

Substantial Amendment to Fairfax County Citizen Participation Plan

Expedited Procedures to Draft, Propose, Or Amend the Consolidated Plan Annual Action Plan

Coronavirus Response: The Coronavirus Aid, Relief and Economic Security Act (CARES Act) (Public Law No. 116-136) provides the U.S. Department of Housing and Urban Development (HUD) with the ability to grant regulatory waivers and alternative requirements to entitlement jurisdictions, including the ability to establish new procedures in the Fairfax County Citizen Participation Plan in order to draft, propose, or amend the Consolidated Plan Annual Action Plan expeditiously due to coronavirus.

Public Hearing Requirements: Under expedited procedures, and in the interest of public health and safety, in-person public hearings would not be held and Fairfax County's Board of Supervisors may meet federal public hearing requirements with virtual public hearings if:

1. national/local health authorities recommend social distancing and limiting public gatherings for public health reasons; and
2. virtual hearings provide reasonable notification and access for citizens in accordance with the grantee's certifications, timely responses from local officials to all citizen questions and issues, and public access to all questions and responses.

Notice(s) for Public Comment: Under expedited procedures, a notice of public hearing(s) on the Consolidated Plan Annual Action Plan still must be advertised in a newspaper(s) of general circulation and at least one minority and non-English speaking publication for no less than 5 days, instead of 15 days, prior to the date of the public hearing.

Substantive amendments to the Consolidated Plan Annual Action Plan will be publicly advertised for no less than 5 days, instead of 30 days, prior to consideration of the amendments by the Board of Supervisors.

Any proposed changes to the Citizen Participation Plan must be publicly advertised no less than 5 days, instead of 30 days, prior to the adoption or amendment of the Citizen Participation Plan by the Board of Supervisors. Notably, during this expedited process, amendments to the Action Plan and amendments to the Citizen Participation Plan may run concurrently for public comment.

A public comment notice must still also include sufficient information about the purpose of the public hearing to permit informed comments from the citizen. However, due to social distancing and limits on public gatherings for public health requirement, the requirement that public notice(s) be advertised in all branches of the County Library system is eliminated. The posting of such notices in any other public or community spaces should not be considered. Instead, Fairfax County staff must make reasonable efforts to advertise to all sectors of the community digitally, whether through the county website, or through online news publications, community forum, e-mail subscription network, and/or social media platforms. A press release announcing the public notice must be issued by the Fairfax County Office of Public Affairs.

Under expedited procedures, the County will still prepare a summary of the comments or views received from citizens. All submissions will be provided serious consideration when preparing the final Action Plan, and any amendments to the Plan. Written answer to written complaints and grievances will be provided within fifteen (15) working days of receipt of the complaint, where practicable.

Applicability of Expedited Procedures: The expedited procedures described above only apply to the planned use of supplemental Community Development Block Grant (CDBG) and Emergency Solutions Grants (ESG) coronavirus funding administered to Fairfax County through the CARES Act during County FY 2020, as well as the County's CDBG and ESG entitlement grants for Federal FYs 2019 and 2020 (or County FYs 2020 and 2021, respectively).