



# Residential Anti-displacement and Relocation Assistance Plan



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# Residential Anti-displacement and Relocation Assistance Plan

## Purpose

In accordance with the Housing and Community Development Act of 1974, as amended, (HCDA), and US Department of Housing and Urban Development (HUD) regulations at 24 CFR 42.325 and 570.440 (1), use of Community Development Block Grant Disaster Recovery (CDBG-DR) funds must minimize adverse impacts on persons of low and moderate-income persons. The purpose of this Residential Anti-displacement and Relocation Assistance Plan (RARAP) is to provide guidance on complying with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (URA), (Pub. L 91-645, 42 U.S.C. 4601 *et seq*) and section 104(d) of the HCD Act (42 U.S.C. 5304(d))(Section 104(d)). The implementing regulations for the URA are at 49 CFR part 24. The regulations for section 104(d) are at 24 CFR part 42, subpart C.

This plan serves as a supplement to the acquisition and relocation requirements cited herein. This plan is not intended to limit the ability to conduct buyouts for destroyed and extensively damaged units or those in a floodplain or floodway.

## Guidance

The Texas General Land Office's (GLO) RARAP serves as a supplement to the acquisition and relocation requirements stated in the URA. Subrecipients may adopt this plan or develop their own for GLO approval. The approved plan must be made available publicly once approved. The plan shall indicate the steps that will be taken consistent with other goals and objectives of the program, to minimize the displacement of families and individuals from their homes and neighborhoods as a result of any assisted activities.

## Waivers

For the purpose of promoting the availability of decent, safe, and sanitary housing, HUD waived the following URA and section 104(d) requirements with respect to the use of CDBG-DR funds, as applicable:

- Tenant-based Rental Assistance: The requirements of sections 204 and 205 of the URA, and 49 CFR 24.2(a)(6)(vii), 24.2(a)(6)(ix), and 24.402(b) are waived to the extent necessary to meet all or a portion of replacement housing payment obligations to a displaced tenant by offering rental housing through a tenant-based based rental assistance (TBRA) housing program subsidy, (e.g., Section 8 rental voucher or certificate), provided that comparable replacement dwellings are made available to the tenant in accordance with 49 CFR 24.204(a) where the owner is willing to participate in the TBRA program, and the period of authorized assistance is at least 42 months. Households may be denied URA assistance as a result of being unable, because of a major disaster as determined by the President, to meet the occupancy requirements set by the URA.
- One-for-one replacement: Requirements at section 104(d)(2)(A)(i) and (ii) and (d)(3) of the HCD Act and 24 CFR 42.375 regarding one-for-one replacement are waived in connection with funds



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allocated under this notice for lower-income dwelling units that are damaged by the disaster and not suitable for rehabilitation. This waiver exempts disaster-damaged units that meet the definition of "not suitable for rehabilitation", defined by the GLO as those units for which the cost of rehabilitation, including clear consideration for resolving issues affecting health and safety, exceeds the cap allowed for the project type.

- FEMA & CDBG rental assistance disparity: For the purpose of uniform and equitable treatment between FEMA and CDBG funds, the relocation assistance requirements at section 104(d)(2)(A) of the HCDA are waived to the extent that they differ from the requirements of the URA and implementing regulations at 49 CFR part 24, as modified under the allocation notice for these funds.
- Housing incentive payments: 42 USC 5305(a) and associated regulations are waived to the extent necessary to allow the provision of housing incentives as appropriate for the purpose of relocation to a suitable housing development or an area promoted by the community's comprehensive recovery plan.
- Occupancy requirement: Homeowner occupants and tenants displaced from their homes as a result of the identified disasters and who would have otherwise been displaced as a direct result of any acquisition, rehabilitation, or demolition of real property for a federally funded program or project may become eligible for a replacement housing payment notwithstanding their inability to meet occupancy requirements prescribed in the URA. To the extent that it would apply to real property acquisition, rehabilitation or demolition of real property for a project commencing more than a year after the Presidentially declared disaster, Section 414 of the Stafford Act and implementing regulation at 49 CFR 24.403(d)(1) are waived, provided that the project was not planned, approved or otherwise underway prior to the disaster. See exception for persons meeting occupancy requirements and/or displaced due to other HUD-funded projects at 83 FR 5859.
- Optional relocation policies: The requirement that optional relocation policies be established at the grantee level for households which do not meet the URA definition of "displaced person" under 24 CFR 570.606(d) is waived (83 FR 5858). However, at the discretion of the GLO, subrecipients may adopt optional relocation assistance policies for providing minimal levels of assistance. See the GLO's approved Housing Guidelines for more information on optional relocation assistance and cap. This waiver is intended to provide States with maximum flexibility in developing optional relocation policies with CDBG-DR funds.

### Policy

Low-income households permanently displaced as a result of CDBG-DR activities will be provided with relocation assistance under the HCDA and URA. Those households that are displaced but not low-income



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may be provided relocation assistance as needed, within the limitations of the allocation and to the extent that it is allowed as per the URA and implementing regulations at 49 CFR Part 24.

### Relocation Assistance

A displaced person may choose to receive advisory services, reasonable moving expenses and security deposits and credit checks, interim living costs for actual reasonable out-of-pocket costs incurred in connection with the displacement including moving expenses, and replacement housing assistance as described above and in the GLO Housing Guidelines.

### Minimizing Displacement

The following steps will be taken, where applicable, to minimize direct and indirect displacement of persons from their homes. Subrecipient must include the steps noted below in their local Residential Anti-displacement and Relocation Plan (RARAP). Applicability of items on this checklist is dependent upon the project objectives and related feasibility of each action.

1. Coordinate code enforcement with rehabilitation and housing assistance programs.
2. Evaluate housing codes and rehabilitation standards in reinvestment areas to prevent undue financial burden on established owners and tenants.
3. Consider effect of tax policies which impact property tax assessments for lower income owner-occupants or tenants affected by the disaster.
4. Adopt policies which provide reasonable protections for tenants residing in affected properties.
5. Stage rehabilitation of apartment units to allow tenants to remain in the building/complex as long as possible during and after rehabilitation, working with empty units first.
6. Arrange for facilities to house persons who must be relocated temporarily during rehabilitation.
7. Adopt policies to identify and mitigate displacement resulting from intensive public investment in neighborhoods.
8. Establish or utilize approved local counseling centers to provide homeowners and tenants with assistance to understand their options and implement their choices in the face of displacement.
9. If feasible, demolish or convert only dwelling units that are not occupied or vacant occupiable "dwelling units" (as defined in 24 CFR 42.305).
10. Target only those properties deemed essential to the need or success of the project to avoid displacement that is unnecessary.