

# RESIDENTIAL ANTI-DISPLACEMENT & RELOCATION ASSISTANCE PLAN (RARAP)



## Residential Anti-Displacement and Relocation Assistance Plan

This Residential Anti-Displacement and Relocation Assistance Plan (RARAP) is prepared by Housing and Community Development Department (HCDD) in accordance with the Housing and Community Development Act of 1974, as amended (HCD Act); and HUD Regulations at 24 CFR 42.325 and is applicable to projects funded by Community Block Development Grant (CDBG), HOME Investment Partnership Program (HOME), Neighborhood Stabilization Program (NSP), Community Block Development Grant Disaster Recovery Funds (CDBG-DR), and Mitigations Funds (MIT).

### Purpose

The intent of the Residential Anti-Displacement and Relocation Assistance Plan is to provide guidance on complying with the Uniform Relocation Assistance and Real Property Acquisitions 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)). and provide insight on how HCDD administers relocation activities in a matter consistent with the goals and objectives under URA and the HCD Act. 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. The plan is not intended to limit the ability to conduct buyouts for destroyed and extensively damaged units or those in a floodplain or floodway.

### Plan

- a) *Minimize Displacement* – HCDD will take the following steps to minimize the direct and indirect displacement of person from their homes by:
1. Coordinating code enforcement with rehabilitation and housing assistance.
  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 a disaster.
  4. Adopt policies which provide reasonable protections for tenants residing in affected properties.
  5. Recommending that developers stagger rehabilitation of apartment units to allow tenants to remain in the complex during and after rehabilitation, working on vacant units first.
  6. Arranging for facilitates to house persons who must be relocated temporarily during rehabilitation.
  7. Identifying and mitigating 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.
  11. Not funding projects that will cause permanent displacement unless an appropriate Relocation Plan pursuant to Section 104(d) and adequate funds are available to permanently relocate displaced persons.
- b) *Relocation Assistance to Displaced Persons or Entities* – HCDD will provide or oversee, whichever is applicable, relocation assistance for lower-income tenants who, in connection with a federally-assisted activity, move permanently or move personal property from real property as a direct result of the demolition of any dwelling unit or the conversion of a lower-income dwelling unit in accordance with the requirements of 24 CFR 24.350. A displaced person who is not a lower-income tenant will be provided relocation assistance in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and implementing regulation at 49 CFR Part 24.
- c) *Relocation Assistance to Nondisplaced (Temporary) Persons or Entities* – HCDD will provide relocation assistance for tenants who must relocate for a period of less than 12 months due to a federally-assisted project and will return to their original dwelling upon completion. All efforts are made to return tenants to their original unit within twelve (12) months. On the occasion that a tenant exceeds the twelve (12) month window, the tenant is given the option of declaring permanent displacement and receiving the applicable benefits attached to that designation.
- d) *One-for-One Replacement of Lower Income Dwelling Units* – HCDD will replace all occupied and vacant occupiable, which may include damaged units if they are suitable for rehabilitation, lower-income dwelling units demolished or converted to a use other than lower-income housing in connection with a project assisted with funds provided under the CDBG and/or HOME Programs in accordance with 24 CFR 42.375. Before entering a contract committing the City to provide funds for a project that will directly result in demolition or conversion of lower-income dwelling units, the City will notify the public by placing a notice in a newspaper of general circulation. HCDD will submit the following to HUD:
1. A description of the proposed assisted project; 1) address; 2) number of bedrooms; 3) 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 because of an assisted project
  2. A time schedule for the commencement and completion of the demolition or conversion;
  3. To the extent known, the address, number of lower-income dwelling units by sized (number of bedrooms) and location on a map of the replacement lower-income housing that has been or will be provided. *NOTE: See also 24 CFR 42.375(d).*
  4. The source of funding and a time schedule for the provision of the replacement dwelling units;
  5. The basis for concluding that each replacement dwelling unit will remain a lower-income dwelling unit for at least ten (10) years from the date of initial occupancy;

6. 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 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 are not available at the time of the general submission, the City 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.

- e) *Replacement Not Required Based on Unit Availability.* Under 24 CFR 42.375(d), the City may submit a request to HUD for 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.
- f) *Fair Housing Law* – HCDD will adhere to laws identified below to safeguard persons’ rights:
  1. *Statement of Non-Discrimination. Title VIII of the Civil Rights Act of 1968 (Fair Housing Act)* prohibits discrimination in all relocation services offered by the City of Houston based on race, color, national origin, religion, sex, familial status, including children under the age of 18, and handicap (disability).
  2. *Assistance Animals Notice* - HUD, in press release number 20-013, has issued guidance on how housing providers can comply with the Fair Housing Act when assessing a person’s request to have an animal in housing to provide assistance because of a disability. A common reasonable accommodation is an exception to a no pet policy. The notice provides a step-by-step set of best practices for complying with the Act.
- g) *Disaster Recovery* – For the purpose of promoting the availability of decent, safe, and sanitary housing, HUD waived the following URA and Section 104(d) requirements related to CDBG-DR 2015, 2016, and 2017 funds, along with MIT funds.
  1. Waivers.
    - a. Tenant-based Rental Assistance – The requirements of section 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 the replacement housing payment obligations to a displaced tenant by offering rental housing through a tenant-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. Household 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.
    - b. 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 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 are “not suitable for rehabilitation”, defined by the HCDD 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 property type.

- c. 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 HCD Act are waived to the extent that they differ from the requirements of the URA and implementing regulation at 49 CFR part 24, as modified under the allocation notice for these funds. Housing incentives 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.
- d. Occupancy requirements – 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 implement 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.
- e. Optional Relocation Policies – The requirement that optional relocation policies be established at the grantee level for household which do not meet the URA definition of “displaced person” under 24 CFR 570.606d) is waived.

HCDD will adhere to waivers; but Optional Relocation Policies will be implemented for disaster recovery funded programs where URA is not applicable. This plan is not intended to limit the ability to conduct disaster recovery or long-term mitigation activity from future disasters.

- h) *Contacts* – HCDD is responsible for tracking the replacement of lower income dwelling units and ensuring that they are provided within the period a project is federally funded or federally assisted under CDBG and/or HOME programs. HCDD monitors subrecipient to ensure that relocation assistance is provided to lower-income person displaced as a result of a demolition or conversion of a low-income dwelling. The contact information for this RARAP is:

City of Houston’s Housing and Community Development Department  
2100 Travis Street, 9<sup>th</sup> floor Houston, TX 77002  
Attn: Planning and Grants Management  
(832) 393-0550.