel, the Jackson County NCWorks agency (<https://www.ncworks.gov/vosnet/Default.aspx>) shall be notified and referred to the contractor.

Each contract for rehabilitation, replacement or new construction under the program, as applicable, for jobs having contracts in excess of **\$100,000** shall be required to submit a Section 3 Plan. This Plan will be maintained on file in the grant office and shall be updated from time to time or as the grant staff may deem necessary.

Early in the project, prior to any contracting, major purchases or hiring, we will develop a listing of jobs, supplies and contracts likely to be utilized during the project. We will then advertise the pertinent information regarding the project including all Section 3 required information. **Division of Water Infrastructure (DWI) should be contacted with the Bid Materials to distribute the information throughout their list serve to reach out the communities.**

II. AFFIRMATIVE ACTIONS FOR RESIDENT AND BUSINESS PARTICIPATION

The *County of Jackson* will take the following steps to assure that low income residents and businesses within the community development project area and within the *County of Jackson* are used whenever possible: **(Describe below)**

Jackson County will place ads in the Sylva Herald when new segments of the projects arise that will be going out for bid.

(Example: Place qualified residents and businesses on solicitation lists, assure that residents and businesses are solicited whenever they are potential sources of contracts, services or supplies; divide total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by residents and businesses; establish delivery schedule, where the requirements permit, which encourages participation by area for residents and businesses)

Please check the methods to be used for the Section 3 program in your community:

The **County of Jackson** will place a display advertisement in the local newspaper containing the following information:

- i. A brief description of the project
- ii. A listing of jobs, contracts and supplies likely to be utilized in carrying out the project.
- iii. An acknowledgement that under Section 3 of the Housing and Community Development Act, local residents and businesses will be utilized for jobs, contracts and supplies in carrying out the project to the greatest extent feasible.
- iv. A location where individuals interested in jobs or contracts can register for consideration
- v. A statement that all jobs will be listed through and hiring will be done through the local office of the NCWorks agency (<https://www.ncworks.gov/vosnet/Default.aspx>); a statement that all contracts will be listed with the North Carolina Division of Purchase and Contracts; and a statement that potential employees and businesses may seek development and training assistance through various state and local agencies, of which the **County of Jackson** will maintain a list for individuals and business concerns inquiring information.

Training and technical assistance will be provided by the local community college for low income residents requiring skills to participate in community development project activities. Referrals will be made to the community college, local Private Industry Councils, Job Training Partnership Act (29 U.S.C. 1579 (a)) (JTPA) Programs, and job training programs provided by local community action agencies as appropriate. Residents and businesses will be encouraged to participate in state and/or federal job training programs that may be offered in the area.

Low income residents and businesses will be informed and educated regarding employment and procurement opportunities in the following ways:

- i. Advertisement in the local newspaper
- ii. Posting of Section 3 Plan at the County Courthouse
- iii. County Board meeting when project activities and schedules are discussed
- iv. Open meetings of Project Advisory Committee when everyone in neighborhood is invited
- v. Notification to other agencies that provide services to low-income people.

Other (**describe**):

The *County of Jackson* will, to the greatest extent feasible, utilize lower income area residents as trainees and employees:

1. Encourage rehabilitation contractors to hire local area residents
2. Encourage public works contractors to hire local area residents

The *County of Jackson* will, to the greatest extent feasible, utilize businesses located in or owned in substantial part by persons residing in the area

1. Contract with local contractors to perform demolition activities, and housing rehabilitation activities.
2. Encourage public improvement contractors to hire local residents for site clearance work, hauling materials, and performing other site improvements.
3. Encourage all contractors to purchase supplies and materials from the local hardware and supply stores

III. RECORDS AND REPORTS

The *County of Jackson* will maintain such records and accounts and furnish such information and reports as are required under the Section 3 regulations, and permit authorized representatives of DWI, 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.

The *County of Jackson* shall report annually the Section 3 numbers using the form HUD 60002 to DWI at the end of the calendar year as part of the Annual Performance Report (APR).

IV. MONITORING COMPLIANCE

The *County of Jackson* may require each applicable contractor to provide a copy of the Section 3 Plan and will monitor compliance during the performance of the contract. Copies of all advertisements, notice, and published information will be kept to document the implementation of the plan.

V. SECTION 3 COORDINATOR CONTACT INFORMATION

Please provide the main contact in case that any complaint is received or general information is requested by the general public on Section 3 compliance (**including name, phone number, address, and email**):

Don Adams
(828) 631-2295
401 Grindstaff Cove Rd.
Sylva, NC 28779
donadams@jacksonnc.org

Adopted this _____ day of _____, 20____.

_____ (Chief Elected Official)

ATTEST: _____ (Clerk)

HUD PORTAL SECTION 3:

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

**SECTION 504 COMPLIANCE OFFICER/GRIEVANCE PROCEDURE
COMMUNITY DEVELOPMENT BLOCK GRANT**

County of Jackson
401 Grindstaff Cove Road
Sylva, NC 28779

The County of Jackson has adopted an internal grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by the Americans with Disabilities Act (ADA) and by United States Department of Housing and Urban Development regulations implementing Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794).

Section 504 states, in part, that "no otherwise qualified individual with a disability ... shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance."

Complaints should be addressed to: Don Adams, County Manager, 401 Grindstaff Cove Rd. Sylva, NC 28779, 828-631-2295, donadams@jacksonnc.org who has been designated to coordinate Section 504/ADA compliance efforts.

1. A complaint should be filed in writing or verbally (alternate methods of communication such as personal interview, tape recording, Braille, etc. are acceptable), contain the name and address of the person filing it, and briefly describe the alleged violation of the regulations.
2. A complaint should be filed within thirty (30) days after the complainant becomes aware of the alleged violation. (Processing allegations of discrimination that occurred before this grievance procedure was in place will be considered on a case-by-case basis.)
3. An investigation, as may be appropriate, will follow a filing of a complaint. The investigation will be conducted by the Jackson County Planning Director, who shall be appointed by the chief elected official. These rules contemplate informal but thorough investigations, affording all interested persons and their representatives, if any, an opportunity to submit evidence relevant to a complaint.
4. A written determination as to the validity of the complaint and a description of the resolution, if any, will be issued by Michael Poston, Planning Director of the Jackson County Planning Department and a copy forwarded to the complainant no later than thirty (30) days after its filing.
5. The Section 504/ADA coordinator will maintain the files and records of the County of Jackson relating to the complaints filed.
6. The complainant can request a reconsideration of the case in instances where he or she is dissatisfied with the resolution. The request for reconsideration should be made within thirty (30) days to Don Adams. The request for reconsideration may be mailed to 401 Grindstaff Cove Road Sylva, NC 28779 or hand delivered at 401 Grindstaff Cove Road Suite A-207 Sylva, NC 28779. The request will be promptly reviewed and a final determination issued.
7. If the citizen is dissatisfied with the local response, they may write to the North Carolina Department of Environmental Quality (DEQ), Division of Water Infrastructure (DWI), 1633 Mail Service Center,

Raleigh, North Carolina, 27699-1633, Phone: (919) 707-9057, TDD: (800) 735-2962. DEQ will respond only to written comments within ten (10) calendar days of the receipt of the comments.

8. The right of a person to a prompt and equitable resolution of the filed complaint shall not be impaired by the person's pursuit of other remedies such as the filing of a Section 504 or ADA complaint with the U.S. Department of Housing and Urban Development (HUD). Using this grievance procedure is not a prerequisite to the pursuit of other remedies.

9. These rules will be construed to protect the substantive rights of interested persons, meet appropriate due process standards and assure that the Jackson County complies with the ADA, Section 504 and their implementing regulations.

This information is available in Spanish or any other language upon request. Please contact Michael Poston at (828) 631-2255 or at 401 Grindstaff Cove Road Suite A-258 Sylva, NC 28779 for accommodations for this request.

Esta información está disponible en español o en cualquier otro idioma bajo petición. Por favor, póngase en contacto con Michael Poston al (828) 631-2255 o en 401 Grindstaff Cove Road Suite A-258 Sylva, NC 28779 de alojamiento para esta solicitud.



Adopted this _____ day of _____, 20__.

_____ (*Chief Elected Official*)

ATTEST: _____ (*Clerk*)