

10A NCAC 97B .0402 CITIZEN PARTICIPATION IN THE APPLICATION PROCESS

Each applicant for programs funded under 10A NCAC 97C .0108(a)(1) shall develop and maintain procedures that:

- (1) Solicit and respond to reviews and proposals of citizens, particularly poor persons, persons of ethnic or racial minority, persons with disabilities as defined by the Americans with Disabilities Act (ADA), and persons residing in the county or counties where activities are proposed. The ADA is hereby incorporated by reference, including subsequent amendments and editions, and may be accessed free of charge at <https://www.ada.gov>. Applicants shall respond in writing to written objections to an application. The applicant shall consider written objections made only on the following grounds:
 - (a) The applicant's description of the needs, goals, and objectives is inconsistent with data related to the needs in the county or counties where activities are proposed.
 - (b) The activities to be, or being, undertaken are inappropriate to meeting the needs, goals, and objectives identified by the applicant.
 - (c) The application does not comply with the requirements of this Chapter, State laws and rules, or federal laws and regulations.

The applicant shall respond to the party submitting the written objection within 10 calendar days of receipt.

- (2) Provide technical assistance to facilitate citizen participation, when requested by a citizen. The level and type shall be determined by the applicant.
- (3) Provide notices of public hearings to all citizens. A notice of the public hearing shall be given once a week for two successive calendar weeks in the non-legal section of a newspaper having general circulation in the county or counties where activities are proposed. All notices shall be prior to the public hearing and shall be published the first time not less than 10 days nor more than 25 days before the date fixed for the hearing.
- (4) Schedule public hearings at the initial stage of a multi-year planning process to obtain citizen views and to respond to citizen proposals at times and locations that permit participation, particularly by poor persons, persons of ethnic or racial minority, persons with disabilities as defined by the ADA, and persons residing in the county or counties where activities are proposed.
- (5) Publish a notice of intent to file an application no less than one time in the non-legal section of a newspaper having general circulation in the county or counties where activities are proposed, no less than 10 calendar days prior to final approval by the recipient's governing board. The notice shall specify the time and place the governing board shall meet to consider adopting a resolution as required by Rule .0203(2)(b) of this Subchapter to approve the application. The notice shall contain a description of the activities to be undertaken and the amount of funds requested in the application.
- (6) Persons wishing to object to the approval of an application by the Division of Social Services shall make such objection in writing. The Division of Social Services shall only consider objections made on the following grounds:
 - (a) The applicant's description of the needs, goals, and objectives is inconsistent with data related to the needs in the county or counties where activities are proposed.
 - (b) The activities to be undertaken are inappropriate to meeting the needs, goals, and objectives identified by the applicant.
 - (c) The application does not comply with the requirements of this Chapter, State laws and rules, or federal laws and regulations.
- (7) Objections made under Items (1) and (6) of this Rule shall include an identification of the requirements not met and, in the case of objections made on the grounds that the description of needs and objectives is inconsistent with data related to the needs in the county or counties where activities are proposed, the data supporting the objection shall be included.

*History Note: Authority G.S. 143B-153(6);
Eff. December 1, 1983;
Amended Eff. October 1, 1984;
Readopted Eff. November 1, 2017.*