



**CITY OF LODI  
COUNCIL COMMUNICATION**

**AGENDA TITLE:** Public Hearing to Consider Adopting a Resolution Approving the Draft 2014-2018 Consolidated Plan for the Community Development Block Grant Program (CD)

**MEETING DATE:** April 2, 2014

**PREPARED BY:** Interim Community Development Director

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**RECOMMENDED ACTION:** Conduct a Public Hearing to consider a Resolution approving the draft 2014-2018 Consolidated Plan for the Community Development Block Grant (CDBG) Program.

**BACKGROUND INFORMATION:** The Consolidated Plan (Con Plan) is one of the three documents required to receive federal housing and community development funding through the Community Development Block Grant (CDBG) program. The overall goal of these housing and community development programs is to serve low- and moderate-income persons by developing viable urban communities through the following actions:

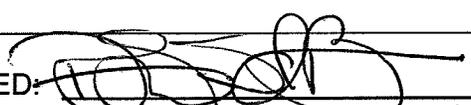
- \* Providing decent housing;
- \* Providing a suitable living environment; and
- \* Expanding economic opportunities.

The Con Plan is the five-year plan for identifying and addressing community needs in the areas of Housing, Homelessness, Special Needs and Community Development. The process of developing the Con Plan has involved a significant amount of community outreach and involvement. A total of six outreach workshops have been held between September 2013 and January 2014 that involved the general public, focused minority groups, community-based organizations, and the local development community. The information gathered through that outreach process is then combined with a review of demographic and economic data sets and a housing market analysis. Once completed, the needs assessment portion of the Con Plan forms the basis of the Strategic Plan, which will detail how CDBG funding or any federal housing and community development funding will be used to address priority needs over the next five years.

The 2014/15 CDBG Annual Action Plan is incorporated into the Con Plan document in this first year of the five-year document. Lodi's annual allocation for 2014/15 will be \$602,302. In 2007, the City Council established a policy of allocating 40 percent of the annual CDBG award (net of administrative costs) to community-based organizations (CBOs), with the remainder going to City projects. HUD regulations also place a 15-percent cap on the amount of funding that can be allocated to Public Service activities, whether that is by the City or by a CBO.

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APPROVED: \_\_\_\_\_

  
Stephen Schwabauer, Interim City Manager

Based upon the estimated allocation, the distribution of funds will be as follows:

City projects	\$289,105
CBO projects	\$192,737
<u>Administration</u>	<u>\$120,460</u>
<b>TOTAL</b>	<b>\$602,302</b>
15% Service Cap	\$90,345

At the completion of an application period that ran from January 8 to February 12, 2014, the City received a total of eight applications from community-based organizations (CBO's) requesting a total of \$234,450. Those 8 applications were then evaluated with a grading/scoring matrix that is intended to provide a standard of measurement to allow for an empirical rating of applicants. Each application is rated on a grading scale that allows a maximum of 108 points.

The review of the applications centered on the rating criteria that focuses on the following areas:

- *Serving Priority Population Bonus.* Programs and projects were evaluated on whether they serve any or all of the following targeted priority populations: Hispanics, Female Head of Household with Children, Disabled.
- *Activity Need and Justification.* Activities were evaluated on their ability to address a significant community need and their benefit to very low-income persons.
- *Readiness to Proceed.* Programs and projects were evaluated based on their feasibility of implementation, overall and within the allotted time frame.
- *Cost Reasonableness and Effectiveness.* Budgets were reviewed to determine completeness and reasonableness of all costs related to the request for CDBG funding. Organizations applying for service funding were also evaluated on their ability to become self-sustaining.
- *Activity Management and Implementation.* Applicants were evaluated on experience, administrative capacity, and financial management.
- *Past Performance.* Applicants previously receiving CDBG funds from the City were evaluated on their reporting and timely expenditure of funds.
- *Matching Contributions.* Consideration was given to the amount of non-CDBG/HOME funds committed to the project.

### **CDBG Funding Recommendations**

For planning and administrative activities, an allocation of \$120,460 (20 percent of the CDBG allocation) is recommended to cover the costs of managing the CDBG Program. Remaining funding recommendations are grouped into the following categories: City projects, City service programs, CBO projects, and CBO service programs.

Funding recommendations for these categories are listed as follows, with additional detail on applicants and recommendations in Exhibit A (Summary/Ranking of Applications Received), Exhibit B (Internal Applications Received) and Exhibit C (City Manager's Recommendations).

While CDBG funding has not been recommended for the City's Spay and Neuter Program, staff is working to assist them in securing grant funding from the PetSmart Foundation as an alternative. Award announcements for that grant process are expected as early as May.

PROGRAM ADMINISTRATION \$120,460

CITY CAPITAL PROJECTS (\$247,105)

- Alley Drainage Improvements (\$125,000)
- Hutchins Street Square – North Entrance ADA Improvements – Phase I (\$106,105)
- Lodi Library Patio Awning (\$16,000)

CITY SERVICE PROGRAMS (\$42,000)

- Graffiti Abatement (\$42,000)

CBO CAPITAL PROJECTS (\$144,737)

- LOEL Center – 125 S. Washington Project – Phase III (\$144,737)

CBO SERVICE PROGRAMS (\$48,000)

- San Joaquin Fair Housing – Fair Housing Services (\$18,000)
- Salvation Army – Tutoring and Mentoring Program (\$20,000)
- Second Harvest Food Bank - Food Assistance Programs (\$10,000)

### Next Steps

Upon completion of the initial public hearing, the Draft Consolidated Plan will be available for public review and comment and will be brought back for final approval at a public hearing on May 7, 2014. The adopted Consolidated Plan document must be submitted to HUD no later than May 15, 2014 in order to receive funding beginning July 1, 2014.

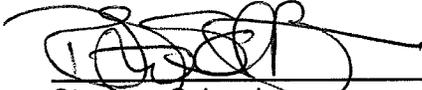
### FISCAL IMPACT:

CDBG are federal funds. Capital improvements allow for maintenance costs to be reduced. Administration costs are paid via a 20 percent set-aside of the grant funds.

### FUNDING AVAILABLE:

\$602,302 – Estimated 2014/15 Community Development Block Grant Allocation.

  
Jordan Ayers, Deputy City Manager

  
Stephen Schwabauer  
Interim Community Development Director

SUMMARY AND RANKING OF 2014/15 CBO APPLICATIONS

Applicant	Project/Program	Ranking	Amount Requested	Public Service	Capital Improvement	Economic Development
	<b>COMMUNITY-BASED ORGANIZATION APPLICATIONS</b>					
Second Harvest	<b>Hunger Relief Programs -</b> Funding for the operation of the Food Assistance Program, the Senior Brown Bag Program, and the Food 4 Thought Program.	104	10,000.00	10,000.00		
Emergency Food Bank and Family Services	<b>Mobile Farmers' Market program -</b> The MFM is an existing program that provides access to fresh fruits and vegetables, healthy cooking demonstrations and health and nutrition-related information to low-income residents.	101	1,500.00	1,500.00		
Salvation Army	<b>Tutoring and Mentoring Program -</b> An after-school program out of the Salvation Army Lockeford Street facility that will operate between 3:00 and 5:00 on weekdays. The program will focus on tutoring, mentoring, character building, crafts and sports/recreational activities.	100	20,000.00	20,000.00		
Human Services Agency (SJ County)	<b>Home-Delivered Meals -</b> Elderly recipients have a package of five frozen meals delivered once a week.	98	5,000.00	5,000.00		
Small Business Development Center (Delta College)	<b>Small Business Assistance -</b> Provides confidential, individual and free business consulting to existing and prospective Lodi business owners, and monthly small business start up workshops.	94	5,000.00			5,000.00
Grace & Mercy Charitable Foundation	<b>Food Pantry and Meals Service -</b> Funding for the operation of a food pantry and hot meals service.	89	15,000.00	15,000.00		
San Joaquin Fair Housing	<b>Fair Housing Services -</b> HUD-mandated counseling services and outreach to tenants, property owners and property managers to satisfy HUD/CDBG requirement for affirmatively furthering fair housing.	84	18,000.00	18,000.00		
LOEL Foundation	<b>Phase III Site Improvements -</b> Continuation of project at 125 S. Washington. Phases I & II included the demolition of the old church building, preliminary site improvements that include off-street parking, ADA accessibility improvements and underground utilities that must be relocated, and a community garden and security fencing. Phase III proposes to complete the site improvements for additional off-street parking and driveway access off of Walnut Street.	84	159,950.00		159,950.00	
	<b>TOTAL REQUESTS</b>		<b>\$ 234,450.00</b>	<b>69,500.00</b>	<b>159,950.00</b>	<b>5,000.00</b>

INTERNAL APPLICATIONS RECEIVED

Applicant	Project/Program	Amount	Public Service	Capital Improvement
	<b>CITY APPLICATIONS</b>			
LPD - Animal Services	<b>Spay and Neuter Program -</b> Sterilization for Feral cats trapped and released within the CDBG Target Area, as well as both friendly cats and pit-bull dogs from low income households.	20,000.00	20,000.00	
Public Works Dept.	<b>Graffiti Abatement -</b> The Public Works Department will abate graffiti on public and private property that is viewable from the public right-of-way and within the CDBG Target Area.	42,000.00	42,000.00	
Public Works Dept.	<b>Alley Drainage Improvements -</b> The Public Works Department will make improvements in the alleys riets to accessibility. The activities will be targeted in LMI areas and areas serving public facilities.	125,000.00		125,000.00
Parks, Recreation & Cultural Services	<b>Hutchins Street Square - North Entrance ADA - Phase I -</b> Improvements necessary to provide path of travel and to remove barriers to accessibility.	125,000.00		125,000.00
Parks, Recreation & Cultural Services	<b>Park Playground ADA Ramping -</b> Install ADA-compliant concrete ramping to transition from walkway to playground surfacing material and remove barriers to accessibility.	5,000.00		5,000.00
Lodi Library	<b>Lodi Library Patio Awning -</b> Replacement of the existing deteriorated shade structure on the west patio area.	16,000.00		16,000.00
	<b>Total requests</b>	<b>\$ 333,000.00</b>	<b>\$ 62,000.00</b>	<b>\$ 271,000.00</b>

2014/15  
CITY MANAGER'S RECOMMENDATIONS FOR CDBG FUNDING

2014/15 CDBG Allocation  
Program Administration (20%)  
Adjusted Balance

Total Funding Available

City Projects

- Alley Drainage Improvements
- HSS - North Entrance ADA - Phase I
- Park Playground ADA Ramping
- Lodi Library - Patio Project

City Service Programs

- Spay/Neuter Program
- Graffiti Abatement

CBO Projects

- LOEL Center - Phase II 125 S. Washington (84)

CBO Economic Development

- SBDC - Small Business Assistance (94)

CBO Service Programs

- Second Harvest Food Bank (104)
- EFB - Mobile Farmer's Market (101)
- SA - Tutoring-Mentoring Program (100)
- HSA - Home Delivered Meals (98)
- Grace & Mercy Foundation - Pantry/Meals (89)
- Fair Housing (84)

	2014/15 CDBG Allocation	2014/15 CDBG Allocation		Cap Distribution
		60% City Set-Aside	40% CBO Set-Aside	
\$602,302 (\$120,460)				
\$481,842	\$289,105	\$192,737		
\$481,842				\$90,345
\$125,000	\$125,000			
\$125,000	\$106,105			
\$2,500	\$0			
\$16,000	\$16,000			
\$20,000	\$0			\$0
\$42,000	\$42,000			\$42,000
\$159,950		\$144,737		
\$5,000		\$0		
\$10,000		\$10,000		\$10,000
\$1,500		\$0		\$0
\$20,000		\$20,000		\$20,000
\$5,000		\$0		\$0
\$15,000		\$0		\$0
\$18,000		\$18,000		\$18,000
\$481,842	\$289,105	\$192,737		\$90,000
	\$0	\$0		\$345

RESOLUTION NO. 2014-51

A RESOLUTION OF THE LODI CITY COUNCIL APPROVING THE  
DRAFT 2014-2018 CONSOLIDATED PLAN FOR THE FEDERAL  
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

WHEREAS, the Department of Housing and Urban Development (HUD) has determined that the City of Lodi, California, is entitled to Community Development Block Grant (CDBG) as an entitlement community for fiscal year 2014/15 Federal allocation; and

WHEREAS, the City of Lodi has been notified that the 2014/15 CDBG allocation is \$602,302; and

WHEREAS, the City of Lodi has held, with proper notification, a public hearing at the City Council meeting of April 2, 2014, to receive comments and proposals from the public regarding the projected use of CDBG funds and provided the public with adequate information concerning the amount of funds available for community development activities, the range of eligible activities, and other important requirements; and

WHEREAS, the City of Lodi, California, has received public input regarding the proposed use of CDBG funds; and

WHEREAS, staff therefore recommends the following allocations:

PROGRAM ADMINISTRATION \$120,460

CITY CAPITAL PROJECTS (\$247,105)

- Alley Drainage Improvements (\$125,000)
- Hutchins Street Square – North Entrance ADA Improvements – Phase I (\$106,105)
- Lodi Library Patio Awning (\$16,000)

CITY SERVICE PROGRAMS (\$42,000)

- Graffiti Abatement (\$42,000)

CBO CAPITAL PROJECTS (\$144,737)

- LOEL Center – 125 S. Washington Project – Phase III (\$144,737)

CBO SERVICE PROGRAMS (\$48,000)

- San Joaquin Fair Housing – Fair Housing Services (\$18,000)
- Salvation Army – Tutoring and Mentoring Program (\$20,000)
- Second Harvest Food Bank - Food Assistance Programs (\$8,500)
- Emergency Food Bank – Mobile Farmer’s Market (\$1,500)

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lodi does hereby approve the draft Consolidated Plan, which includes the recommended 2014/15 Federal allocations of CDBG funds to the projects recommended by staff in the amount of \$602,302 as indicated above.

Dated: April 2, 2014

I hereby certify that Resolution No. 2014-51 was passed and adopted by the City Council of the City of Lodi in a regular meeting held April 2, 2014, by the following vote:

- AYES: COUNCIL MEMBERS – Hansen, Johnson, Mounce, Nakanishi, and Mayor Katzakian
- NOES: COUNCIL MEMBERS – None
- ABSENT: COUNCIL MEMBERS – None
- ABSTAIN: COUNCIL MEMBERS – None



RANDI JOHL-OLSON  
City Clerk

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# 2014 - 2018 CDBG Consolidated Plan

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Presented by  
Community Development Department

April 2014

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# 2014/18 CDBG Consolidated Plan

## ■ Consolidated Plan Process

- Five-year Plan Identifying and Addressing Community Needs
    - Six Community Workshops
      - September 2013 – January 2014
    - Needs Analysis
      - Using information gathered from community outreach and additional demographic and economic data.
    - Strategic Plan
      - Details how federal community development funding will be used to address priority needs over next five years.
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# Needs Assessment

- The Needs Assessment identified several target populations:
    - Extremely low-income and very low-income households;
    - Seniors;
    - Youth, primarily ages 6 – 17;
    - Persons with disabilities;
    - Foster youth; and
    - Limited English Proficient (LEP) persons.
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# Needs Assessment

- The Needs Assessment also identified the following types of projects and services that are needed in the community:
    - ❑ Public facilities (either new or upgrades/expansions to existing facilities), including community centers, youth facilities, community gardens and one-stop service centers;
    - ❑ Affordable housing programs for new housing construction, the preservation and rehabilitation of existing rental housing, emergency housing repairs, down-payment assistance and tenant-based rental assistance;
    - ❑ Crime prevention activities to provide resources to support law enforcement and crime prevention programming in designated neighborhoods;
    - ❑ Public improvements, especially those focused on increasing accessibility, such as ADA curbs ramps and sidewalk infill, and storm drainage and flooding improvements;
    - ❑ Public services for a wide range of populations, including seniors, youth, disabled persons, homeless households, foster youth, displaced workers, and households with fair housing issues;
    - ❑ Employment development services to provide training and to support job creation.
    - ❑ Transitional housing for young adults coming out of foster care system.
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# 2014/18 CDBG Consolidated Plan

- 2014/15 Annual Allocation Process
    - Allocation amount - \$602,302.
    - 8 Applications from Community Based Organizations
      - Total Amount Requested \$234,450
        - 6 Public Services Requests: \$69,500
    - Public Services Cap
      - \$90,345
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# 2014/15 CDBG Funding Availability

2014/15 CDBG Allocation	\$602,302
Program Administration	(\$120,460)
Balance Available for Distribution	\$481,842
60% Set-aside for City Projects/Services	\$289,105
40% Set-aside for CBO Projects/Services	\$192,737

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# 2014/15 Public Service Funding

■ Public Service Cap	\$90,345
■ Graffiti Abatement	\$42,000
■ Spay/Neuter Program	\$20,000
■ Fair Housing	\$18,000
■ Second Harvest	\$10,000
■ Mobile Farmer's Market	\$1,500
■ SJC – Human Services	\$5,000
■ Salvation Army	\$20,000
■ <u>Grace &amp; Mercy Foundation</u>	<u>\$15,000</u>
□ <b>Total</b>	<b>\$131,500</b>

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# 2014-15 Recommendations

## Community-Based Organizations

Service/Project Agency/Organization	Rating Score	Activity Type	Funding Request	Funding Recommendation
<b>Food Distribution Programs</b> Second Harvest Food Bank	104	Public Service	\$10,000	\$10,000
<b>Mobile Farmer's Market</b> Emergency Food Bank	101	Public Service	\$1,500	0
<b>Tutoring and Mentoring Program</b> Salvation Army – Lodi Corp	100	Public Service	\$20,000	\$20,000
<b>Home Delivered Meals</b> SJC – Human Services Agency	98	Public Service	\$5,000	0
<b>Small Business Assistance</b> Small Business Development Center	94	Economic Development	\$5,000	0
<b>Food Pantry and Meals Program</b> Grace & Mercy Charitable Foundation	89	Public Service	\$15,000	0
<b>125 S. Washington Project – Phase II</b> LOEL Foundation	84	Public Facility	\$159,950	\$144,737
<b>Fair Housing Services</b> SJC Fair Housing	84	Public Service	\$18,000	\$18,000

# 2014-15 Recommendations

## City Projects & Services

<b>Service/Project</b> Department	<b>Activity Type</b>	<b>Requested Funding</b>	<b>Funding Recommendations</b>
<b>Alley Drainage Improvements</b> Public Works	Public Facility	\$125,000	\$125,000
<b>HSS – North Entrance ADA (Phase I)</b> Parks & Recreation	Public Facility	\$125,000	\$106,105
<b>Patio Awning Replacement</b> Lodi Library	Public Facility	\$16,000	\$16,000
<b>Park Playground ADA Ramping</b> Parks & Recreation	Public Facility	\$2,500/each	0
<b>Spay and Neuter Program</b> LPD – Animal Services	Public Service	\$20,000	0
<b>Graffiti Abatement</b> Public Works	Public Service	\$42,000	\$42,000

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# 2014/15 CDBG Funding

- Public Hearing – April 2<sup>nd</sup>.
    - 2014/18 Consolidated Plan.
  - Draft Consolidated Plan Document.
    - 30 Day Public Review/Comment Period.
    - April 7 – May 7
  - Final Document to Council on May 7th.
  - Submittal to HUD by May 15th.
  - Questions or Comments?
-

**HUD Fair Housing and Equal Opportunity (FHEO) Concern – Spay/Neuter Program Funding**

24 CFR 1.4(b)(6)(i), 24 CFR 6.4(a)(1)(viii) states that a recipient in determining the types of services which will be provided under any such program may not utilize criteria or methods of administration which have the effect of defeating or substantially impairing accomplishment of the objectives of the program as respect to persons of a particular race, color, national origin, and sex.

**Facts:** The objective of the CDBG program is to improve communities by providing decent housing, a suitable living environment, and expanding economic opportunities, all principally for persons of low and moderate income. In FY 2009, 2010, and 2011, the City allocated CDBG funds to a city-administered Spay/Neuter program which was not noted as a Con Plan need, nor did it appear to address any impediment to the City's AI (Analysis of Impediments to Fair Housing). During that same time period, the City rejected two programs that were noted as Con Plan priority needs: job creation and ESL for Limited-English Proficient (LEP) Hispanics. During the Council meeting on 3/17/10, two citizens spoke in opposition to funding the spay/neuter program in light of other community needs, particularly job creation. The city's response, if any, was not included in the Council minutes and the program was continually funded.

The AI and FHEO's analysis revealed that eight percent of the city's population is LEP-Spanish speaking. Hispanics and female-headed households with children are the groups with the greatest need for both housing and community services due to low income/poverty. Therefore, these groups would appear to benefit more from job creation and/or ESL services than they would from a spay/neuter program. In fact, Hispanics are not benefiting from the spay/neuter program as this group was under-represented in the program from 40-45% during each of the three years under review.

**Corrective Action:** The city's rating/ranking procedure for selection of CGBE-funded activities shall ensure that priority points are awarded to programs that address AI and Con Plan "unmet needs" and are likely to benefit the lowest-income members of the community (identified as Hispanics, female headed households with children, and possibly persons with disabilities).

# G-1

Statistics Associated With Euthanasia of Cats and Pit Bulls/Pit Bull Mix (based upon 2010 costs)

Year	CDBG Funding	CDBG Admin Costs (3.92%)	Cats Euthanized	+/-	Costs (\$14.97/per)	Pit Bull/Mix Euthanized*	+/-	Costs (\$23.79/per)	Disposal Costs
2003	0	0	844			88			\$8400
2004	0	0	727	-117	-\$1751	54	-34	-\$809	\$8400
2005	\$12,000	\$3060	603	-124	-\$1856	47	-7	-\$167	\$8400
2006	0	0	785	+182	+\$2725	40	-7	-\$167	\$8400
2007	0	0	953	+168	+\$2515	47	+7	+\$167	\$8400
2008	\$19,000	\$4845	1175	+222	+\$3323	52	+5	+\$119	\$8400
2009	\$28,000	\$7140	787	-388	-\$5808	44	-8	-\$190	\$8400
2010	\$30,000	\$7650	979	+192	+\$2874	61	+17	+\$404	\$8400
2011	\$21,000	\$5355	672	-307	-\$4596	64	+3	+\$71	\$8400
2012	\$25,000	\$6375	639	-33	-\$494	68	+4	+\$95	\$8400
2013	\$26,000	\$6630	579	-60	-\$898	80	+12	+\$285	\$8400

\*30.3% of dogs euthanized (2010) were pit bull/pit bull mix

Euthanasia cost on a feral cat	Euthanasia cost on a non-feral cat	Euthanasia cost on a Dog
For litter cost- 4 days: \$ .15	For litter cost- 16 days: \$ .60	For food cost- 14 days: \$ 12.60
For food cost- 4 days: \$ .96	For food cost- 16 days: \$ 4.80	For Officers time of 15 minutes cost: \$ 8.53
For Officers time of 15 minutes cost: \$ 8.53	For Officers time of 15 minutes cost: \$ 8.53	Cost per syringe and needle: \$ .31
Cost per syringe with needle is: \$ .13	Cost per syringe with needle: \$ .13	Cost of euthanasia solution (6 cc): \$ 2.16
Cost of euthanasia solution (2cc): \$ .72	Cost of euthanasia solution (2 cc): \$ .72	Cost of a plastic bag to dispose dog in: \$ .19
Cost of a plastic bag to dispose cat in: \$ .19	Cost of a plastic bag to dispose cat in: \$ .19	
Total Fees: \$ 10.68	Total Fees: \$ 14.97	Total Fees: \$ 23.79
Average number of feral cats a month x 14	Average number of non-feral cats a month is: x 67	Average number of dogs in a month: x 17
Average cost to euthanize ferals a month: \$ 149.52	Average cost to euthanize non-ferals: \$ 1,002.99	Average cost to euthanize dogs: \$ 404.43
Annual: \$ 1,794.24	Annual: \$ 12,035.88	Annual: \$ 4,853.16

Yearly cost for storage/disposal \$ 8,400.00

Average Total Cost to Euthanize Cats/ Dogs for the Year is= \$ 27,083.28

Note: Average number of tipped eared feral cats euthanized for the month is zero.



U.S. Department of Housing and Urban Development  
Office of Fair Housing and Equal Opportunity  
San Francisco Regional Office - Region IX  
600 Harrison Street, 3<sup>rd</sup> Floor  
San Francisco, California 94107-1387  
Office: 800.347.3739 Fax: 415.489-6560  
Office: 415.489-6524 TTY: 415.489-6554

Website: <http://www.hud.gov>  
Website: [espaol.hud.gov](http://espaol.hud.gov)

SEP 27 2013

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

City of Lodi  
Mr. Konradt Bartlam, City Manager  
PO Box 3006  
Lodi, CA 95241-1910

Dear Mr. Bartlam:

**SUBJECT:** Letter of Preliminary Findings  
Section 109, Title VI, Title VIII (AFFH), Section 3, Section 504  
City of Lodi, Community Development Block Grant Program (CDBG)  
Program Years: 2008-2009, 2009-2010, and 2010-2011  
Case Numbers: 09-13-R-003-9 (Section 109)  
09-13-R-003-6 (Title VI)  
09-13-R-002-F (Title VIII/AFFH)  
09-13-R-003-4 (Section 504)

The Department's Office of Fair Housing and Equal Opportunity has completed a review of the city's CDBG-funded program. The purpose of the review was to determine whether the program was administered in compliance with the nondiscrimination provisions of Section 109, Title VI, Title VIII/AFFH, and Section 504.

Section 109 of the Housing and Community Development Act of 1974 (Section 109), 42 U.S.C. Section 5301 et seq., and the Department's implementing regulations at 24 CFR Parts 6 and 570.602, which prohibit discrimination based on race, color, national origin, religion, and sex; Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. Section 2000, and the Department's implementing regulations at 24 CFR Part 1 which prohibit discrimination based on race, color, and national origin; Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988 (Title VIII/AFFH), 42 U.S.C. 3608, Section 808(e)(5), and the Department's regulations at 24 CFR 570.601 which require the recipient to certify that it will affirmatively further fair housing by (1) conducting an Analysis of Impediments to fair housing choice, (2) taking appropriate actions to overcome the identified impediments, and (3) maintaining records reflecting the analysis and actions; Section 504 of the Rehabilitation Act of 1973 (Section 504), 42 U.S.C. Section 794, and the Department's implementing regulations at 24 CFR Part 8 which prohibit discrimination based on disability.

The onsite review was conducted on December 3-6, 2012. The review included an examination of the following processes: Citizen Participation; Benefits, Services and Methods of

Administration; Affirmatively Furthering Fair Housing, and Section 504 Program Requirements, including a limited accessibility survey of City Hall and various ADA improvements.)

The review identified areas in which the recipient failed to fully comply with provisions of Title VIII (including the requirement to Affirmatively Further Fair Housing choice), and Title VI, Section 109, and Section 504 implementing regulations (42 USC 3608(d), and 24 CFR Parts 6, 1, and 8 respectively) and concerns which may result in findings of non-compliance if left uncorrected. The findings and concerns are detailed below:

### **Preliminary Findings of Non-Compliance**

**1. Preliminary Finding of Non-Compliance- (Title VIII/AFFH): Section 808(e)(5) of the Fair Housing Act** requires HUD to administer the programs and activities relating to housing and urban development in a manner to affirmatively further fair housing (the policies of the Fair Housing Act). 24 CFR 570.601 of the Department's CPD regulations require the grantee to certify that it will affirmatively further fair housing by (1) conducting an analysis to identify impediments to fair housing choice within its jurisdiction, (2) taking appropriate actions to overcome the effects of any impediments identified through that analysis, and (3) maintaining records reflecting the analysis and actions in this regard.

**Facts:** FHEO reviewed the AI and noted the following analytical deficiencies:

**A:** The AI failed to analyze the degree of discrimination against persons with disabilities and female-headed-households with children along with the housing patterns of each group in order to determine whether these groups face high levels of discrimination and segregation. The AI states that the disabled and female-headed families with children "may" face discrimination due to lower-income and various other factors. Additionally, the AI noted the most common basis of discrimination among complaints filed with HUD and DFEH was disability. San Joaquin County Fair Housing (SJCFC) reported that 100% of the fair housing complaints it accepted during the period of review (4 complaints) were based on disability, and citizens taking the AI survey reported discrimination based on familial status. However, the AI did not analyze this data nor did it analyze the housing patterns of each group.

**B:** The AI failed to analyze the relationship between lack of affordable housing, the prevalence of substandard rental housing on the east side of the city, and the high concentration of ELI/VLI Hispanics on the East side of the city to determine whether these factors present an impediment to fair housing choice. For example, in the AI survey, residents commented that due to the lack of affordable housing, some ELI/VLI Hispanics are living in substandard housing at the mercy of landlords who know that their tenants have limited housing choices. Additionally, although the AI identified lack of affordable housing as an impediment, it did not connect it to any particular protected class, nor did it analyze the impact of substandard housing. The AI simply stated that 64% of the city's housing stock is 30 years old or older and housing of that age is typically in need of rehabilitation.

**C:** The AI failed to analyze the supply, demand, locations, and availability of affordable accessible housing to determine whether these factors present an impediment to fair housing choice. The AI states that 23% of the city's population is disabled and, due to lower incomes, this group "may" have a challenge finding affordable and accessible housing. However, these factors were not analyzed.

**D:** The AI failed to analyze the relationship between housing, employment, and transportation for lower income persons to determine whether these factors present an impediment to fair housing choice. For example, although the AI lists six major employers in the city, it was unclear whether these employers offered jobs at the lower-income levels of the wage/salary scale and there was no analysis of the geographic relationship between lower income employers and proximity to lower income housing. Additionally, the AI discusses the city's Grape Line bus service but does not link bus routes/schedules with low income housing or employment opportunities to determine if lack of accessible public transportation was an impediment to fair housing choice.

**Corrective Action:** The city must analyze the following issues to determine whether they present impediments to fair housing choice: (1) the degree of discrimination faced by the disabled and female-headed-households with children along with each group's housing patterns, (2) the relationship between affordable housing, substandard housing, and Hispanic concentration on the east side of the city, (3) the supply, demand, locations, and availability of affordable physically accessible housing, and (4) the relationship between housing, employment, and transportation for lower income persons. If the analyses reveal that any of these issues impede fair housing choice, the AI must identify them as impediments, explain what caused them, and develop actions to overcome them during the current and successive ConPlan cycles.

**2. Preliminary Finding of Non-Compliance- (Title VIII/AFFH): Section 808(e)(5) of the Fair Housing Act** requires HUD to administer the programs and activities relating to housing and urban development in a manner to affirmatively further fair housing (the policies of the Fair Housing Act). 24 CFR 570.601 of the Department's CPD regulations require the grantee to certify that it will affirmatively further fair housing by (1) conducting an analysis to identify impediments to fair housing choice within its jurisdiction, (2) taking appropriate actions to overcome the effects of any impediments identified through that analysis, and (3) maintaining records reflecting the analysis and actions in this regard.

**Facts:** FHEO reviewed the city's identified impediments, actions needed, and actions taken and noted the following deficiencies:

**A:** The AI failed to identify the pattern of Hispanic-ethnicity concentration in three adjoining census tracts (CT 44.03 (69% Hispanic), 44.04 (69% Hispanic), and 45.02 (80% Hispanic) as an impediment, explain what caused it, and develop actions to address it.

**B.** The AI identified the "Lack of Affordable Housing Supply" as an impediment based on a limited analysis of income/affordability. The limited analysis concluded that affordable rental housing was needed by ELI/VLI female-headed households with children. However, the AI did not link the tenure type (rental), household type (family) and protected class (female-headed-households with children) to the impediment. Moreover, the AI failed to analyze disproportionate need by any of the other protected classes, namely- race, ethnicity (See footnote)<sup>1</sup>, and disability. The city took action on the impediment by supporting the county in constructing four single-family ownership homes and pre-developing a senior project. However, these actions were

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<sup>1</sup> FHEO analyzed disproportionate need by race and ethnicity using CDBG area demographics (area of lowest income) and found that Hispanics had the lowest per-capita incomes in the city. This conclusion was supported by: <http://www.city-data.com/income/income-Lodi-California.html>. Therefore, the data reveals that the city lacks family rental housing which is affordable to ELI/VLI female-headed-households with children, Hispanics, and possibly the disabled.

inappropriate to address the impediment of an unmet need for rental housing and housing for female-headed households with children. .

**C:** The AI attributes the "Loss of affordable units" impediment to a loss of HCV's; however, the AI indicates that the city does not know the number of HCV's used in Lodi. Therefore, the city's AI lacks the analysis necessary to conclude that there was a loss of HCVs. (FHEO's independent research found a slight *increase* in HCV utilization in Lodi over the past 3 years). Additionally, FHEO independently reviewed conversion of subsidized units to market rate and the prevalence of affordable substandard units to determine whether these factors created a "loss of affordable units." The AI states that Bethel Apartments, 28 affordable units, converted to market rate; however, Bethel is a "senior" project so the "loss" of these units has no impact on the type of housing for families that was identified in the city's AI as critical need. Further, the AI citizen survey indicates that the city's substandard housing stock did not result in a "loss of affordable units" as the units are still being rented despite their poor condition, which undermines the credibility of this impediment as identified by the city.

**D:** In order to overcome the "Need for subsidies for LI HH" (Low Income Households) impediment, the city indicated that it would "support" the PHA in administering its HCV program by displaying/distributing HCV materials during code enforcement activity, creating a link to the local PHA's website, and encouraging greater participation in the HCV program by property owners during code enforcement activities. Not only did city staff provide no evidence to FHEO through this review that any of the actions had been taken, the actions listed had no nexus to the impediment.

**E:** The AI identified "Differential origination/approval rates based on CT and ethnicity" as an impediment to fair housing choice. The AI reports a 45% Hispanic loan denial in CTs 44.03, 44.04, 45.02, and 45.01 and the city's actions to address this involved "supporting" home purchase by Hispanics in the noted census tracts, although all tracts, aside from 45.01, are already Hispanic-concentrated areas. The county constructed four new homes in CT 45.02 but did not evaluate site demographics prior to construction, nor did its developer appear to market the homes outside the concentrated area. Ultimately, the county sold the 4 homes to Hispanics which, though addressing the impediment to promote successful homeownership among under-represented Hispanics, also had the effect of perpetuating Hispanic concentration in census tract 45.02, and limiting the range of housing choices to low-income Hispanic buyers and applicants to this program.

**F:** The "Lack of knowledge of fair housing rights" was identified as an impediment based on the AI online survey. The AI survey reports that although 6 (83%) city staff felt that residents understand their fair housing rights somewhat poorly or not at all, 31 (70%) residents, 1 (100%) provider, and 3 (67%) real-estate professionals felt that they, or their clients, understood their fair housing rights very well or somewhat well. Additionally, 77% of residents declined the offer to receive additional fair housing information. Further, San Joaquin County Fair Housing (SJCFH) staff maintained a presence at the Lodi Public Library once/week for 7 months. However, despite attempts to generate interest with a *Lodi-News Sentinel* advertisement and a presentation at a disability rights fair, the library services were ultimately discontinued due to lack of interest. Therefore, this does not appear to be a substantiated impediment, at least without some further analysis to demonstrate that lack of knowledge of fair housing rights/obligations was limiting housing choice in the city.

**G:** The AI identified "Lack of information on discrimination" as an impediment and listed "fair housing testing" as a means of addressing it. The AI noted the most common basis of

discrimination among complaints filed with HUD and DFEH was disability, and SJCFH reported that all the fair housing complaints it accepted during the period of review (4 complaints) were based on disability. In addition, citizens taking the AI survey reported discrimination based on Hispanic ethnicity and familial and marital status. Although the city contracted with SJCFH to conduct fair housing testing, SJCFH stated that the agency lacked the capacity to do so. Therefore, the city must identify other means of addressing the "testing" action.

**H:** The AI identified "Unequal distribution of low income households and minority households" as an impediment. Low-income households are concentrated in the CDBG area (CT's 42.03, 44.03, 44.04, 45.01, 45.02) and minority households are concentrated in CT's 44.03, 44.04, 45.02)<sup>2</sup>. The city's actions to address this involved encouraging a mix of incomes in new developments. The city's new development during this period consisted of four homes constructed by the county in CT 45.02, a low-income, Hispanic concentrated area. As part of its marketing efforts, the county provided the developer with flyers which stated that low-income (</= 50% AMI) was a qualifying factor to purchase the homes. The county did not evaluate site demographics prior to construction and its developer did not appear to market the homes outside the low-income concentrated area. Ultimately, the homes were sold to low-income Hispanics which, as also noted within paragraph 2.E above, perpetuated low-income concentration and Hispanic concentration in the area.

**Corrective Action A:** The AI must identify the pattern of Hispanic concentration in three adjoining low-income census tracts ( CT 44.03, 44.04, and 45.02) as an impediment, analyze it, explain what caused it, and develop actions to overcome it during the current and upcoming ConPlan cycles (see also corrective actions for items E and H, below).

**Corrective Action B:** In order to overcome the "Lack of affordable housing supply", the city must: (1) analyze disproportionate need for affordable housing by race, ethnicity, and disability (2) link household type (family, elderly, disabled), tenure type (rental, ownership), and the protected classes that have the greatest need for affordable housing (by race, ethnicity, sex, disability) to the impediment and (3) take appropriate action to overcome the impediment by providing family rental housing affordable to BLI/VLI female-headed-households with children, Hispanics, and possibly the disabled during the current and upcoming ConPlan cycles.

**Corrective Action C:** The "Loss of affordable units" was not firmly grounded through presentation of a justifying factual analysis. Therefore, the city must remove this item from the AI impediments pending further analysis.

**Corrective Action D:** The actions listed as needed to overcome the "Need for subsidies" are inappropriate as a means of addressing the impediment. Therefore, the city must amend the AI "actions needed" during the current Con Plan cycle. As discussed during the onsite, FHEO suggests that the city pursue HOME funding for tenant-based rental subsidies for the groups with the greatest need.

**Corrective Action E:** The city must take an active role in the siting and marketing of affordable housing within its jurisdiction or risk the loss of federal funding due to failure to affirmatively further fair housing. The actions taken to overcome the "Differential origin/approval rates based on CT and Hispanic ethnicity" are inappropriate as they resulted in the perpetuation of Hispanic

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<sup>2</sup> Census tracts were renumbered in Census 2010 and the numbers do not necessarily correspond with the Census 2000 data used in the AI. However, the locations identified as "low-income" and "minority" are the same.

concentration in CT 45.02. Therefore, the city must amend the AI "actions needed" during the current and successive ConPlan cycles, to include an analysis of census tract demographics of the prospective sites for development of new affordable housing units, and to ensure that the city's future affordable housing development reflects a wide range of housing choices, including units outside of areas of existing racial or ethnic concentration.

**Corrective Action F:** The "Lack of knowledge of fair housing rights" was not firmly grounded in the AI conclusion. Therefore, the city must remove this item from the AI impediments pending further analysis and presentation of facts to support that this continues to be an actual impediment.

**Corrective Action G:** Although "fair housing testing" is an appropriate action to address the "Lack of information on discrimination," the city's contracted provider (SJCFH) stated that it lacks the capacity to perform this service. Therefore, the city must amend the AI "actions needed" to reflect new actions to analyze the prevalence of housing discrimination within its jurisdiction, and/or to identify a new fair housing provider that can degree provide testing services or work with its existing provider to develop this capacity.

**Corrective Action H:** The city must take an active role in the siting and marketing of affordable housing within its jurisdiction or risk the loss of federal funding due to failure to affirmatively further fair housing. The actions taken to overcome the "Unequal distribution of low-income households and minority households" are inappropriate as they resulted in the perpetuation of low-income concentration and Hispanic concentration in CT 45.02. Therefore, the city must amend the AI "actions needed" during the current ConPlan cycle. FHEO strongly suggests that the city pursue HOME funding for mixed-income housing as a means of addressing this impediment, as is also sought as a corrective action for item D, above.

**3. Preliminary Finding of Non-Compliance- (Title VIII/AFFH):** Section 808(e)(5) of the Fair Housing Act requires HUD to administer the programs and activities relating to housing and urban development in a manner to affirmatively further fair housing (the policies of the Fair Housing Act). 24 CFR 570.601 of the Department's CPD regulations require the grantee to certify that it will affirmatively further fair housing by (1) conducting an analysis to identify impediments to fair housing choice within its jurisdiction, (2) taking appropriate actions to overcome the effects of any impediments identified through that analysis, and (3) maintaining records reflecting the analysis and actions in this regard.

**Facts:** FHEO reviewed the city's AFFH records and noted the following deficiencies:

**A:** A review of county (city supported) "[HOME] Gap Loan Program" and "NSP Gap Loan Program" marketing flyers revealed that the flyers did not contain equal opportunity provisions for persons with disabilities. Specifically, (1) the flyers posted a telephone number but did not post an equivalent method of communication for the deaf; (2) flyers did not include a "Non-discrimination on the basis of disability" clause along with the Section 504 coordinator's name and contact information; (3) flyers did not inform beneficiaries that the HOME and NSP funded homes could be made accessible upon request.

**B:** A review of county (city supported) HOME and NSP beneficiary files revealed no data on disability status. City staff confirmed that the county did not collect disability data on the beneficiaries of its HOME and NSP programs. Absence of procedures for collecting data from applicants and beneficiaries prevented an analysis of the degree to which people with disabilities

participated in the funded programs, or would have indicated a need for affirmative marketing to promote increased participation by this group.

**Corrective Actions A-B:** The city is obligated to AFFH in all housing and housing-related activities within its jurisdiction. Therefore, the city must adopt and implement a procedure to ensure that materials used to market affordable housing activities contain communication, non-discrimination, and housing accessibility provisions that afford the disabled an equal opportunity to participate in housing programs within its jurisdiction. Additionally, the city must adopt and implement a procedure to ensure that disability data is collected on applicants and beneficiaries of all affordable housing programs.

**4. Preliminary Finding of Non-compliance (Title VI, Section 109, Section 504). 24 CFR 1.4(b)(6)(i), 24 CFR 6.4(a)(1)(viii) and 24 CFR 8.4(b)(1)(viii)** prohibit recipients of federal financial assistance from employing methods of administration which have the effect of limiting participation by persons on the basis of race, color, national origin, sex, or disability.

**Facts:** FHEO's demographic analysis revealed a significant under-representation of Hispanic beneficiaries in all direct-benefit programs during the three years of review compared to their representation in the income-qualified population. For example, in the SJCFH, Second Harvest Food Bank, and Spay/Neuter activities, Hispanic beneficiaries were significantly underrepresented from 20%-45% relative to their numbers among the general population of the city's jurisdiction. Additionally, disabled beneficiaries were significantly underrepresented in the Second Harvest Food Bank by 10%-20%. City staff acknowledged that they did not analyze beneficiary demographic data, nor did they extend affirmative marketing to the underrepresented groups.

**Corrective Action:** The city shall adopt and implement a procedure requiring analysis of the race, ethnicity, female-headed householder, and disability status of applicants and beneficiaries in CDBG funded programs to determine whether any protected groups are underrepresented. If underrepresentation is found, the city shall engage in affirmative marketing to the underrepresented group.

**5. Preliminary Finding of Non-compliance (Section 504). (24 CFR 8.53(a) requires recipients that employ fifteen or more persons to designate at least one person to coordinate its efforts to comply with Section 504. ) 24 CFR 8.53(b) requires a recipient that employs fifteen or more persons to adopt grievance procedures that incorporate appropriate due process standards and that provide for the prompt and equitable resolution of complaints alleging any action prohibited by Section 504.**

**Facts:** FHEO found that the city's Building Official coordinates compliance with Section 504 physical accessibility (Transition Plan) but the city does not have an employee that coordinates efforts to comply with Section 504 program accessibility throughout all city departments. Moreover, the city has not adopted a formal grievance procedure that incorporates due process and provides for the prompt and equitable resolution of complaints based on disability

**Corrective Action:** The city shall officially designate at least one person to effectively coordinate efforts to comply with Section 504. In order to effectively coordinate compliance efforts, the person, or persons, must have knowledge and/or training in Section 504 physical and program accessibility, including conducting a self-assessment to identify policies and practices

that present barriers to accessibility and implementing a plan to correct the deficiencies. Additionally, the city shall adopt and implement a written grievance procedure that incorporates due process and provides for the prompt and equitable resolution of complaints based on disability.

**6. Preliminary Finding of Non-compliance (Section 504).** 24 CFR 8.54(a) requires recipients that employ fifteen or more persons to take . . . continuing steps to notify applicants, participants, and beneficiaries . . . that it does not discriminate on the basis of handicap. The notification shall state that the recipient does not discriminate in admission or access to, or treatment or employment in, its federally assisted programs and activities on the basis of disability and shall include the identification of the designated Section 504 Coordinator. Methods of notification may include the posting of notices, publication in newspapers and magazines, and distribution of memoranda or other written communication. 24 CFR 8.54(c) requires the recipient to ensure that persons with visual or hearing impairments that are likely to be directly affected by a federally assisted program are provided with the information necessary to understand and participate in the program. Methods for ensuring participation may include qualified sign language and oral interpreters, readers, or the use of taped and Braille materials.

**Facts:** FHEO reviewed 17 Lodi-News Sentinel notices announcing ConPlan, AI, AAP, and CAPER public meeting and hearings and found that none of them contained continuing notice of non-discrimination on the basis of disability which included the identification of the designated Section 504 Coordinator. Additionally, 59% of the notices (10 of 17) did not inform persons with visual or hearing impairments that they could request reasonable accommodations in order to participate in the meetings or hearings. Further, the city did not consistently notify federally funded program applicants and beneficiaries of the opportunity to request reasonable accommodations.

**Corrective Action.** The city shall take continuing steps to notify applicants, participants, and beneficiaries that it does not discriminate on the basis of disability by posting a "Notice of Non-Discrimination" on ConPlan, AI, AAP and CAPER newspaper notices and federally funded program marketing materials (e.g., SJCFH, Second Harvest Food Bank, Spay/Neuter program). The notice shall state that the city does not discriminate in admission or access to, or treatment or employment in, federally assisted programs and activities on the basis of disability and shall include the identification of the designated Section 504 Coordinator. Additional methods of notification may include posting notices at City Hall, placing notices in newspapers or city publications, or distributing memoranda or other written communication to interested parties.

Additionally, the city shall notify persons with disabilities that reasonable accommodations (i.e., auxiliary aids such as ASL interpreters, amplifiers, Braille materials, etc) are available upon request by posting such notice on ConPlan, AI, AAP, and CAPER newspaper notices and federally funded program marketing materials.

**7. Preliminary Finding of Non-compliance (Section 504).** 24 CFR 8.6(a)(2) requires that where a recipient communicates with applicants and beneficiaries by telephone, TDDs or equally effective communication systems for the deaf shall be used.

**Facts:** FHEO reviewed 17 Lodi-News Sentinel notices announcing ConPlan, AI, AAP, and CAPER public meeting and hearings and although all notices posted the city's telephone number, none of them posted a TDD or equally effective communication method for the deaf.

**Corrective Action.** The city shall post a TDD number or equally effective communication method for the deaf on all city publications that display a telephone number (i.e newspaper notices, federally funded program flyers, city stationery, etc.) .

### Concerns

**1. Concern: (Title VIII/AFFH): Section 808(e)(5) of the Fair Housing Act** requires HUD to administer the programs and activities relating to housing and urban development in a manner to affirmatively further fair housing (the policies of the Fair Housing Act). 24 CFR 570.601 of the Department's CPD regulations require the grantee to certify that it will affirmatively further fair housing by (1) conducting an analysis to identify impediments to fair housing choice within its jurisdiction, (2) taking appropriate actions to overcome the effects of any impediments identified through that analysis, and (3) maintaining records reflecting the analysis and actions in this regard.

**Facts:** FHEO noted the following AI errors and omissions: (1) the AI/24 Table 14- "Affordable Mortgage/Rent Amounts" appears erroneous as it pairs an INCREASE in income with a DECREASE (as opposed to an increase) in affordable rent in the "low income" column; (2) the AI/26 identifies "Creekside," as a family project; however, it is a HUD subsidized project for the elderly. The city has no HUD subsidized family housing projects; (3) the AI should use more-recent Census 2010 or American Community Survey data; (4) the AI must include milestones and timetables for amelioration of each impediment as the sole measure of success for fair housing planning is the achievement of results.

**Corrective Action:** The city shall correct the above AI data errors and omissions during the current ConPlan cycle.

**2. Concern: (Title VI, Section 109), 24 CFR 1.4(b)(3) and 24 CFR 6.4(a)(2)** prohibit the recipient from making housing site or location selections with the purpose or effect of . . .subjecting individuals to discrimination on the basis of race, color, or national origin. .

**Facts:** The city is pre-developing a new HOME-funded rental project for seniors in CT 43.03, a racially/ethnically mixed area. City staff acknowledged that they did not analyze the racial and ethnic demographics of the site prior to selecting it to determine whether it could significantly increase the ratio of minorities to non-minorities in the area. In this case, new construction in CT 43.03 will not significantly alter the ratio of minorities to non-minorities due to the population of the tract (4,610) and the small number of units being constructed (80). However, the city is required to conduct a demographic analysis of proposed new rental sites located in "mixed" areas to ensure that site selection does not contribute to minority concentration.

**Corrective Action:** The city shall adopt and implement a procedure to ensure that proposed sites of new HOME-funded rental housing comply with HOME program site and neighborhood standards at 24 CFR 92.202(b)/983.6(b). These standards prohibit construction of new rental housing in a "mixed" area if the housing will significantly increase the ratio of minorities to non-minorities in the area and they include additional stipulations for housing sited in minority concentrated areas.

**3. Concern (Title VI, Section 109).** 24 CFR 1.6(b) and 24 CFR 6.10(c) require each recipient of HUD assistance to keep timely, complete, and accurate records to enable HUD to ascertain whether the recipient has complied with Title VI and Section 109. In general, recipients should have data available on race and ethnicity. HUD issued guidelines implementing the Office of Management and Budget's (OMB) standards for collecting and reporting race and ethnicity, effective 1/1/03. HUD's guidelines require recipients to collect race and ethnicity data by asking applicants and beneficiaries to choose one of two ethnicity groups (Hispanic or Not-Hispanic) AND one or more of five racial groups (American Indian/AK Native, Asian, Black/African American, Native Hawaiian/Pacific Islander, White). If the applicant or beneficiary fails to self-identify race and ethnicity, the city should use "observer identification" to collect and report this data.

**Facts:** FHEO's analysis revealed that the Second Harvest Food Bank did not collect the race of its Hispanic ethnicity beneficiaries. However, the city reported the race of these persons to HUD/IDIS as "Other /Multi-Racial" or "White." Additionally, out of 37 FTHB applicants, seven applicants did not self-identify race and three applicants did not self-identify ethnicity. Although the city met with these applicants face-to-face, it did not use "observer identification" to collect the unidentified demographic data where the applicants declined to self-identify.

**Corrective Action.** The city shall collect race and ethnicity data from all applicants and beneficiaries of federally funded activities and accurately report the applicable data to HUD. Additionally, the city shall adopt and implement a procedure requiring the use of "observer identification" to identify ethnicity and race when applicants and beneficiaries are seen face-to-face and they decline to self-identify.

**4. Concern (Title VI, Section 109).** 24 CFR 1.4(b)(6)(i), 24 CFR 6.4(a)(1)(viii) prohibit recipients of federal financial assistance from employing methods of administration which have the effect of limiting participation by persons on the basis of race, color, or national origin. HUD's guidance regarding Title VI's prohibition against National Origin Discrimination affecting Limited English Proficient Persons (LEP), effective on March 7, 2007, states that in certain situations, failure to ensure that LEP persons can effectively participate in, or benefit from, federally assisted programs may violate Title VI's prohibition against national origin discrimination.

**Facts:** The US Census reports that 8% of the city's population is LEP-Spanish speaking; however, the city has not performed the four-factor analysis of language needs, developed a Language Access Plan, and implemented it. Although the city employs bilingual English/Spanish staff members that have provided interpretation, it does not affirmatively inform the public that this service is available. For example, FHEO reviewed 17 English language *Lodi-News Sentinel* notices soliciting citizen participation in the ConPlan, AI, AAPs, and CAPERs and found that 94% (16 of 17) did not offer oral language interpreters during meetings and hearings upon request, nor did they offer Spanish-language translation of the aforementioned planning documents. Additionally, although the city translated FTHB marketing materials into Spanish, vital documents such as activity applications appeared only in English. Moreover, the city does not have a procedure to assist LEP persons who speak languages other than Spanish.

**Corrective Action:** The city shall adopt and implement a Language Access Plan to facilitate communication with LEP persons by offering oral language interpretation for any language and by identifying vital documents and translating them into Spanish. Additionally, the city must ensure that notices announcing the ConPlan, AI, AAP, and CAPER and flyers advertising

federally funded programs (i.e. SJCFH, Second Harvest Food Bank, Spay/Neuter, etc.) state that language interpreters can be made available upon request and that the planning documents can be translated into Spanish upon request.

**5. Concern (Section 504).** 24 CFR 8.4(b)(1)(i) A recipient in providing any . . . benefit or service in a program or activity that receives federal financial assistance may not, directly or through contractual arrangements, solely on the basis of disability, deny a qualified individual with handicaps the opportunity to participate in, or benefit from the benefit or service. 24 CFR 8.20 requires that no qualified individual with handicaps shall, because a recipient's facilities are inaccessible to or unusable by individuals with handicaps, be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination under any program or activity that receives HUD financial assistance. 24 CFR 8.21(b) requires that alterations to existing non-housing facilities shall, to the maximum extent feasible, be made to be readily accessible to and usable by individuals with handicaps.

**Facts:** In 2010/11 the city awarded the "180 Teen Center" CDBG funds and entered into a contract with the facility for "expansion." City staff was aware that the Teen Center was not physically accessible to the disabled at the time of the award, the Teen Center did not have a plan to provide alternate access to the disabled, and there was no evidence that the alteration ("expansion") resulted in accessibility. Therefore, mobility impaired persons were not afforded an equal opportunity to participate in Teen Center activities.

**Corrective Action:** The city's shall adopt and implement a procedure to ensure that programs requesting CDBG funding are screened to determine if services will be delivered in facilities that are accessible to the disabled (or the program offers alternate accessibility provisions) or the funding requested is for the purpose of making the facility accessible. If the facility does not meet these criteria, the program should not be funded until physical accessibility has been achieved.

**6. Concern: (Title VI, Section 109)** 24 CFR 1.4(b)(6)(i), 24 CFR 6.4(a)(1)(viii) states that a recipient in determining the types of services which will be provided under any such program may not utilize criteria or methods of administration which have the effect of defeating or substantially impairing accomplishment of the objectives of the program as respect to persons of a particular race, color, national origin, and sex.

**Facts:** The objective of the CDBG program is to improve communities by providing decent housing, a suitable living environment, and expanding economic opportunities, all principally for persons of low and moderate income. In FY 2009, 2010, and 2011, the city allocated CDBG funds to a city-administered Spay/Neuter program which was not noted as a Con Plan need, nor did it appear to address any impediment in the city's AI. During the same time period, the city rejected two programs that were noted as Con Plan priority needs: job creation and ESL for LEP Hispanics. During a City Council meeting on 3/17/10, two citizens spoke in opposition to funding the spay/neuter program in light of other community needs, particularly job creation. The city's response, if any, was not included in the council minutes and the program was continually funded.

The AI and FHEO's analysis revealed that eight percent of the city's population is LEP- Spanish speaking. Hispanics and female-headed households with children are the groups with the greatest need for both housing and community services due to low income/poverty. Therefore, these groups would appear to benefit more from job creation and/or ESL services than they would from

a spay/neuter program. In fact, Hispanics are not benefiting from the spay/neuter program as this group was underrepresented in the program from 40-45% during each of the three years under review.

**Corrective Action:** The city's rating/ranking procedure for selection of CDBG-funded activities shall ensure that priority points are awarded to programs that address AI and ConPlan "unmet needs" and are likely to benefit the lowest-income members of the community (identified as Hispanics, female headed households with children, and possibly persons with disabilities).

**7. Concern. (Section 504)24.CFR8.21(c)(4)** requires that if structural changes to non-housing facilities will be undertaken to achieve program accessibility, a recipient shall develop a transition plan setting forth the steps necessary to complete such changes within six months of 7/11/88 (i.e., by 1/11/89). The plan shall be developed with the assistance of interested persons, including individuals with handicaps or organizations representing these individuals. A copy of the plan shall be made available for public inspection. The plan shall (1) identify physical obstacles in facilities that limit accessibility of programs or activities to individuals with handicaps, (2) describe in detail the methods used to make the facilities accessible, (3) specify the schedule for taking the steps necessary to achieve compliance and, if the time period of the transition plan is longer than one year, identify steps that will be taken during each year of the transition period.

**Facts:** FHEO reviewed the city's Transition Plan (updated in 2005 and 2011) and found that it noted barriers to accessibility in city facilities, all of which had been remediated from 1992-2011 aside from the Grape Bowl. The Transition Plan notes that the "Grape Bowl and all of its facilities are out of compliance" but the plan does not include a schedule for taking the steps necessary to achieve compliance. Additionally, FHEO noted that the ramp in front of City Hall, shown as remediated in 1996, was still inaccessible. Further, FHEO's limited survey identified barriers to accessibility in other city facilities. City staff acknowledged the issues and explained that the Transition Plan was being updated but did not provide a date of completion.

**Corrective Action:** The city must develop a new Transition Plan with the assistance of interested persons, including persons with disabilities or agencies representing this group, within eight months of the date of issuance of this Letter of Findings (i.e., May 31, 2014). The revised Transition Plan shall identify a comprehensive listing of barriers to accessibility in city facilities (including the barriers identified in FHEO's limited survey), methods to remediate them, and timetables for remediation.

**Observation (i).** A review of the PY 2011 locations of graffiti abatement revealed that 29% (263 of 914 instances) were not in the CDBG area. The city's CAPER should report the degree to which CDBG-funded activities including indirect-benefit programs such as graffiti abatement activities are occurring within the CDBG target areas. This observation is also being referred to the Regional CPD Director for possible program compliance follow by her staff.

### COMPLIANCE REVIEW CONCLUSION

Pursuant to 24 CFR Part §8.56(h), you may request a complete review of the Section 504 Preliminary Findings of Non-Compliance in this Letter of Preliminary Findings within thirty (30) days of receipt by contacting:

**Bryan Greene, General Deputy Assistant Secretary**  
**Office of Fair Housing and Equal Opportunity**  
**451 7<sup>th</sup> Street S.W.**  
**Washington, D.C. 20410**

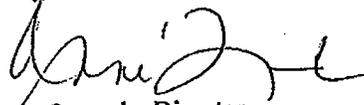
Additionally, please send a copy of your request to:

**Anne Quesada, Director**  
**Office of Fair Housing and Equal Opportunity (Correspondence Code 9AEH)**  
**600 Harrison Street, 3<sup>rd</sup> Floor**  
**San Francisco, California 94107**

The Department of Housing and Urban Development would like to resolve these matters by reducing the findings and concerns to a written Voluntary Compliance Agreement (VCA) with timetables for implementation (See 24 CFR §§6.41(e), 1.7(d) (1) and 8.56(j) (2)). A DRAFT copy of a VCA has been attached for your consideration. The department will contact you shortly to arrange a mutually convenient time to discuss remedies to the findings and concerns noted above. In the interim, please contact me at (415) 489-6536 or Program Compliance Branch Chief Jeff Jackson at (415) 489-6538, if you have any questions or wish to pursue resolution of the findings and concerns noted herein through a VCA.

In conclusion, this office would like to express our gratitude to you and your staff for the cooperation and assistance extended to us throughout our review.

Very Sincerely Yours,



Anne Quesada, Director  
Office of Fair Housing and Equal Opportunity

Under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records to a third party, upon request. In the event that the department receives such a request, we will protect, to the extent provided by law, personal information, which would constitute an unwarranted invasion of privacy if released.

**Attachments:**

1. "OMB Standards for Federal Data on Race and Ethnicity: HUD Policy Statement and Implementing Guidelines", HUD policy memo dated 8/13/02
2. "Final Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons; Notice" dated January 22, 2007
- ~~3. Limited UFAS Accessibility Report~~

cc:

Ophelia Basgal, Regional Administrator, Region IX  
Maria Cremer, Director, HUD-Region IX, Office of Community Planning and Development



G-1

**MEMORANDUM, City of Lodi, Community Development Department**

**To:** Rad Bartlam, City Manager  
**From:** Joseph Wood, Neighborhood Services Manager  
**Date:** October 25, 2013  
**Subject:** Summary of HUD Letter of Preliminary Findings dated September 27, 2013

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In December of 2012, HUD's Office of Fair Housing and Equal Opportunity (FHEO) conducted an onsite review to examine the following processes of our CDBG Program: Citizen Participation; Benefits, Services and Methods of Administration; Affirmatively Furthering Fair Housing; and Section 504 Program Requirements. Their review focused on programs and activities in the 2008/09, 2009/10 and 2010/11 Program years, which include Urban County CDBG, HOME and NSP, State HOME, and our Entitlement CDBG. Over the course of four days, FHEO staff reviewed our CDBG files and met with City staff including myself, the Building Official, and the City Clerk. During that time they also reviewed files and met with staff at San Joaquin County Neighborhood Preservation and San Joaquin Fair Housing.

On October 21, 2013, we finally received a Letter of Preliminary Findings which outlines potential issues of non-compliance, the regulatory basis of the issue, the facts found during their visit that substantiate the determination of non-compliance, and the corrective action necessary to address the non-compliance. In total, they identified ten (10) findings and fourteen (14) recommended corrective actions. In addition, they noted seven (7) lesser concerns and a recommended corrective action for each.

Attached to the Letter of Preliminary Findings was a draft Voluntary Compliance Agreement (VCA) that lists each corrective action that we will take in order to address the findings. HUD's desire is to reduce the findings and concerns to a written VCA with timetables for implementation. The draft VCA provides 180 days for implementation of most of these actions.

I've contacted the HUD-FHEO office already for clarification on a few issues and they commented that they consider these to be minor issues and that the field notes indicate that we've been doing a good job administering the program.

What follows is a summary of the issues and what action we need to take.

### Analysis of Impediments to Fair Housing (AI)

For some background on this, when Lodi became an Entitlement in 2009, HUD required that we do an AI and that was completed by Sarah Bontrager through our contract with PMC for CDBG administration. We submitted the AI to HUD-FHEO in 2010 and did not hear anything further. Our first feedback on the AI has come from their review during the onsite visit.

What they have found and called out in their Notice is that there were some analytical deficiencies in the AI in relation to determining impediments that will need to be addressed. In addition, they noted that some of the impediments that we identified in the AI were not adequately substantiated. These issues will need to be addressed in the next AI document. In my recent contact with FHEO, I made them aware that we are in the process of developing a Fair Housing Equity Assessment (FHEA) through the HUD-funded Sustainable Communities grant with Smart Valley Places and that the FHEA document will be used as the groundwork for a subsequent AI, likely in 2014/15. They acknowledged that and stated that the VCA could be revised to reflect that.

### Fair Housing Act

We will need to add additional disclaimer language on our notices and on printed materials to cover non-discrimination, communication and accessibility requirements.

In addition, we will need to do a more thorough job of collecting and analyzing our beneficiary demographic data and follow up with our subrecipients to make sure that they do the same. This relates back to our ability to identify impediments, determine the cause and develop actions to overcome them.

Through the analysis of demographic data from our applicants and beneficiaries accessing funded programs, we will also need to identify whether any protected groups are underrepresented relative to the general population and actively engage marketing to the underrepresented group to resolve that.

### Section 504

While the Building Official coordinates compliance with Section 504 for physical accessibility (Transition Plan), we are required to have at least one person designated to coordinate compliance with Section 504 program accessibility through all departments. A Section 504 Policy Manual is required, as well as a formal grievance procedure for complaints based on both program and physical accessibility. This also touches on the need for additional language in our notices and printed materials addressing non-discrimination and reasonable accommodation, including TDD access.

They are calling for the review of the updated Transition Plan, which was underway at the time of their onsite visit, to verify that it identifies barriers in all facilities, methods to remediate and timetables for remediation. They made specific reference to the Grape Bowl facility and the front ramps at City Hall that are out of compliance.

Along those same lines, we will need to ensure that any (subrecipient's) facilities assisted with CDBG funding or where CDBG funded programs and activities are carried out are accessible. I have found Section 504 Coordinator training/certification on-line, as well as the Policy Manual.

### Site Selection for Affordable Housing

In the future, we will need to be sure that we conduct racial and ethnic demographic analysis when selecting a site for affordable housing development in order to avoid the creation or perpetuation of minority concentration.

FHEO noted that when we developed the four new SFD units on Oak and Garfield, while we did promote homeownership opportunities for an underrepresented minority population, we perpetuated the over-concentration of Hispanic population within that census tract.

Furthermore, we failed to meet the greater need of providing affordable family housing in that area.

### Limited English Proficient Persons (LEP)

To address concerns related to limiting participation of LEP persons, we will need to adopt and implement a Language Access Plan. We will need to make sure that our notices and printed materials are available in other languages and make sure that our subrecipients do the same. I've already downloaded and am looking through the Language Access Assessment and Planning Tool for Federally Conducted and Federally Assisted Programs. Much of the outreach for the development of Language Access Plan can be incorporated into the Consolidated Plan process.

### Spay/Neuter Program

FHEO has taken issue with our funding of the spay/neuter program over programs or activities that serve priority needs listed in the Consolidated Plan: job creation and ESL for LEP Hispanics. They are calling for our rating and ranking system to provide priority points for activities that address unmet AI and Con Plan needs, and are likely to benefit the lowest income members of the community: Hispanics, Female Head of Household with Children, and Disabled Persons.

### In Conclusion

I believe that all of these issues can be addressed with appropriate changes in our operational policies and procedures. With my initial follow up call with them, HUD-FHEO is aware that we are working on a number of these issues already. The next step is to schedule a conference call or meeting with them. I'm attaching a copy of both the Notice and the VCA for your review. Let me know how you want me to proceed and if you need me to prepare anything for the City Council's review.

Joseph Wood, Manager  
Neighborhood Services Division  
Community Development Department

G-1 LIC  
Record



**MEMORANDUM, Lodi Improvement Committee**

**To:** Mayor Nakanishi and Lodi City Councilmembers  
**From:** Sunil Yadav, Lodi Improvement Committee Chairman  
**Date:** September 11, 2013  
**Subject:** Cherokee Lane Corridor Improvements

---

Honorable Mayor and Council Members,

On June 11<sup>th</sup>, 2013, the Lodi Improvement Committee held a Special Meeting out in the Eastside community to hear from the residents and business owners along the Cherokee Lane corridor. The issues and concerns that they expressed regarding the general conditions along Cherokee Lane and the lack of adequate sidewalks and accessibility accommodations are called out in the attached letter from them.

The Lodi Improvement Committee has established a goal of promoting the development of beautification and improvement projects for the Cherokee Lane corridor. On behalf of the entire Lodi Improvement Committee, I ask that the City work with us and the local business and property owners in this effort to improve one of the City's oldest commercial corridors and one of the Eastside's main thoroughfares.

Sincerely,

Sunil Yadav, Chair  
Lodi Improvement Committee

cc: City Manager  
Public Works Director  
City Engineer

City Clerk  
City of Lodi  
P.O. Box 3006  
Lodi, CA 95241-1910

**RE: Condition of Cherokee Lane-Hotel & other Property Owner Concerns**

Dear Mayor, City Council Members, & City Manager:

The undersigned write this letter to voice our concerns for the continued deterioration of Cherokee Lane, and the difficulty that hotel and motel owners face with missing and broken sidewalks as well as the street's general appearance.

To remind you, the vast majority of Cherokee Lane property owners volunteered to assess themselves for improvements to Cherokee Lane in 1995. We are specifically referring to the "Lodi Central City Revitalization District No. 95-1, Zone B AS-018". We as property owners have been paying these assessments for over 15 years, but our street has long been forgotten. Think about what other streets in Lodi that have portions with no curb and no sidewalk-we're not sure there are any. Though some improvements were made, I think you all would agree that this important gateway to Lodi has long since been neglected, while at the same time, other streets have enjoyed the benefits of revitalization. Unlike Cherokee Lane, however, these other streets do not welcome out of town visitors and passers-by with needed lodging facilities, restaurants, stores, and gas stations. The current economic conditions make it even more difficult for our largely family-owned businesses to generate incomes. Unlike Cherokee Lane, the owners of property fronting these other streets that have been revitalized pay no assessments. To be handicapped by the conditions found in the public rights of way makes business survival even more difficult. The absence of any effort on the part of the City to improve the appearance of Cherokee Lane quite frankly puzzles us, as either we or our tenants generate significant amounts of transient occupancy taxes, sales taxes, fuel taxes, and property taxes, not to mention many desperately-needed jobs.

The undersigned respectfully ask that Cherokee Lane be given the attention it deserves as Lodi's only gateway to Highway 99 and East Highway 12.

Sincerely,

Property owners of Cherokee Lane:

START WITH

Cherokee Lane Property/Business Owners:  
MODERN MOTOR LODGE

MOTELS ON CHEROKEE LN:..et

1 SUNIL L YADAV 1050 S. Cherokee Ln  
Print Name ECONOMY INN Address  
Signature Sunil Yadav

2 JAYANTI BHAKTA 1100 S. CHEROKEE LN  
Print Name VIKING <sup>5 VIKING motel</sup> Address  
Signature Jayanti Bhakta

3 RAKESH PATEL 85 S CHEROKEE LN  
Print Name BUDGET INN Address  
Signature Rakesh Patel

4 SURESHOHAI PATEL 917 S. Cherokee Ln  
Print Name RANCHO GRANDE Address  
Signature Sureshohai Patel

5 HASMUKH BHAKTA 807 S. CHEROKEE LN  
Print Name WINE & COUNTRY Address  
Signature Hasmukh Bhakta

6 Chris Ray Casino 1800 S. Cherokee Ln.  
Print Name Best Western Address  
Signature Chris Ray

7 TRICIA MCGOWAN <sup>Smyth</sup> 710 S. Cherokee Ln.  
Print Name MOTEL CO Address  
Signature Tricia McGowan

8 Yogesh Patel 1140 S. Cherokee Ln.  
Print Name DEL RANCHO Address  
Signature Yogesh Patel

9 ASHVIN R. PATEL 501 N. CHEROKEE Lane  
Print Name EL RANCHO Address  
Signature Ashvin R. Patel

10 Natasha McNamara 603 N. Cherokee Ln  
Print Name ECONO LODGE Address  
Signature Natasha McNamara

11 Anna Jana Patel 118 N Cherokee Lane  
Print Name STOCKTON AUTO GLASS Address  
Signature Anna Jana Patel

12 Arthur Garcia Mgr 1110 S. Cherokee Ln  
Print Name LODI HONDA Address  
Signature Arthur Garcia

13 Chris Saha 1700 S. Cherokee Ln.  
Print Name PEP BOYS Address  
Signature Chris Saha

14 Ken Bradley 1401 S. Cherokee Ln.  
Print Name VALERO GAS Address  
Signature Ken Bradley

15 Leng Almanzar 800. S. Cherokee Ln.  
Print Name QUICK-STOP Address  
Signature Leng Almanzar

16 HARBHATAN Sherkill 1721 S. Cherokee Ln.  
Print Name Chevron Address  
Signature Harbhata Sherkill

17 HARVINDER SINGH 601 E. Kettimen Ln  
Print Name CHEVROLET Address  
Signature Harvinder Singh

18 EUGENIE TIETM 1210 S. Cherokee Ln  
Print Name SHERWIN-WILLIAMS Address  
Signature Eugenie Tietm

19 Nick Slaughter 920 Cherokee Ln  
Print Name DIANA SALON Address  
Signature Nick Slaughter

20 MCA TRAIL 920 Cherokee Ln.  
Print Name Address  
Signature MCA Trail

Cherokee Lane Property/Business Owners:

41	Print Name <u>Doris Muffler</u> Gang Lenhu	Address <u>26A N Cherokee</u>	Signature <u>[Signature]</u>
42	Print Name <u>Payless auto</u> Frank Pelko	Address <u>26 N Cherokee B</u>	Signature <u>[Signature]</u>
43	Print Name <u>TEN Body SHOP</u> TARIQ NAZIR	Address <u>26 N Cherokee Ln #9</u>	Signature <u>[Signature]</u>
44	Print Name <u>FRANCOS PIZZA</u> EFRAIN BENTERA	Address <u>100 N Cherokee Ln #1</u>	Signature <u>[Signature]</u>
45	Print Name <u>Cellularis</u> Sared W. Mettler	Address <u>15. N. Cherokee Ln. Lodi, CA 95240</u>	Signature <u>[Signature]</u>
46	Print Name <u>Bellas Bridal</u> Martin Garcia	Address <u>7 N. Cherokee Ln Lodi CA</u>	Signature <u>[Signature]</u>
47	Print Name <u>PMZ Real Estate</u> Rose Marie Mendonca	Address <u>1 N Cherokee Lane Lodi CA</u>	Signature <u>[Signature]</u>
48	Print Name <u>Discooteca El Gallo</u> Dhivya Gomez	Address <u>8 W. Cherokee Ln Lodi</u>	Signature <u>[Signature]</u>
49	Print Name <u>El Guacero Mts</u> Guille Marin	Address <u>2 N Cherokee Ln</u>	Signature <u>[Signature]</u>
50	Print Name <u>Dollar y MAS</u> M. ARIA Alvarez	Address <u>16 N Cherokee Ln</u>	Signature <u>[Signature]</u>
51	Print Name <u>FRANQUI TORRES</u> <del>TORRES TIRES</del>	Address <u>122 N Cherokee Ln</u>	Signature <u>[Signature]</u>
2	Print Name <u>Shop Frugal</u> Mohammad Ahmad	Address <u>130 N Cherokee Ln</u>	Signature <u>[Signature]</u>
3	Print Name <u>Edwre An's</u> California Window Tinting	Address <u>200 N Cherokee</u>	Signature <u>[Signature]</u>
4	Print Name <u>Jeremy</u> soundvest car audio	Address <u>208 N Cherokee</u>	Signature <u>[Signature]</u>
5	Print Name <u>Ade e Market</u> SatbirK Singh	Address <u>216 N. Cherokee Ln</u>	Signature <u>[Signature]</u>
6	Print Name <u>cherkeehighway</u> Jyoti S. Singh	Address <u>220 N Cherokee Ln</u>	Signature <u>[Signature]</u>
7	Print Name <u>THE TOBACCO MAN</u> Raj Pahwa	Address <u>651 N. Cherokee Ln</u>	Signature <u>[Signature]</u>
8	Print Name <u>CHEROKEE TIRES</u> RAYHAN, RAZA	Address <u>521, N1 Cherokee Ln</u>	Signature <u>[Signature]</u>
9	Print Name <u>Uhuyl</u> Edwre Wura	Address <u>450 N. Cherokee Ln</u>	Signature <u>[Signature]</u>

G-1 LIC  
Record



**MEMORANDUM, Lodi Improvement Committee**

**To:** Mayor Nakanishi and Lodi City Councilmembers  
**From:** Sunil Yadav, Lodi Improvement Committee Chairman  
**Date:** September 11, 2013  
**Subject:** Cherokee Lane Corridor Improvements

---

Honorable Mayor and Council Members,

On June 11<sup>th</sup>, 2013, the Lodi Improvement Committee held a Special Meeting out in the Eastside community to hear from the residents and business owners along the Cherokee Lane corridor. The issues and concerns that they expressed regarding the general conditions along Cherokee Lane and the lack of adequate sidewalks and accessibility accommodations are called out in the attached letter from them.

The Lodi Improvement Committee has established a goal of promoting the development of beautification and improvement projects for the Cherokee Lane corridor. On behalf of the entire Lodi Improvement Committee, I ask that the City work with us and the local business and property owners in this effort to improve one of the City's oldest commercial corridors and one of the Eastside's main thoroughfares.

Sincerely,

Sunil Yadav, Chair  
Lodi Improvement Committee

cc: City Manager  
Public Works Director  
City Engineer

**N. Cherokee Ln & Railroad Ave/Lockeford St.**



**N. Cherokee Ln & Locust St.**



**N. Cherokee Ln & Elm St.**



**N. Cherokee Ln & Pine St.**



**S. Cherokee Ln & Hilborn St.**



**S. Cherokee Ln & Eden St.**



**S. Cherokee Ln & Tokay St.**



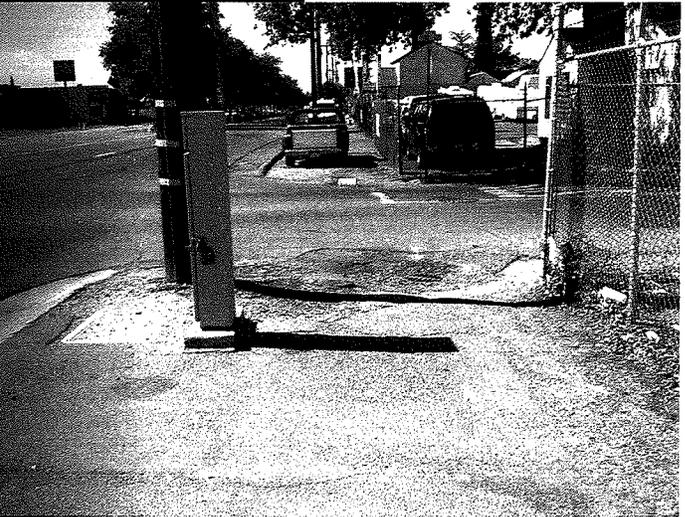
S. Cherokee Ln & Harold St.



800 Block S. Cherokee Ln



S. Cherokee Ln & Vine St.



**S. Cherokee Ln & Delores St.**



**1400 Block S. Cherokee Ln**



April 2, 2014

To: Lodi City Council

From: Committee for a Better Life in Lodi (Comité Para Una Vida Mejor en Lodi)

Re: Letter from the Community to the Lodi City Council

Dear City Council Members,

Thank you very much for the opportunity to present this letter to you. We hope that this brings about an improved connection with our City Government. We authorized Mrs Maria Rosado of California Human Development to bring and read this letter to you in our name. We would also like to express our gratitude to Mr. Joseph Wood from the City of Lodi for his time and effort in meeting with us. At these meetings we expressed the following needs of our community:

- 1) Community Center – Our community wants and needs a place where we can share our talents and learn new skills and abilities. We would like to have sewing, cooking, dancing, and other classes to enrich our community;, share our Mexican heritage with our children, and practice and learn new things about the culture of the place that is now our home – Lodi. The community recommends that we also use this center to provide English classes, parenting classes, and nutrition classes.  
We ask that the City consider building a community center on the East side of Lodi.
- 2) Cleaning of Streets and alleys – Our community wants and needs to live in a neighborhood where the streets and alleys are cleaned regularly. We look towards the West and see beautiful houses and clean streets. We want to cooperate with the City and help maintain our streets and alleys clean on the days that cleaning is not scheduled. We make that commitment and  
We ask that our streets and alleyways are cleaned more often and on a regular basis on the East of Lodi.
- 3) Community Garden – Our community wants and needs a community garden to enhance our neighborhood and provide healthy foods for our families. We believe that a community garden will give us the opportunity to engage our youth in safe and healthy activities. It will be a good way to keep our youth busy and keep them away from crime and gang involvement.  
We ask that the City approve the creation of a community garden located on the East side of Lodi.
- 4) Housing – Our community wants and needs housing that is comfortable, in good condition, and affordable for all. It is very difficult for us to find housing in good condition and affordable. Many of us do not qualify to live in good housing because

we lack money or good credit. We are not able to purchase a home. We know that there are programs that assist low income individuals with purchasing their first home or retrofitting the current home to make it more comfortable and energy efficient.

We ask that the City consider creating programs that help improve housing conditions and help those that wish to purchase their first home.

- 5) Protection and Security – Our community wants and needs to live in a place where crime is reduced and people feel secure and able to count on the protection from their Police Department. We feel unsafe in our parks and are fearful that something will happen to our kids when they walk to school.

We ask that the City consider providing more protection for our neighborhoods on the East side of Lodi.

- 6) Health Services and Other Community Services – Our community wants and needs better access to community services. The hospital and medical clinics are located outside of our neighborhoods. We know that community services are very necessary in our neighborhoods. We recommend that the City plan for a community center and consider using it to bring more community services and health services there also.

We ask that the City consider bringing more health services and community services to a community center located closer to our neighborhoods on the East of Lodi.

We, the community of the East side of Lodi, want to cooperate with the City and be of assistance any time you need us so that we can start on the path and be able to reach our goal of a Better Life in Lodi for All.

Respectfully,

(signatures attached)

El Comité Para Una Vida Mejor en Lodi

Committe For a Better Life in Lodi

4/2/2014

City Council Meeting

FIRMA DEL COMITE

East Side of Iodi Community

- 1) Luz Elena manilla
  - 2) Felix ZA
  - 3) Isabel Ortiz
  - 4) Reynalda Gonzalez
  - 5) Juana M.
  - 6) El Toro Lopez
  - 7) BEATRIZ GUZMAN
  - 8) Darwin H23
  - 9) Ernestina De la Cruz
  - 10) Juan Cruz
  - 11) Jose Luis Bautista
  - 12) Rosalina De la Cruz
  - 13) Martina Barrera
  - 14) Andres de la Cruz
  - 15) Alejandra de la Cruz
  - 16) ALFREDO PEREZ
  - 17) LEONOR AVITIA
  - 18) Sara M Ramirez
  - 19) Maria Rodriguez
  - 20) Ricardo Perez
  - 21) DARWIN ORTEGA
  - 22) REBECA ZAVALA
- 2

4-2-2014  
City Council Meeting  
East Side of Lodi community

- 23) Rosalva De la Cruz
- 24) Jose Luis Bautista
- 25) Andres De la Cruz
- 26) ~~Jesus Cruz~~
- 27) Marco Perez
- 28) Marco Perez
- 29) Luis Meza
- 30) Luis Magaña
- 31) Samuel Cedeño
- 32) Evarado Soria
- 33) Daniel Mejia Farfan
- 34) ~~Rochana Zamora~~
- 35) ~~Jesus Cruz~~
- 36) Gabriela Nolas
- 37) Rene Salazar
- 38) Lenor Arce
- 39) Alfredo Perez

# CITY OF LODI

## LEGAL ADVERTISEMENT

### ADVERTISING INSTRUCTIONS

SUBJECT: NOTICE OF PUBLIC HEARING FOR DISCUSSION OF POSSIBLE  
CDBG APPLICATIONS

PUBLISH (DATES): March 13, 2014

ACCT#: 20104930

TEAR SHEETS WANTED: 1 EXTRA (ONLY) DELIVER TO: Community  
Development Dept.

AFFIDAVIT & BILL TO: Community Development - CDBG  
City of Lodi  
221 W. Pine Street  
Lodi, CA 95241

DATE: March 11, 2014 ORDERED BY: Joseph Wood

TITLE: Neighborhood Services Division Manager



## **DECLARATION OF POSTING**

### **PUBLIC HEARING TO CONSIDER DRAFT 2014-2018 CONSOLIDATED PLAN FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM**

On Thursday, March 20, 2014, in the City of Lodi, San Joaquin County, California, a Notice of Public Hearing to consider draft 2014-2018 Consolidated Plan for the Community Development Block Grant Program (attached and marked as Exhibit A) was posted at the following locations:

Lodi City Clerk's Office  
Lodi City Hall Lobby  
Lodi Carnegie Forum

I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 20, 2014, at Lodi, California.

ORDERED BY:

**RANDI JOHL-OLSON**  
**CITY CLERK**

  
JENNIFER M. ROBISON, CMC  
ASSISTANT CITY CLERK

\_\_\_\_\_  
MARIA DITMORE  
ADMINISTRATIVE CLERK



## **DECLARATION OF MAILING**

### **PUBLIC HEARING TO CONSIDER DRAFT 2014-2018 CONSOLIDATED PLAN FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM**

On Thursday, March 20, 2014, in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, envelopes with first-class postage prepaid thereon, containing a Notice of Public Hearing to consider draft 2014-2018 Consolidated Plan for the Community Development Block Grant Program, attached hereto marked Exhibit A. The mailing list for said matter is attached hereto marked Exhibit B.

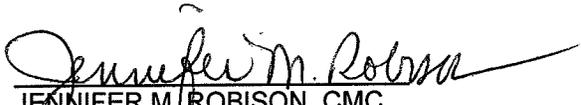
There is a regular daily communication by mail between the City of Lodi, California, and the places to which said envelopes were addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 20, 2014, at Lodi, California.

ORDERED BY:

**RANDI JOHL**  
**CITY CLERK, CITY OF LODI**

  
JENNIFER M. ROBISON, CMC  
ASSISTANT CITY CLERK

\_\_\_\_\_  
MARIA DITMORE  
ADMINISTRATIVE CLERK

LEGAL NOTICE

NOTICE OF PUBLIC HEARING FOR DISCUSSION OF THE COMMUNITY  
DEVELOPMENT BLOCK GRANT PROGRAM

NOTICE IS HEREBY GIVEN that a public hearing will be held on Wednesday, April 2, 2014 at 7:00 p.m. or as soon thereafter as the matter may be heard, in the Lodi City Council Chambers, 305 West Pine Street, Lodi, CA 95241 in order to consider the Community Development Block Grant (CDBG) Program Consolidated Plan development process and to receive input regarding community needs and funding priorities. The City expects to receive \$650,000 in CDBG funds for 2014/15.

The CDBG program provides funding for activities that benefit low-income persons, eliminate slum or blight, or serve an urgent need. Eligible activities include property acquisition, public improvements, housing rehabilitation, economic development, and public services.

The Consolidated Plan (Con Plan) is one of the three documents required to receive federal housing and community development funding through the Community Development Block Grant (CDBG) program. The overall goal of these housing and community development programs is to serve low- and moderate-income persons by developing viable urban communities through the following actions:

- \* Providing decent housing;
- \* Providing a suitable living environment; and
- \* Expanding economic opportunities.

The Consolidated Plan is the five-year plan for identifying and addressing community needs in the areas of Housing, Homelessness, Special Needs and Community Development. This Consolidated Plan will cover activities to be funded from 2014 through 2018. Incorporated into the proposed Consolidated Plan is the 2014/15 Annual Action Plan. The Action Plan generally describes how the City will utilize program funds for eligible activities during the fiscal year. The Action Plan can be amended as needed to reallocate funds to housing and community development activities.

Planning documents will be made available to the public for at least 30 days before adoption by the City Council. The documents are anticipated to be released on April 7, 2014 for public review and comment. An additional public hearing will be held on Wednesday, May 7, 2014 for review and adoption of the Consolidated Plan.

The purpose of this public hearing will be to give citizens an opportunity to make their comments known regarding community needs and potential activities to be funded under the CDBG Program. If you are unable to attend the public hearing, you may direct written comments to the City Clerk, City of Lodi, PO Box 3006, Lodi, CA 95241, or you may telephone (209) 333-6711. In addition, information is available for review at Lodi City Hall (221 West Pine Street) between the hours of 8:00 a.m. and 5:00 p.m. on weekdays.

**Notice of Non-Discrimination on the Basis of Disability and Reasonable Accommodation**

The City promotes fair housing and makes all its programs available to low- and moderate-income families regardless of age, race, color, religion, sex, national origin, sexual preference, marital status or handicap.

The City of Lodi does not discriminate in admission or access to, or treatment or employment in, its federally assisted programs and activities on the basis of disability. Reasonable accommodations will be made available to the disabled, upon request. Translators/Translation services are also available upon request. Any questions, concerns or requests related to these Notices should be directed to the following person:

Joseph Wood, (209) 333-6800 x2467.

Neighborhood Services Manager  
Joseph Wood

Dated: March 11, 2014

**2014/15 CDBG Mailing List**

**EXHIBIT B**

Captains Tory and Martin Ross  
c/o Salvation Army, Lodi Corps  
PO Box 1388  
Lodi, CA 95241  
[martin.ross@usw.salvationarmy.org](mailto:martin.ross@usw.salvationarmy.org)  
209-369-5896 x107

Mike Mallory  
c/o Second Harvest Food Bank  
704 E. Industrial Park Drive  
Manteca, CA 95337-6116  
[ktapia@feedingamerica.org](mailto:ktapia@feedingamerica.org)  
209-239-2091

Rebeca Knodt  
c/o Emergency Food Bank of Stockton/San Joaquin  
7 W. Scotts Avenue  
Stockton, CA 95202  
[rknodt@stocktonfoodbank.org](mailto:rknodt@stocktonfoodbank.org)  
209-464-7369

Peggy Wagner  
c/o San Joaquin County Fair Housing Association  
247 E. Miner Ave  
Stockton, CA 95202  
[PeggyW@sjfairhousing.com](mailto:PeggyW@sjfairhousing.com)  
(209) 451-3471

Tracy Williams  
c/o LOEL Foundation, Inc.  
105 S. Washington Street  
Lodi, CA 95240  
[tracy@loelcenter.net](mailto:tracy@loelcenter.net)  
209-368-2050

Dean Fujimoto  
c/o SJC Human Services Agency  
PO Box 201056  
Stockton, CA 95201

Nate McBride  
c/o Small Business Development Center  
56 S. Lincoln Street  
Stockton, CA 95203

Cheryl Francis  
c/o Grace and Mercy Charitable Foundation  
PO Box 2236  
Lodi, CA 95242  
[cheryl@gracemercylodi.com](mailto:cheryl@gracemercylodi.com)  
925-864-0183