

RESIDENTIAL ANTI-DISPLACEMENT AND RELOCATION ASSISTANCE PLAN

Residential Anti-Displacement and Relocation Assistance Plan

Under Section 104 (d) of the Housing and Community Development Act of 1974, as amended, each grantee is required to adopt, make public and certify that it is following a plan providing:

- One for one replacement of units; and
- Relocation assistance.

The plan must also describe the steps that will be taken to minimize displacement of persons from their homes as a result of any assisted activity. A sample plan is attached.

All occupied and vacant occupiable low and moderate income dwelling units that are demolished or converted to a use other than low and moderate income dwelling units must be replaced by governmental agencies or private developers. Replacement units may include public housing, or existing housing receiving Section 8 assistance. The replacement units must be:

1. Provided within three (3) years of the start of demolition or conversion;
2. Located within the grantee's jurisdiction and to the extent feasible and consistent with other statutory priorities, be located within the same neighborhood;
3. Of sufficient number and size to house at least the same number of occupants that could have been housed in the units demolished or converted;
4. Provided in standard condition; and
5. Designed to remain low/mod for at least ten (10) years from the date of initial occupancy.

Before obligating or expending funds that will result in the demolition of conversion of low/mod income units, the grantee must make public and submit the following information to DCED:

1. A description of the proposed activity;
2. The location on a map, and the number of units by size (number of bedrooms), that will be demolished or converted;
3. A time schedule for the start and completion of demolition or conversion;

4. The location on a map, and the number of units by size (number of bedrooms), that will be provided as replacement units;
5. The source of funding and a time schedule for the provision of replacement units;
6. The basis for concluding that each replacement unit will remain low/mod for at least (10) years from the date of initial occupancy; and
7. Information demonstrating that any proposed replacement of dwelling units with smaller dwelling units (e.g. a 2-bedroom unit with two 1-bedroom units) is consistent with the housing needs of low- and moderate-income households.

Each low/moderate-income household that is displaced by demolition or conversion must be provided with relocation assistance. The household may elect to receive Uniform Relocation Act assistance or the following:

1. Advisory services at the level described in 49 CFR Part 24, subpart C. Grantees shall advise tenants of their rights under the Fair Housing Act and of replacement housing opportunities in such a manner that, to the extent feasible, they will have a choice between relocating within their neighborhoods and other neighborhoods consistent with the grantees responsibility to affirmatively further fair housing;
2. Payment for moving expenses at the levels described in 49 CFR Part 24 subpart D;
3. The reasonable and necessary cost of any security deposit required to rent the replacement dwelling unit, and for credit checks required to rent or purchase the replacement dwelling unit;
4. Interim living costs - the grantee shall reimburse a person for actual reasonable out-of-pocket costs incurred in connection with temporary relocation, including moving expenses and increased housing costs, if:
 - (a) The person must relocate temporarily because continued occupancy of the dwelling unit constitutes a substantial danger to the health or safety of the person or the public; or
 - (b) The person is displaced from a low/moderate-income dwelling unit, none of the available replacement dwelling units qualifies as a low/moderate-income dwelling unit, and a suitable low/moderate-income dwelling is scheduled to become available; and

One of the following forms of replacement housing assistance:

- (a) Each person must be offered rental assistance equal to 60 times the amount necessary to reduce the monthly rent and estimated average monthly cost if utilities for a replacement dwelling to the “Total Tenant Payment” as determined by 24 CFR Part 813.107. Under 813.107 the tenant must pay the highest of:
 - (1) 30 percent of the family’s monthly adjusted income (adjustment factors include the number of people in the family, medical expenses and child care expenses);
 - (2) 10 percent of the family’s monthly gross income; or
 - (3) If the family is receiving a payment for welfare assistance from a public agency and a part of the payment, adjusted in accordance with the family’s actual housing costs, is specifically designated by the agency to meet the family’s housing costs, the portion of the payment that is so designated.

All or a portion of this assistance may be offered through a certificate or housing voucher for rental assistance.

- (b) If the person purchases an interest in a housing cooperative or mutual housing association and occupies a decent, safe, and sanitary dwelling in the cooperative or association, the person may elect to receive a lump sum payment. This lump sum payment shall be equal to the capitalized value of 60 monthly installments of the amount that is obtained by subtracting the “Total Tenant Payment,” as determined under 24 CFR Part 813.107, from the monthly rent and estimated average monthly cost of utilities at a comparable replacement dwelling unit. To compute the capitalized value, the installments shall be discounted at the rate of interest paid on passbook savings deposit by a federally-insured bank or savings and loan institution conducting business within the grantee’s jurisdiction. To the extent necessary to minimize hardships to the household, the grantee shall, subject to appropriate safeguards, issue a payment in advance of the purchase of the interest in the housing co-operative or mutual housing association.
- (c) Displaced low/moderate-income tenants shall be advised of their right to elect relocation assistance pursuant to the Uniform Relocation regulations appearing at 49 CFR Part 24 as an alternative to the relocation assistance described above.

Definitions. For the purposes of this section:

- “Comparable replacement dwelling unit” means a dwelling unit that:
 - (a) Meets the criteria of 49 CFR Part 24.2(d) (1) through (6); and
 - (b) Is available at a monthly cost for rent plus estimated average monthly utility costs that does not exceed the “Total Tenant Payment” as determined under 24 CFR Part 813.107 after taking into account any rental assistance the household would receive.
- “Displaced person” means any low/moderate-income family or individual that moves from real property, or moves his or her personal property from real property, permanently and involuntarily, as a direct result of the conversion of a low/moderate-income dwelling unit or demolition in connection with an activity assisted under this part.
- “Low/moderate-income dwelling unit” means a dwelling unit with a market rent (including utility costs) that does not exceed the applicable Fair Market Rent (FMR) for existing housing established under 24 CFR Part 888, except that the definition does not include a unit that is owned and occupied by the same person before and after the assisted rehabilitation.
- “Standard Condition” means a dwelling unit that meets all local housing codes; or if there are no local codes, meets all housing quality standards of the Section 8 Existing Housing Programs.
- “Substandard condition suitable for rehabilitation” means a dwelling unit that will have a fair market value, after rehabilitation, greater than the cost of rehabilitation to make the unit standard.
- “Vacant occupiable dwelling unit” means a vacant dwelling unit that is in a standard condition; or a vacant dwelling unit that is in a substandard condition, but it is suitable for rehabilitation; or a dwelling unit in any condition that has been occupied (except by a squatter) at any time within the period beginning one year before the date of execution of the agreement by the grantee covering the rehabilitation or demolition.

Sample Residential Anti-Displacement and Relocation Assistance Plan under Section 104 (d) of the Housing and Community Development Act of 1974, as Amended.

The (Grantee) will replace all occupied and vacant occupiable low/moderate-income dwelling units demolished or converted to a use other than as low/moderate-income housing as a direct result of activities assisted with funds provided under the Housing and Community Development Act of 1974, as amended, as described in 24 CFR Part 570.488 (c) (1).

All replacement housing will be provided within three years of the commencement of the demolition or rehabilitation relating to conversion. Before obligating or expending funds that will directly result in demolition or conversion, the (Grantee) will make public and submit to DCED the following information in writing:

1. A description of the proposed assisted activity;
2. The general location on a map and approximate number of dwelling units by size (number of bedrooms) that will be demolished or converted to a use other than as low/moderate-income dwelling unit as a direct result of the assisted activity;
3. A time schedule for the commencement and completion of the demolition or conversion;
4. The general location on a map and approximate number of dwelling units by size (number of bedrooms) that will be provided as replacement dwelling units;
5. The source of funding and a time schedule for the provision of replacement dwelling units;
6. The basis for concluding that each replacement dwelling unit will remain a low/moderate-income dwelling unit for at least 10 years from the date of initial occupancy; and
7. Information demonstrating that any proposed replacement of housing units with smaller dwelling units (e.g., a 2-bedroom unit with two 1-bedroom units), or any proposed replacement of efficiency or single-room occupancy (SRO) units with units of a different size, is appropriate and consistent with the housing needs and priorities identified in the localities or the State's approved Comprehensive Housing Affordability Strategy (CHAS).