

NATIONAL DISASTER RESILIENCE PROGRAM RESIDENTIAL ANTI-DISPLACEMENT AND RELOCATION ASSISTANCE PLAN

It shall be the policy of the City of Minot, which received Community Development Block Grant (CDBG) National Disaster Resilience funding, to follow the plan described below to minimize adverse impacts on persons of low and moderate income resulting from acquisition and relocation activities assisted with funds provided under Title 1 of the Housing and Community Development (HCD) Act of 1974, as amended, as described in 24 CFR 570.606(b-g).

The City expects to minimize displacement of persons or entities and assist persons or entities displaced as a result of the City of Minot acquisition program. This is not intended to limit the ability to conduct buyouts for destroyed and extensively damaged units or units in a floodplain. The City plans to exercise some of the waivers set forth in Federal Register Vol. 81, No. 109 pertaining to Uniform Relocation Act (URA) and HCD given its priority to engage in acquisition and optional relocation activities to avert repeated flood damage and to improve floodplain management.

This plan does not replace, but is supplementary to the acquisition and relocation requirements stated in the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended. The City will certify that they will adopt and make public this plan.

I. DEFINITIONS

- A. **“Standard Condition”** means a housing unit that meets the standards set forth in the Section 8 Program for Housing Quality Standards (HQS) (24 CFR 982.401) and all state and local codes and zoning ordinances.
- B. **“Substandard suitable for rehabilitation”** means a housing unit, or in the case of multiple unit buildings the building or buildings containing the housing units, which have at least three major systems in need of replacement or repair and the estimated cost of making the needed replacements and the repairs is less than 50% of the estimated cost of new construction of a comparable unit or units.
- C. **“Substandard not suitable for rehabilitation”** means any such housing unit or units for which the estimated cost of making the needed replacements and repairs is greater than or equal to 50% of the estimated cost of new construction of a comparable unit or units.
- D. **“Comparable replacement dwelling unit”** means a dwelling unit that:
 - 1. Meets the criteria of 49 CFR 24.2(a)(6)(i-ix); and
 - 2. Is available at a monthly cost for rent plus estimated average monthly utility costs that does not exceed the “Total Tenant Payment” determined under 24 CFR 5.628 after taking into account any rental assistance the household would receive.

- E. **“Low-income dwelling unit”** means a dwelling unit with a market rental rate (including utility costs) that does not exceed the applicable Fair Market Rent (FMR) for existing housing and moderate rehabilitation established under 24 CFR Part 888.
- F. **“Demonstrable Hardship”** is defined using its two component words:
- **Demonstrable**—proved or shown, by objective evidence (not subjective feelings).
 - **Hardship**—an economic impact which is burdensome or very difficult to bear, causing economic distress well beyond mere inconvenience.

II. REPLACEMENTS OF DWELLING UNITS

HUD has waived the requirements of Section 104(d) of the HCD Act at 104(d)(2)(A)(i-ii) and (d)(3), along with 24 CFR 42.375, that deal with one-for-one replacement of lower-income dwelling units demolished or converted in connection with a CDBG assisted development project for housing units damaged by one or more disasters and deemed unsuitable for rehabilitation. HUD is waiving this requirement because it does not take into account the large sudden changes a major disaster may cause to the local housing stock, population, or local economy. Further, the requirement does not take into account the threats to public health and safety and to economic revitalization that may be caused by the presence of disaster-damaged housing structures that are unsuitable for rehabilitation. As it stands, the requirement would impede disaster recovery and discourage the City from converting or demolishing disaster-damaged housing because of excessive costs that would result from replacing all such units within the specified timeframe. HUD is also waiving the relocation assistance requirements contained in Section 104(d) of the HCD Act to the extent that they differ from those of the URA (42 U.S.C. 4601 *et seq.*). This change will simplify implementation while preserving statutory protections for persons displaced by projects assisted with CDBG disaster recovery grant funds.

III. RELOCATION ASSISTANCE

To minimize confusion and ensure uniform and equitable treatment, the URA and its implementing regulations shall be the sole standard for City of Minot relocations. The requirements at Section 104(d)(2)(A) and 24 CFR 42.350 are waived to the extent they differ from the URA and 49 CFR part 24, as relates to disaster recovery activities. The City has chosen to utilize the following waivers provided by HUD to ease the burden in providing relocation assistance:

Arm's Length Voluntary Purchases: The acquisition requirements of the URA and implementing regulations are waived so they do not apply to an arm's length voluntary purchase carried out by a person who does not have the authority to acquire by power of eminent domain, in connection with the purchase and occupancy of a principal residence by that person. The failure to suspend these requirements would impede disaster recovery and may result in windfall payments.

Rental Assistance for Displaced Persons: A limited waiver is granted of the URA's implementing regulations 204(a) and 206, along with 49 CFR 24.2(a)(6)(viii), 24.402(b)(2), and 24.404, to the extent they require the City to provide URA financial assistance sufficient to reduce the displaced person's post-displacement rent/utility cost to 30 percent of household income. The failure to suspend these one-size fits-all requirements could impede disaster recovery. To the extent that a tenant has been paying rent in excess of 30 percent of household income without demonstrable hardship, rental assistance payments to reduce tenant costs to 30 percent would not be required. To support this waiver, the City established a definition of “demonstrable hardship” noted in Section I above.

Tenant-Based Rental Assistance: The URA implementing regulations 204 & 205, along with 49 CFR 24.2(a)(6)(ix) and 24.402(b), are waived to the extent necessary to permit the City to meet all or a portion of its replacement housing financial assistance obligation to a displaced renter by offering rental housing through a Tenant-Based Rental Assistance (TBRA) housing program subsidy (e.g., Section 8 rental voucher or certificate), provided the tenant also receives referrals to suitable, available rental replacement dwellings 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. Failure to grant this waiver may impede disaster recovery whenever TBRA program subsidies are available but funds for cash relocation assistance are limited. This waiver provides an additional relocation resource option.

Moving Expenses: The URA implementing regulation 202(b), and 49 CFR 24.302 are waived to the extent they require the City to offer a person displaced from a dwelling the option to receive a fixed moving cost payment based on the current schedule of allowances prepared by the Federal Highway Administration (FHA), instead of receiving payment for actual moving and related expenses. The City has determined the FHA schedule meets intentions for establishing and offering displaced persons a “moving expense and dislocation allowance” under a schedule of allowances that is reasonable for the jurisdiction and takes into account the number of rooms in the displacement dwelling, whether the person owns and must move the furniture, and, at a minimum, the kinds of expenses described in 49 CFR 24.301. However, persons displaced from a dwelling *remain entitled to choose* a payment for actual reasonable moving and related expenses if they find that approach preferable to the City’s established moving expense and dislocation allowance.

The City will take the following steps to assist an eligible household:

- A. Provide counseling to assist homeowners and renters understand the range of assistance options available, and utilize existing housing counseling programs to the greatest extent possible;
- B. Provide counseling and referral services to assist displaced homeowners and renters in finding alternative housing in the affected neighborhood or other suitable neighborhoods; and
- C. Work with area land lords and real estate brokers to locate vacancies for households facing displacement.

HUD is also waiving relocation assistance requirements contained in Section 104(d) of the HCD Act to the extent they differ from those of the URA (42 U.S.C. 4601 *et seq.*). This change will simplify implementation while preserving statutory protections for persons displaced by projects assisted with CDBG disaster recovery grant funds.

IV. MINIMIZING DISPLACEMENT

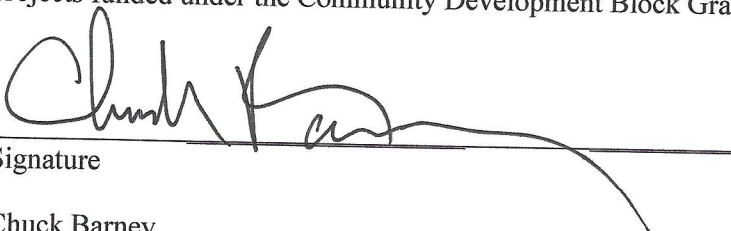
Consistent with the goals and objectives of activities assisted under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and Section 104(d) of the Housing and Community Development Act of 1974, as amended, the City or its sub-grantee(s) will undertake a minimum of one of the following steps to minimize the displacement of persons from their homes:

- A. Establish facilities to house persons who must be relocated temporarily during relocation.
- B. Adopt public policies to identify and mitigate displacement resulting from intensive public investment in neighborhoods.
- C. Adopt policies that provide for buying only properties that are essential to the flood protection project and necessary to move people out of harm's way.

V. APPEALS

A person who disagrees with the determination concerning whether the person qualifies as a displaced person, or with the amount of relocation assistance for which the person is eligible, may file a written appeal of that determination with the City. A person who is dissatisfied with the City's determination on his or her appeal may submit a written request for review of that determination to the HUD field office. If the full relief is not granted, the City shall advise the person of his or her right to seek judicial review.

The City of Minot hereby adopts this Residential Anti-Displacement and Relocation Assistance Plan for projects funded under the Community Development Block Grant, National Disaster Resilience Program.


Signature

Chuck Barney
Mayor, City of Minot

11/7/16
Date