

APPENDIX ____: Residential Anti-Displacement and Relocation Assistance Plan

Summary of Regulatory Requirements

The requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA) are implemented through government-wide regulations at 49 CFR Part 24 and through HUD regulations at 24 CFR part 42. In general, grantees must take all reasonable steps to minimize the displacement of persons and businesses resulting from activities assisted with HUD funds, and must provide relocation assistance to displaced persons/businesses in accordance with the regulations.

24 CFR Part 42.325 requires that HUD grantees develop a Residential Anti-displacement and Relocation Assistance Plan that includes:

- steps that will be taken consistent with other goals and objectives of the program, as provided in 24 CFR Parts 92 and 570, to minimize the displacement of families and individuals from their homes and neighborhoods as a result of any assisted activities;
- plans to provide relocation assistance in accordance with § 42.350; and
- plans to provide one-for-one replacement units to the extent required by § 42.375.

A displaced person is defined as any person, family, individual, business, nonprofit organization, or farm that moves from real property, or moves his or her personal property from real property, permanently and involuntarily, as a direct result of an activity assisted with Federal funds. A permanent, involuntary move for an assisted activity includes a permanent move from real property that is made:

- After notice by the grantee to move permanently from the property, if the move occurs after the initial official submission for a grant, loan, or loan guarantee funds that are later provided or granted.
- After notice by the property owner to move permanently from the property, if the move occurs after the date of the submission of a request for financial assistance by the property owner (or person in control of the site) that is later approved for the requested activity.
- Before the date described in paragraphs above, if either HUD or the grantee determines that the displacement directly resulted from acquisition, rehabilitation, or demolition for the requested activity.
- After the initiation of negotiations if the person is the tenant-occupant of a dwelling unit and any one of the following three situations occurs:
 1. The tenant has not been provided with a reasonable opportunity to lease and occupy a suitable decent, safe, and sanitary dwelling in the same building/complex upon the completion of the project, including a monthly rent that does not exceed the greater of the tenant's monthly rent and estimated average utility costs before the initiation of negotiations or 30 percent of the household's average monthly gross income; or
 2. The tenant is required to relocate temporarily for the activity but the tenant is not offered payment for all reasonable out-of-pocket expenses incurred in connection with the temporary relocation, including the cost of moving to and from the temporary location and any increased

housing costs, or other conditions of the temporary relocation are not reasonable; and the tenant does not return to the building/complex;

3. The tenant is required to move to another unit in the building/complex, but is not offered reimbursement for all reasonable out-of-pocket expenses incurred in connection with the move.

The following is not a displaced person:

- A person who has been evicted for cause based upon a serious or repeated violation of the terms and conditions of the lease or occupancy agreement, violation of applicable federal, State or local law, or other good cause, and the participating jurisdiction determines that the eviction was not undertaken for the purpose of evading the obligation to provide relocation assistance. The effective date of any termination or refusal to renew must be preceded by at least 30 days advance written notice to the tenant specifying the grounds for the action;
- A person who moves into the property after the submission of the application but, before signing a lease and commencing occupancy, was provided written notice of the project, its possible impact on the person (e.g., the person may be displaced, temporarily relocated, incur a rent increase), and the fact that the person would not qualify as a “displaced person” as a result of the project;
- A person who is ineligible under 49 CFR 24.2(g)(2); and
- A person who the HUD determines was not displaced as a direct result of acquisition, rehabilitation, or demolition for the project.

For purposes of determining the type of replacement housing assistance to be provided if the displacement is the direct result of privately undertaken rehabilitation, demolition, or acquisition of real property, the term initiation of negotiations means the execution of the grant or loan agreement between the grantee and the person owning or controlling the real property.

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Palm Beach County Residential Anti-Displacement and Relocation Assistance Plan

Palm Beach County administers CDBG, HOME, Section 108, and various other federal programs where funded activities may cause displacement of persons. In undertaking such activities, the County will comply with the requirements at 24 CFR Part 42, subpart C, which specifies further requirements established under Section 104(d) of the Housing and Community Development Act of 1974 (HCD Act), concerning residential anti-displacement and relocation. To this effect, Palm Beach County has prepared this Residential Anti-displacement and Relocation Assistance Plan to:

- a. Describe the steps that Palm Beach County will take to minimize the displacement of persons due to federally-assisted activities.
- b. Provide for relocation assistance in accordance with 24 CFR 42.350, which allows a displaced person to choose to receive either assistance under the URA implementing regulations at 49 CFR Part 24 or assistance under Section 104(d) of the HCD Act.
- c. Provide for one-for-one replacement of lower income dwelling units to the extent required by 24 CFR 42.375.

Steps to Minimize Displacement of Families and Individuals from their Homes

Palm Beach County will take the following steps to minimize the displacement of persons by federally-assisted housing activities covered by the Consolidated Plan:

- If a proposed project would cause displacement, the County will explore project alternatives that might avoid the displacement of persons.
- Applicants for HUD funding will be advised of the URA requirements at the time of application.
- For activities involving acquisition or rehabilitation of housing for homeownership, the housing unit targeted for purchase must be vacant, occupied by the applicant as a tenant, or occupied by the owner as the seller of the property.
- For activities involving acquisition or rehabilitation of rental housing that is occupied by bona fide tenants, the project developer must provide a Relocation Plan meeting all the requirements of 24 CFR 570.606, as amended, and must provide evidence of sufficient funding to cover all expenses related to relocation.
- For activities involving acquisition of property for a public purpose inclusive of right of way, easements, etc. and where such activity will result in the displacement of persons, the County will explore project alternatives that may prevent the displacement of persons.

Relocation Assistance for Displaced Persons Per 24 CFR 42.350

Should displacement be unavoidable, the displaced person(s) will be notified of their options to receive either assistance under the URA and implementing regulations 49 CFR Part 24 or assistance under Section 104(d) of the HCD Act of 1974, including:

- a) *Advisory Services*: These services will be provided at the levels described in the URA. Each displaced person will be advised of his or her right under the Fair Housing Act.

- b) *Moving Expenses*: Payment for moving expenses will be provided at the levels required by the URA.
- c) *Security Deposits and Credit Checks*: 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, will be provided.
- d) *Interim Living Costs*: Palm Beach County will reimburse a person for actual reasonable and approved out-of-pocket costs incurred in connection with a temporary displacement, including moving expenses and increased housing costs, if:
 - 1) The person must relocate temporarily because continued occupancy of the dwelling unit during the assisted activity constitutes a substantial danger to the health or safety of the person or the public; or
 - 2) The person is displaced from a “lower-income dwelling unit”, none of the comparable replacement dwelling units to which the person has been referred qualifies as a lower-income dwelling unit, and a suitable lower-income dwelling unit is scheduled to become available in accordance with the Section of this Plan concerning one-for-one replacement of lower-income dwelling units.
- e) *Replacement Housing Assistance*: Persons are eligible to receive one of the following two forms of replacement housing assistance:
 - 1) Each person must be offered rental assistance equal to 60 times the amount necessary to reduce the monthly rent and estimated average monthly cost of utilities for a replacement dwelling (comparable replacement dwelling or decent, safe, and sanitary replacement dwelling to which the person relocates, whichever costs less) to the “Total Tenant Payment”. All or portion of this assistance may be offered through a certificate or voucher for rental assistance (if available) provided under Section 8. If a Section 8 certificate or voucher is provided to a person, the County must provide referrals to comparable replacement dwelling units where the owner is willing to participate in the Section 8 Tenant-Based Assistance Existing Housing Program. When provided, cash assistance will generally be in installments.
 - 2) 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 payment equal to the capitalized value of 60 times the amount that is obtained by subtracting the “Total Tenant Payment”, 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 saving deposits by a federally insured financial institution conducting business within the County’s jurisdiction. To the extent necessary to minimize hardship to the household, the County, shall subject to appropriate safeguards, issue payment in advance of the purchase of the interest in the housing cooperative or mutual housing association.

One-for-One Replacement of Lower Income Dwelling Units

The County will comply with the requirements of 24 CFR 42.375 related to replacement of lower income dwelling units. “Lower-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.

One-For-One Replacement

All occupied and vacant occupiable lower-income dwelling units that are demolished or converted to a use other than as lower-income dwelling units in connection with a HUD-assisted activity will be replaced with comparable lower-income dwelling units. Replacement lower-income dwelling units will be provided by the County, the entity undertaking the HUD-assisted activity, and/or other entities. Replacement units will meet the following requirements:

- 1) The units will be located within the County's jurisdiction. To the extent feasible and consistent with other statutory priorities, the units shall be located within the same neighborhood as the units replaced.
- 2) The units will be sufficient in number and size to house no fewer than the number of occupants who could have been housed in the units that are demolished or converted. The number of occupants who could have been housed in units shall be determined in accordance with applicable local housing occupancy codes. The county may not replace those units with smaller units, unless it has obtained HUD approval.
- 3) The units must be provided in standard condition. Replacement lower-income dwelling units may include units that have been raised to standard from substandard conditions if: a) no persons were displaced from the unit; and b) the unit was vacant for at least 3 months before execution of the agreement between the County and the property owner.
- 4) The units must be made available for first occupancy at any time between 1 year before the County makes public the required preliminary information to HUD and 3 years after the commencement of the demolition or rehabilitation related to the conversion.
- 5) The units must be designed to remain lower income dwelling units for at least 10 years from the date of initial occupancy. Replacement lower-income dwelling units may include, but are not limited to, public housing or existing housing receiving Section 8 project-based assistance.

Preliminary Information to be Provided to HUD

Before the County enters into a contract to provide funds for any activity that will directly result in the demolition of lower-income dwelling units or the conversion of lower-income dwelling units to another use, the County will make public and submit in writing to the HUD's Miami Field Office the following information:

- 1) A description of the proposed assisted activity;
- 2) The location on a map and number of dwelling units by size (number of bedrooms) that will be demolished or converted to a use other than for lower-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 location on a map and the number of dwelling units by size that will be provided as replacement dwelling units. If such information is not available at the time of the general submission, the submission shall identify the general location on an area map and the approximate number of

dwelling units by size, and information identifying the specific location and number of dwelling units by size shall be submitted and disclosed to the public as soon as it is available;

- 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 lower-income dwelling unit for at least 10 years from the date of initial occupancy; and
- 7) Information demonstrating that any proposed replacement of a dwelling unit with a smaller dwelling unit is consistent with the needs assessment contained in its HUD-approved Consolidated Plan.

When One-for-One Replacement is Not Required

In accordance with 42 U.S.C. 5304(d)(3), the one-for-one replacement requirement does not apply to the extent the HUD Field Office determines that there is an adequate supply of vacant lower-income dwelling units in standard condition available on a nondiscriminatory basis within the county. Should the County seek a determination that the one-for-one replacement requirement does not apply, the County will submit a request directly to the HUD's Miami Field Office. Simultaneously, the County will provide public notice of the request, make the request available for public review, and inform interested persons that they have 30 days from the date of submission to provide to HUD additional information supporting or opposing the request.

Optional Relocation Assistance

The Department of Housing and Economic Sustainability (DHES) may opt to provide temporary relocation assistance to households which are temporarily relocated due to housing rehabilitation or repair work. There is no guarantee of temporary relocation assistance regardless of circumstances, and provision of assistance is subject to funding availability, and is at the sole and absolute discretion of the County.

Qualifying Conditions for Optional Temporary Relocation Assistance

DHES may provide optional temporary relocation assistance if one or more of the following qualifying conditions related to the DHES-funded rehabilitation/repair work will persist for longer than twenty-four (24) hours:

- Lack of at least one (1) functional toilet;
- Lack of at least one (1) functional bathing fixture (shower or bath tub);
- Lack of at least (1) sleeping area (bedroom or living room);
- Lack of running potable water;
- Lack of electricity;
- Tenting of the home for termite or other insect treatment; and
- Any other conditions deemed by the County, in its sole and absolute discretion, to pose a risk to the health and/or safety of the household occupants.

Types of Temporary Relocation Assistance

The type of temporary relocation assistance to be provided will be limited to that which is determined by the County to be reasonable and appropriate for the rehabilitation/repair work to proceed in the absence of the temporarily relocated beneficiaries.

In the event that occupants identified in the beneficiary household's application for assistance submitted to DES must vacate the property due to qualifying conditions, DHES may provide assistance for temporary lodging. DHES may fund the actual costs of lodging in a reasonably-priced hotel/motel unit, preferably with a kitchenette, selected by DHES. Eligible expenses are limited to the lodging base rate, plus applicable fees and taxes. Expenses for optional services and amenities are ineligible for DHES funding. The length of temporary lodging assistance provided shall not exceed the duration of which the qualifying conditions persist. Payments shall be made directly to the lodging establishment.

Funding Availability

Provision of temporary relocation assistance is subject to funding availability. In some cases, the cost of temporary relocation assistance may cause the total cost of housing assistance to exceed the maximum eligible amount available to the homeowner(s). In these cases, the homeowner(s) shall be responsible for payment of all relocation costs in excess of the maximum eligible amount of housing program assistance available to the homeowner(s).

Homeowner Insurance

If the household being relocated has insurance coverage that will pay for any portion of the assistance offered by DHES, the insurance coverage shall take precedence and DHES shall not provide funding for the insurance-covered portion of the assistance.

Exceptions to Limits on Assistance

Given extraordinary and unanticipated circumstances, exceptions to the limits on assistance set forth above may be made at the sole and absolute discretion of the County. Such circumstances may include, but are not limited to:

- Discovery of unexpected conditions during construction which prolong rehabilitation/repair activities;
- Medical condition(s) of a household occupant(s) which require temporary relocation of the occupant(s) to minimize risk to the health and safety of such occupant(s); and
- Severe weather events and/or other acts of God which adversely impact completion of rehabilitation/repair.

Homeowner's dissatisfaction with work performed, homeowner's refusal to sign off on work approvals, homeowner-contractor disputes, and other delays caused by the actions or inactions of the homeowner(s) shall not provide justification for exceptions to the limits on temporary relocation assistance established herein.

Appeal Process

A person who disagrees with the County's determination concerning whether the person qualifies as a "displaced person," or with the type or amount of relocation assistance for which the person is eligible, may submit a written appeal. The submittal must state the basis for the appeal and be directed to the DHES Director. The DHES Director will review the appeal and issue a written determination as to the whether the appeal has merit. Should the aggrieved person remain dissatisfied, he/she may submit a complaint to the County Administrator who will in turn, issue a determination. A person who is dissatisfied with the County's determination may submit a complaint to the HUD Field Office in Miami.

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