



ANTI-DISPLACEMENT & RELOCATION ASSISTANCE PLAN CITY OF HARRISONBURG

It is the intent of the City of Harrisonburg (hereinafter the "City") that in the administration of the Community Development Block Grant (CDBG) Program, consistent with other program goals and objectives, involuntary displacement of persons from their dwelling unit and non-residential displacement of businesses, farm operations, or nonprofit organizations as a result of acquisition or substantial rehabilitation activities will be minimized. This plan covers all activities conducted by the City of Harrisonburg in its use of CDBG funds.

The City will replace all occupied and vacant occupiable low- and moderate- income (LMI) housing demolished or converted to a use other than as LMI housing in connection with a project assisted with funds provided under the CDBG Program.

All replacement housing will be provided within three years of the commencement of the demolition or conversion. Before entering into a contract committing the City to provide funds for a project that will directly result in demolition or conversion, the City will make public and submit to HUD 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 LMI housing that will be demolished or converted to a use other than as LMI housing 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 bedrooms and location on a map of the replacement housing that has been or will be provided;
5. The source of funding and a time schedule for the provision of the replacement housing;
6. The basis for concluding that the replacement housing will remain LMI housing for at least 10 years from the date of initial occupancy;
7. Information demonstrating that any proposed replacement of housing 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 approved Consolidated Plan.

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

The City will track the replacement of LMI housing to ensure that it is provided within the required period.

The City Manager's Office (540-432-7701) will coordinate relocation payments and other relocation assistance to any LMI person displaced by the demolition of any housing, the conversion of LMI housing to another use, or as the direct result of assisted activities. Such assistance shall be consistent with Section 104(d) of the Housing and Community Development Act of 1974, as amended, and/or the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended.



Consistent with the goals and objectives of activities assisted under the Acts, City will take the following steps to minimize the direct and indirect displacement of persons from their homes:

1. The City will provide reasonable benefits to any person involuntarily displaced as a result of the use of CDBG funds to acquire or substantially rehabilitate non-residential or residential property. When involuntary displacement cannot be avoided, the City will comply with the provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601) and Section 104 (d) of the Housing and Community Development Act of 1974. This will ensure that:
 - ❖ Owners of real property in the City to be acquired for HUD-assisted projects are treated fairly and consistently, to encourage and expedite acquisition by agreements with such owners, to minimize litigation and relieve congestion in the courts, and to promote public confidence in Federal land acquisition.
 - ❖ City residents displaced as a result of HUD-assisted projects are treated fairly, consistently, and equitably so that such persons will not suffer injuries as a result of projects designed for the benefit of the public as a whole.
2. The City will coordinate code enforcement with rehabilitation projects.
3. If a resident is to be displaced from a dwelling, the City will not require the person to move from his/her dwelling unless he/she has been given a reasonable choice of opportunities to relocate to a comparable replacement dwelling.
4. Relocation Assistance Advisory Services. The City will provide relocation assistance for displaced persons. The displaced persons will be notified in writing of the relocation assistance for which they are eligible.
5. Whenever possible, reasonable, and fiscally responsible, the City will stage rehabilitation of apartment units to allow tenants to remain in the building/complex during and after rehabilitation, working with empty units first.
6. The City will arrange for facilities to house persons who must be relocated temporarily during rehabilitation.

Temporary Relocation

The City will adhere to the following policy regarding in-place tenants who will not be required to move permanently from a project when the project is assisted with funding from the CDBG Program:

1. The City will provide reasonable advance written notice to the tenant giving the date and approximate duration of the temporary move.
2. Reimbursement will be made for all reasonable out-of-pocket expenses incurred in connection with the temporary relocation, including the cost of moving to and from the temporarily occupied housing and any increase in monthly rent/utility costs.
3. Appropriate advisory services will be provided, including reasonable advance written notice of the suitable, decent, safe and sanitary dwelling to be made available for the temporary period.
4. In addition a written notice will be sent indicating the terms and conditions under which the tenant may lease and occupy a suitable, decent, safe and sanitary dwelling in the building/complex upon completion of the project.
5. Temporary relocation costs will be paid by the owner/developer.

Community Development Block Grant Relocation Requirements 24 CFR 570.606

(a) **General policy for minimizing displacement.** Consistent with the other goals and objectives of this part, grantees (or States or state recipients, as applicable) shall assure that they have taken all reasonable steps to minimize the displacement of persons (families, individuals, businesses, nonprofit organizations, and farms) as a result of activities assisted under this part.

(b) **Relocation assistance for displaced persons at URA levels.**

(1) A displaced person shall be provided with relocation assistance at the levels described in, and in accordance with the requirements of 49CFR part 24, which contains the government-wide regulations implementing the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA) (42 U.S.C. 4601-4655).

(2) **Displaced person.**

(i) For purposes of paragraph (b) of this section, the term "**displaced person**" means 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 rehabilitation, demolition, or acquisition for an activity assisted under this part. A permanent, involuntary move for an assisted activity includes a permanent move from real property that is made:

(A) After notice by the grantee (or the state recipient, if applicable) to move permanently from the property, if the move occurs after the initial official submission to HUD (or the State, as applicable) for grant, loan, or loan guarantee funds under this part that are later provided or granted.

(B) 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.

(C) Before the date described in paragraph (b)(2)(i)(A) or (B) of this section, if either HUD or the grantee (or State, as applicable) determines that the displacement directly resulted from acquisition, rehabilitation, or demolition for the requested activity.

(D) 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; or

(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.

(ii) Notwithstanding the provisions of paragraph (b)(2)(i) of this section, the term "**displaced person**-" does not include:

(A) A person who is evicted for cause based upon serious or repeated violations of material terms of the lease or occupancy agreement. To exclude a person on this basis, the grantee (or State or state recipient, as applicable) must determine that the eviction was not undertaken for the purpose of evading the obligation to provide relocation assistance under this section;

(B) A person who moves into the property after the date of the notice described in paragraph (b)(2)(i)(A) or (B) of this section, but who received a written notice of the expected displacement before occupancy.

(C) A person who is not displaced as described in 49 CFR 24.2(g)(2).

(D) A person who the grantee (or State, as applicable) determines is not displaced as a direct result of the acquisition, rehabilitation, or demolition for an assisted activity. To exclude a person on this basis, HUD must concur in that determination.

(iii) A grantee (or State or state recipient, as applicable) may, at any time, request HUD to determine whether a person is a displaced person under this section.

(3) **Initiation of negotiations.** For purposes of determining the type of replacement housing assistance to be provided under paragraph (b) of this section, 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 (or State or state recipient, as applicable) and the person owning or controlling the real property.

(c) **Residential antidisplacement and relocation assistance plan.** The grantee shall comply with the requirements of 24 CFR part 42, subpart B.

(d) **Optional relocation assistance.** Under section 105(a)(11) of the Act, the grantee may provide (or the State may permit the state recipient to provide, as applicable) relocation payments and other relocation assistance to persons displaced by activities that are not subject to paragraph (b) or (c) of this section. The grantee may also provide (or the State may also permit the state recipient to provide, as applicable) relocation assistance to persons receiving assistance under paragraphs (b) or (c) of this section at levels in excess of those required by these paragraphs. Unless such assistance is provided under State or local law, the grantee (or state recipient, as applicable) shall provide such assistance only upon the basis of a written determination that the assistance is appropriate (see, e.g., 24 CFR 570.201(i), as applicable). The grantee (or state recipient, as applicable) must adopt a written policy available to the public that describes the relocation assistance that the grantee (or state recipient, as applicable) has elected to provide and that provides for equal relocation assistance within each class of displaced persons.

(e) **Acquisition of real property.** The acquisition of real property for an assisted activity is subject to 49 CFR part 24, subpart B.

(f) **Appeals.** If a person disagrees with the determination of the grantee (or the state recipient, as applicable) concerning the person's eligibility for, or the amount of, a relocation payment under this section, the person may file a written appeal of that determination with the grantee (or state recipient, as applicable). The appeal procedures to be followed are described in 49 CFR 24.10. In addition, a low- or moderate-income household that has been displaced from a dwelling may file a written request for review of the grantee's decision to the HUD Field Office. For purposes of the State CDBG program, a low- or moderate-income household may file a written request for review of the state recipient's decision with the State.

(g) **Responsibility of grantee or State.**

(1) The grantee (or State, if applicable) is responsible for ensuring compliance with the requirements of this section, notwithstanding any third party's contractual obligation to the grantee to comply with the provisions of this section. For purposes of the State CDBG program, the State shall require state recipients to certify that they will comply with the requirements of this section.

(2) The cost of assistance required under this section may be paid from local public funds, funds provided under this part, or funds available from other sources.

(3) The grantee (or State and state recipient, as applicable) must maintain records in sufficient detail to demonstrate compliance with the provisions of this section. (Approved by the Office of Management and Budget under OMB control number 2506-0102) [61 FR 11477, Mar. 20, 1996, as amended at 61 FR 51760, Oct. 3, 1996]