

Title: Administrative Policy Residential Antidisplacement and Relocation Assistance Plan	Policy No. Part 4, County Administration Chapter 7, County Organization Section 2
	Effective Date February 23, 2021
Policy Custodian Community Development	Adoption/Revision Date February 23, 2021

Adopting Resolution(s): CC21-060

References (Statutes /Resos/Policies): Housing and Community Development Act of 1974; 24 C.F.R. § 570.606; 42 USC § 5304(2) and (3); CC93-672, CC07-243

Purpose: To ensure Compliance with Community Development Antidisplacement and Relocation Assistance Regulations

Policy: Residential Antidisplacement and Relocation Assistance Plan

A. Residential Antidisplacement and Relocation Assistance Plan

1. The County shall comply with the regulations set forth in 24 C.F.R. § 570.606 for activities assisted with funds provided under the Housing and Community Development Act of 1974 ("HCD Funds").
2. Consistent with the goals and objectives of activities assisted under the Housing and Community Development Act of 1974, the County shall take the following steps to minimize the displacement of persons from their homes:
 - a. The County shall analyze all applications for HCD Funds to determine whether the proposed project will cause the displacement of any persons.
 - b. The County shall encourage applicants for HCD funds to locate sites for projects in a way that will avoid or will minimize displacement of persons (for example, to locate projects on sites with vacant or no housing).
 - c. The County shall encourage applicants for HCD Funds to plan and phase projects in a way to avoid or minimize the effects of displacement (for example, by using temporary housing).

3. In the event of displacement in connection with a development project assisted under the grants authorized in 42 USCS § 5306 (which includes CDBG's) or the urban development action grants, 42 USCS § 5318:
 - a. Governmental agencies or private developers shall provide within the same community comparable replacement dwellings for the same number of occupants as could have been housed in the occupied and vacant occupiable low and moderate income dwelling units demolished or converted to a use other than for housing for low and moderate income persons, and provide that such replacement housing may include existing housing assisted with project based assistance provided under section 8 of the United States Housing Act of 1937, 42 USCS § 1437f;
 - b. The comparable replacement dwellings shall remain affordable to persons of low and moderate income for 10 years from the time of initial occupancy;
 - c. Relocation benefits shall be provided for all low or moderate income persons who occupied housing demolished or converted to a use other than for low or moderate income housing, including reimbursement for actual and reasonable moving expenses, security deposits, credit checks, and other moving-related expenses, including any interim living costs; and in the case of displaced persons of low and moderate income, provide either:
 - (1) compensation sufficient to ensure that, for a 5-year period, the displaced families shall not bear, after relocation, a ratio of shelter costs to income that exceeds 30 percent; or
 - (2) if elected by a family, a lump-sum payment equal to the capitalized value of the benefits available in B.3.c.(1) to permit the household to secure participation in a housing cooperative or mutual housing association.
 - d. Persons displaced shall be relocated into comparable replacement housing that is
 - (1) decent, safe, and sanitary;
 - (2) adequate in size to accommodate the occupants;
 - (3) functionally equivalent; and
 - (4) in an area not subject to unreasonably adverse environmental conditions;

4. Persons displaced shall have the right to elect, as an alternative to the benefits under this subsection, to receive benefits under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 42 USC §§ 4601 et seq., if such persons determine that it is in their best interest to do so; and
5. Where a claim for assistance under d. above is denied by the County, the claimant may appeal to the Secretary of Housing and Urban Development (the "Secretary") in the case of a grant under 42 USCS §§@5306 (which includes CDBG's) or 5318 (urban development action grants) or to the appropriate state official in the case of a grant under 42 USCS § 5306(d) and the decision of the Secretary or state official shall be final unless a court determines the decision was arbitrary and capricious.
6. Paragraphs B.3.a. and B.3.b shall not apply in any case in which the Secretary finds, on the basis of objective data, that there is available in the area an adequate supply of habitable affordable housing for low and moderate income persons. A determination under this paragraph is final and nonreviewable.