

RESIDENTIAL ANTI-DISPLACEMENT AND RELOCATION ASSISTANCE PLAN

ATTACHMENT E

All Grantees must commit to minimizing project-related displacement and the hardships it imposes. The statutory and regulatory requirements of this commitment assure that individuals who are displaced or relocated because of project activity are fairly and fully compensated, and LMI dwelling units demolished or converted to non-LMI dwelling uses are replaced. Prior to signing a contract with DHCD, the Grantee must formally adopt, make public, and certify to DHCD that it is following a Residential Anti-Displacement and Relocation Assistance Plan. The Grantee must also certify that it will minimize displacement of persons as a result of assisted activities.

1. Regardless of whether displacement or conversion to non-LMI residential use is planned as part of the project, the plan must include, at a minimum, the following:
 - a. Provision for one-for-one replacement of any LMI dwelling units demolished or converted to any other use as a result of this project;
 - b. Provision for relocation benefits to any households displaced as a result of this project;
 - c. A description of the proposed assisted activity;
 - d. Steps the jurisdiction will take to minimize the displacement of persons from their homes;
 - e. The complaint and appeals process; and
 - f. An adopted housing standard defining an unoccupiable or uninhabitable house as a dwelling unit that does not meet local building codes and cannot be rehabilitated to meet code for \$25,000 or less.
2. Projects including displacement, relocation, conversion or demolition must include all information listed above, as well as the following elements in their Anti-Displacement and Relocation Assistance Plan:
 - a. The location (mapped) and size (by number of bedrooms) of each dwelling unit that will be demolished or converted to a use other than as an LMI dwelling unit as a direct result of the assisted activity;
 - b. A time schedule for the commencement and completion of the demolition or conversion;

- c. The location (mapped) and size of units (by number of bedrooms) that will be provided as replacement dwelling units;
- d. The source of funding and a time schedule for the provision of replacement dwelling units;
- e. The policy that any fixed moving expense and dislocation allowance will be based upon the current Federal Home Administration payment schedule;
- f. The basis for concluding that each replacement dwelling unit will remain an LMI dwelling unit for at least 10 years from the date of initial occupancy; and
- g. Information demonstrating that any proposed replacement of dwelling units with smaller dwelling units is consistent with the housing needs of LMI households in the jurisdiction.

One-For-One Replacement Rule

Projects including housing demolition or conversion must adhere to the "one-for-one replacement" rule: All occupied and vacant occupiable LMI dwelling units demolished or converted to *any use* other than as LMI dwelling units as a result of an assisted project activity must be replaced with LMI dwelling units. This is not required if Grantee can document that there are available units available to LMI in the community.

The key elements of this rule are:

1. Replacement LMI units may be provided by any government agency or private developer.
2. Replacement units must be located within the Grantee's jurisdiction, and to the extent feasible and consistent with other statutory priorities, the units shall be located in the same neighborhoods as the units replaced.
3. Replacement units must be comparable in size and number to those units demolished or converted so that at least the same number of individuals can be housed in the replacement units. Replacement units must not be smaller than those they replace, e.g., demolition of one 2-bedroom unit and construction of two 1-bedroom units.
4. Replacement units must be in standard condition.
5. Replacement units may include vacant units that have been raised to standard condition provided that:
 - a. No person was displaced from the unit as a result of an assisted project activity, and

- b. The unit was vacant for at least three (3) months before execution of the agreement between the Grantee and the property owner.
- 6. Replacement units must initially be made available for occupancy during the period beginning one (1) year prior to the Grantee's completion and submission of a Residential Anti-Displacement and Relocation Assistance Plan to DHCD and DHCD's approval of such a Plan and ending three (3) years after the commencement of the demolition or conversion.
- 7. Replacement units must be designed to remain as LMI dwelling units for at least ten (10) years from the date of initial occupancy. Replacement units may include public housing or existing housing receiving Section 8 assistance under the *Housing Act of 1937*.

Under certain narrowly defined circumstances, a Grantee may request and be granted a waiver, by HUD, of the one-for-one replacement rule. For more information on waiver requirements, contact your DHCD Community Development Specialist.

These elements point to the necessity of having complete information on the current housing stock and market in the locality. This information must be available for use and incorporated in drafting the Plan, prior to contracting with DHCD.

RESIDENTIAL ANTI-DISPLACEMENT AND RELOCATION ASSISTANCE PLAN CERTIFICATION

The *(Insert Grantee's Name)* will replace all occupied and vacant occupiable low/moderate-income dwelling units demolished or converted to a use other than as low/moderate income dwelling unit as a direct result of activities assisted with funds provided under the *Housing and Community Development Act of 1974*, as amended. All replacement housing will be provided within three (3) years of the commencement of the demolition or rehabilitation relating to conversion.

Before obligating or expending funds that will directly result in such demolition or conversion, the *(Insert Grantee's Name)* will make public and advise the state that it is undertaking such an activity and will submit to the state, in writing, information that identifies:

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 units 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 dwelling units with smaller dwelling units is consistent with the housing needs of low- and moderate- income households in the jurisdiction.

The *(Insert Grantee's Name)* will provide relocation assistance to each low/moderate – income household displaced by the demolition of housing or by the direct result of assisted

activities. Such assistance shall be that provided under Section 104 (d) of the *Housing and Community Development Act of 1974*, as amended, or the *Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970*, as amended.

The (Insert Grantee's Name) FY _____ project includes the following activities:

(Description of Activities as outlined in grant application)

The activities as planned will not cause any displacement from or conversion of occupiable structures. As planned, the project calls for the use of existing right-of-way or easements to be purchased or the acquisition of tracts of land that do not contain housing. The (Insert Grantee's Name) will work with the grant management staff, engineers, project area residents, and the Department of Housing and Community Development to insure that any changes in project activities do not cause any displacement from or conversion of occupiable structures.

In all cases, an occupiable structure will be defined as a dwelling that meets local building codes or a dwelling that can be rehabilitated to meet code for \$25,000 or less.

Signature of Authorized Official

Date

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