

# 2020 – 2024 Residential Anti-Displacement and Relocation Assistance Plan



## Adams County Community & Economic Development

Community Development Division

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# **Adams County 2020-2024 Residential Anti-Displacement and Relocation Assistance Plan**

The Adams County Residential Anti-Displacement and Relocation Assistance Plan (RARAP) is prepared by Community & Economic Development Department, Community Development Division (Community Development) in accordance with the Housing and Community Development Act of 1974, as amended; and the US Department of Housing and Urban Development (HUD) regulations at 24 CFR 42.325 and is applicable to Adams County's Community Development Block Grant (CDBG), Neighborhood Stabilization Programs (NSP) and HOME Investment Partnerships Program (HOME) assisted projects.

## **Purpose**

To provide a policy for minimizing the displacement of families, individuals, households, businesses, non-profit organizations or farm operations by projects assisted with CDBG, HOME, NSP and/or other HUD programs outlined below. For purposes of this plan, the term "persons" means any family, individual, household, business, non-profit organization, or farm operation.

The RARAP outlines measures to be taken by Adams County to minimize displacement and defines the benefits and advisory services that are available when Adams County uses HUD funds in a project or activity that results in displacement due to demolition or conversion of lower-income dwelling units to a non-residential use. **Displacement of any nature shall be reserved as a last resort action necessitated only when no other alternative is available.**

## **Background**

Recipients of HUD funds are required to certify they have in effect and are following a RARAP as required by 24 CFR Part 42, Displacement, Relocation Assistance, and Real Property Acquisition for HUD and HUD-Assisted Programs, as amended. The purpose of the plan is to ensure recipients that carry out HUD-assisted projects do the following:

- Identify the reasonable steps it will take to minimize the displacement of persons from their homes because of a HUD-assisted project.
- Provide relocation assistance to low/moderate-income (LMI) households, including families and individuals, displaced as a direct result of the conversion of an LMI dwelling or the demolition of any housing for a project.
- Replace all occupied and vacant occupiable LMI dwellings that are converted to a use other than LMI dwellings or LMI dwellings that are demolished for a project.

## **Policy**

### **I. Applicability**

- A. This plan applies to Adams County, hereafter referred to as “County”, and/or any developer, contractor, or agency on projects sponsored by the County that are funded in whole or in part by HUD funds subject to the regulations at 24 CFR Part 570 and/or 24 CFR Part 92. Henceforth, the phrase “County” also includes any developer, contractor, or agency participating in HUD-funded projects or activities funded by the County.
- B. This plan applies to any project approved by the County, which is funded in whole or in part by HUD funds subject to the regulations and requires displacement.

### **II. Definitions**

Definitions of terms used in this Plan or associated with this topic are found in applicable CDBG and HOME program regulations at 24 CFR 570 and 24 CFR 92. 49 CFR Part 24, Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally- Assisted Programs of 1970, as amended; 24 CFR Part 42, Requirements Under Section 104(d) of Housing and Community Development Act of 1974; and HUD Handbook 1378, Tenant Assistance, Relocation and Real Property Acquisition. If definitions are found to be contradictory, the most stringent definition will apply.

### **III. General Policy**

- A. The County’s basic policy is that programs and projects assisted with HUD program funds will be undertaken in such a manner as to minimize the displacement of persons. In projects or activities that may be assisted by HUD program funds subject to 24 CFR Part 570, CDBG, and/or 24 CFR Part 92, HOME Program, in which displacement is required, Adams County and/or any County-approved developer, contractor, or agency will comply with 24 CFR Part 42, Displacement, Relocation Assistance, and Real Property Acquisition for HUD and HUD-Assisted Programs, as amended, as well as 49 CFR Part 24, Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally-Assisted Programs, as amended.
- B. Relocation assistance will not be provided in the County’s CDBG/NSP and homeowner occupied housing rehabilitation activities including the Minor Home Repair (MHR) program conducted by ACCD. Procedures will be established to ensure that persons participating in CDBG and MHR activities are informed they will not be provided relocation assistance. Any person participating in the County’s voluntary MHR program is not eligible for relocation or displacement benefits.

#### **IV. Efforts to Minimize Displacement**

Adams County's policy is to minimize displacement resulting from HUD-assisted activities as outlined below.

- A. Prior to approving a proposal, the County will consider all practical alternatives to any proposed project that may result in residential displacement. Alternatives considered may include other sites for the proposed project as well as the costs and benefits, both financial and non-financial, of each alternative. In the case of competing proposals, priority will be given to those proposed projects, that minimize or eliminate the displacement of tenants when possible.
- B. When displacement of persons, as previously defined, is necessary the County will provide advisory and referral services to assist displaced persons with finding alternative housing in the community.
- C. The County will work with real estate management companies, real estate brokers, landlords, and/or relocation advisors/counselors to locate decent, safe, and sanitary dwellings for households facing displacement.
- D. Policies that provide reasonable protections for tenants faced with conversion to a condominium or cooperative will be adopted.
- E. Where feasible, priority will be given to rehabilitation of housing, as opposed to demolition, to avoid displacement. In the case of rehabilitation of a HUD-assisted multi-family unit or housing complex funded by the County, the County will encourage and work with an owner/developer to stage rehabilitation of the units to allow tenants to remain in the building or complex during and after the rehabilitation to the extent possible, so long as work does not present unreasonable conditions for occupants. This will be accomplished by:
  - Rehabilitating vacant units or buildings first
  - Permitting tenants to move into the newly rehabilitated units
  - Rehabilitating the remaining vacated units or buildings.
- F. No family will be required to move from a unit unless the County determines the work cannot be done with the family in residence. After rehabilitation and to the extent possible, tenants who are temporarily displaced will be given an opportunity to return to comparable units in the apartment or complex as rehabilitation is completed.
- G. The County will arrange for facilities to house persons who must be relocated temporarily during rehabilitation.

- H. If feasible, only dwelling units that are not occupied or vacant occupiable dwelling units (especially those units which are “lower-income dwelling units” (as defined in 24 CFR 42.305) or structures that have not been used for residential purposes will be demolished or converted.

## **V. Notices and Qualifying Conditions**

- A. Before obligating or expending HUD funds on projects or activities that will directly result in demolition or conversion of LMI dwelling units, the County will make public and submit to the HUD Field Office the information prescribed in 24CFR42.375(c). Analysis or the potential one-for-one replacement obligations will be conducted during a review of any proposed project to ensure adequate funding and other resources will be available.
- B. When permanent displacement, due to acquisition, demolition, or rehabilitation may occur for a proposed project, occupants will be given a written General Information Notice by Certified Mail, return receipt requested, that a project has been proposed that may require them to move from the unit. The letter shall indicate the name, address, and telephone number for advisory services who may be contacted to aid with the relocation and to answer questions they may have. The notice will include a brief explanation of relocation benefits that are available. Tenants will be provided a copy of HUD’s pamphlet, “Relocation Assistance to Tenants Displaced from Their Homes” (HUD-1042-CPD). Homeowners will be provided HUD’s pamphlet, “Relocation Assistance to Displaced Homeowner Occupants” (HUD-1044-CPD). Low-income persons displaced as a result of the demolition and/or conversion of their dwelling unit in a project funded in whole or in part by CDBG, NSP, or HOME funds will also receive the publication, “Relocation Assistance to Tenants Displaced From Their Homes (Section 104(d))” (HUD-1365-CPD).
- C. An occupant must reside in the dwelling unit on the date of a notice of intent to acquire, the initiation of negotiations, or actual acquisition of the property, whichever occurs first, to be eligible for relocation assistance. Tenants who move prior to meeting all eligibility requirements for payment but after receiving timely and adequate written notices and tenants who are evicted with good cause are not considered displaced and are ineligible for relocation benefits.
- D. No occupant of a dwelling shall be required to move unless first given a reasonable opportunity to relocate to a safe and habitable replacement dwelling, as determined by the County or its authorized representative, except in the event of threats to health and safety.

## **VI. Relocation Assistance**

The County shall aid displaced persons on a non-discriminatory basis. Involuntary displacement shall not result because of race, color, religion, national origin, age, sex, gender, or handicap status. Displaced persons may choose to receive assistance either through the Uniform Relocation Act (URA) and implementing regulations at 49 Part 24 or assistance under section

104(d) of the Housing and Community Development Act of 1974, provided they meet applicable eligibility requirements. For purposes of this plan, relocation assistance under section 104(d) is prescribed in 24 CFR 42.350.

#### A. Advisory Services

1. To minimize hardships to displaced residential occupants, the County will make advisory services available that will provide assistance at the level of services described in 49 CFR Part 24, process relocation claim benefits, and assist in meeting the relocation needs of the displaced person. The relocation counselor/advisor will assist the occupant in securing comparable decent, safe and sanitary housing by providing comparable replacement dwelling locations and the maximum acceptable rent or purchase price that establishes the upper rent limit of affordability to obtain a replacement dwelling. A minimum of three (3) resources will be provided including rental management agencies, real estate brokers, and names of landlords, telephone numbers, and property addresses.
2. For residential occupants relocating within Adams County, the County or its representative will inspect each prospective and actual replacement dwelling unit in accordance with 3-7(a), HUD Handbook 1378, and determine that the dwelling is decent, safe and sanitary housing as defined at 49 CFR 24(a)(6) and (8). If the displaced person relocates to another community, the County or its representative may arrange for officials of that community to perform the inspection. A copy of the inspection form shall be included with the pertinent claim form. No replacement housing payment or referral to comparable housing may be made until such a determination is made.
3. Occupants shall be advised of their rights under the Fair Housing Law and will be given HUD's pamphlet "Fair Housing: Equal Opportunity for All" (HUD-1686-1-FHEO).

#### B. Moving Expenses

1. The County may use CDBG, NSP, HOME, and/or other sources of funds to pay for actual, reasonable, and necessary out-of-pocket moving expenses for displaced persons who move within 50 miles of Adams County, including transportation, packing, moving and unpacking of household goods, disconnecting and reconnecting utilities, storage of household goods, insurance for the replacement value of goods that must be placed in storage, and replacement value of property lost, stolen or damaged during the move. While a displaced person is not required to relocate within Adams County, expenses for mileage beyond 50 miles from the displacement location are to be covered by the displaced person. A displaced person will be assisted to complete a relocation claim form in order to be eligible to receive benefits.
2. For temporary moves, where the tenant intends to return to the rehabilitated unit, the tenant shall be reimbursed for all reasonable out-of-pocket expenses incurred with the

temporary relocation including the cost of moving to and from the temporarily occupied housing, increased monthly housing expenses, and any other increased expenses deemed necessary and reasonable by the County.

3. A displaced residential person has a choice of three methods of calculating payment: payment for actual moving and related expenses or a fixed moving expense and dislocation allowance or a combination of both methods as follows:

- a. Actual Reasonable Moving and Related Expenses

A displaced person is entitled to payment for actual moving expenses that the County determines to be reasonable, customary and necessary. The payment for moving services shall be made directly to the mover. The County will secure at least two (2) bids from commercial movers. The bid will be awarded to the low bidder unless there are unusual circumstances that should be considered. Reimbursement for non-refundable incidental moving expenses, such as utility service connections fees and costs of short-term housing or meals during the time of the move, must be supported by actual receipts and may require pre-approval by the County.

- b. Fixed Moving Expense and Dislocation Allowance

A fixed move is for residential occupants who prefer to take full responsibility for the move. The County will make a one-time lump payment to cover all moving expenses based on the number of rooms in a unit or the number of rooms of furniture to be moved. The allowance shall be determined according to the applicable Fixed Residential Moving Cost Schedule published by the Federal Highway Administration in the Federal Register. There is no requirement to document how the funds are used. Incidental costs related to the move are not reimbursable under this option.

- C. Security Deposit

A displaced lower-income person may be eligible to receive payment to cover a security deposit that is required by the landlord. The maximum-security deposit shall be equal to one month's rent or an amount determined as reasonable by the County. The amount shall be offset by any refund of security deposit received by the lower-income person in connection with their move from the displacement site. In order to receive payment for security deposits, and occupant must be eligible to receive and elect to receive all moving and relocation assistance under section 104(d) regulations.

## **VII. Community Development Projects Subject to the Uniform Relocation Act (URA)**

- A. When the County uses HUD funds in projects requiring displacement, the Uniform Relocation Assistance and Real Property Acquisition Act (URA) policies shall be

followed. Benefits and assistance to be provided shall be according to the most currently promulgated federal regulations at 49 CFR Part 24.

- B. The County will provide protection for occupants who will not be permanently displaced. This involves keeping occupants informed and assuring they do not move unnecessarily by providing timely and accurate written notices. All rental rehabilitation projects involving HUD funds will be evaluated to determine if there is economic displacement as part of the project viability analysis. To avoid economic displacement, low-and moderate-income tenants who remain in a project will receive the offer of a suitable unit at an affordable price.
- C. Displaced tenants in occupancy for 90 days or less may be eligible for replacement housing payments for a period of 42 months. The payment amount will be determined in accordance with 49 CFR 24.402(b)(1) and (2). A tenant may opt to receive cash replacement housing payments or Section 8 assistance, if available.
- D. If a tenant chooses to buy rather than rent a replacement home, the tenant may be eligible for homebuyer assistance based on the present value of the monthly payments for the appropriate number of months. The amount of the payment must be applied to purchase a dwelling and related incidental expense.
- E. Whenever a program or project cannot proceed on a timely basis because comparable replacement dwellings are not available within the monetary limits for owners or tenants, as specified in 49 CFR 24.401 and 402, as appropriate, the County shall provide additional or alternative assistance under the provisions of 49 CFR 24.404. Any decision to provide last resort housing, however, must be adequately justified under the criteria in 24 CFR 24.404(a)(1) or (2).

### **VIII. Community Development Projects Subject to Section 104(D) of the Housing and Community Development Act**

Part 570, Subpart K of Title I of the Housing and Community Development Act of 1974, requires that reasonable relocation assistance be provided to LMI persons displaced as a result of the use of HUD funding to demolish or convert LMI dwelling units, which are occupied or vacant occupiable. Benefits and assistance to be provided shall be according to the most currently promulgated federal regulations at 24 CFR Part 42.

Before entering into a contract committing Adams County funds for a project that will directly result in demolition or conversion of lower-income dwelling units, Adams County will make public by publishing in the local newspaper and submitting to the HUD Field Office the following information in writing:

1. A description of the proposed assisted project;

2. The address, number of bedrooms, and location on a map of lower-income dwelling units that will be demolished or converted to a use other than as lower-income dwelling units as a result of an assisted project;
3. A time schedule for the commencement and completion of the demolition or conversion;
4. To the extent known, the address, number of lower-income dwelling units by size (number of bedrooms) and location on a map of the replacement low-income housing that has or will be provided;
5. The source of funding and a time schedule for the provision of the replacement dwelling units;
6. The basis for concluding that each replacement dwelling unit is designated to remain a lower-income dwelling unit for at least 10 years from the date of initial occupancy; and
7. Information demonstrating that any proposed replacement of lower-income dwelling 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 HUD-approved Consolidated Plan and 24 CFR 42.375(b).

To the extent that the specific location of the replacement dwelling units and other data in items 4 through 7 are not available at the time of the general submission, Adams County will identify the general location of such dwelling units on a map and complete the disclosure and submission requirements as soon as the specific data is available.

#### A. Buildings to be Demolished or Converted Subject to One-for-One Replacement

1. Whenever LMI residential buildings are to be demolished or converted to another use using HUD funds, all occupied and vacant occupiable LMI dwelling units will be replaced with comparable LMI dwelling units, one-for-one. When feasible, replacement units will be in the same neighborhood as the units replaced. Replacement units will remain LMI dwelling units for a period of 10 years after occupancy. HOME-assisted units must comply with the provisions of 24 CFR Part 92. The one-for-one replacement does not apply to units that are determined uninhabitable prior to demolition or conversion.
2. A person is eligible for assistance when living in a unit to be converted or demolished as part of a HUD-assisted activity or project.

3. The County may elect to request HUD's determination that the one-for-one replacement requirement does not apply in accordance with 24 CFR 42.375(c).

**D. Replacement not Required Based on Unit Availability**

Under 24 CFR 42.375(d), Adams County may submit a request to HUD (or to the State, if funded by the State) for a determination that the one-for-one replacement requirement does not apply based on objective data that there is an adequate supply of vacant lower-income dwelling units in standard condition available on a non-discriminatory basis within the area.

- E. Replacement Housing Payment:** An LMI displaced person is eligible for relocation benefits if they are to be displaced as a result of a HUD-assisted demolition or conversion activity. Replacement housing assistance shall be equal to 60 times the amount necessary to reduce the monthly rent and estimated average monthly cost of utilities for a comparable replacement dwelling to the Total Tenant Payment. The Total Tenant Payment is the highest of:

1. Thirty (30) percent of the family's monthly adjusted income;
2. Ten (10) percent of the family's monthly gross income; or
3. The designated allowance for rent/utility costs, if the person is receiving welfare assistance from a public agency and a part of such assistance, adjusted in accordance with the person's actual housing costs, is specifically designated by the public agency to meet the person's rent and utility costs.

- D.** The County shall make a payment for reasonable and necessary security deposits required to rent the replacement dwelling unit.

- E.** If a tenant chooses to buy rather than rent a replacement dwelling, the tenant may be eligible for assistance based on the capitalized value of the monthly payments for the appropriate number of months. The amount of the payment must be applied to purchase an interest in a housing cooperative or mutual housing association only.

**IX. Appeal by Displaced Persons**

- A.** A person may file an appeal when he/she believes the County failed to:

1. Properly determine the person qualifies, or will qualify (upon moving), as a displaced person who is eligible for relocation assistance;
2. Properly determine the amount of any relocation payment required by HUD Handbook 1378 or a payment required under 49 CFR Part 24 or 24 CFR Part 42. A person's acceptance of a payment that is less than the full amount claimed does not limit the persons' right to appeal;

3. Provide appropriate referrals to comparable replacement dwellings or inspect the replacement dwelling in a timely manner; or
  4. Waive the time limit for (1) filing a claim or an appeal or (2) purchasing, renting, or occupying a replacement dwelling.
- B. For information on submitting an appeal, please refer to the Adams County Citizen Participation Plan. The plan can be found on the County's website, [www.adcogov.org](http://www.adcogov.org).
- C. The County shall make a written determination on the appeal, including an explanation of the basis on which the decision was made, and furnish the person a copy. If the full relief requested is not granted, the County shall advise the person of his or her right to seek judicial review and, where applicable (see below), the right to request the HUD Field Office to review the County's determination on the appeal.
- D. Under certain HUD program regulations, a person (often limited to a low-income person as defined in HUD Handbook 1378, paragraph 1-4V) who is dissatisfied with the grantee's determination on an appeal, may submit a written request for review of that decision to the HUD Field Office that administers URA requirements for HUD-assisted programs in the jurisdiction. See Chapter 1-10 of HUD Handbook 1378 for additional details.
- E. Nothing in this policy shall in any way preclude or limit a person from seeking judicial review of the appeal on its merits after the person exhausts the administrative remedies described herein.

### **Contacts**

When URA is triggered, the appropriate Community Development staff is responsible for tracking the replacement of lower income dwelling units and ensuring that they are provided within the required period.

Community Development is responsible for providing relocation payments and other relocation assistance to any lower-income person displaced by the demolition of any dwelling unit or the conversion of lower-income dwelling units to another use as part of a project funded by HUD.

### **References**

- a. Housing and Community Development Act of 1974, as amended.
- b. Cranston-Gonzalez National Affordable Housing Act, as amended by the Housing and Community Development Act of 1992.
- c. 49 CFR Part 24, Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally Assisted Programs, as amended.
- d. 24 CFR Part 42, Displacement, Relocation Assistance, and Real Property Acquisition for HUD and HUD-Assisted Programs, as amended.

- e. 24 CFR Part 570.606, Community Development Block Grants (CDBG), as amended.
- f. 24 CFR Part 92.353, HOME Investment Partnerships (HOME) Program, as amended.
- g. HUD Handbook 1378, Tenant Assistance Relocation and Real Property Acquisition Handbook, as amended.