

**THE CITY OF MINOT'S DISASTER RECOVERY COMMUNITY DEVELOPMENT BLOCK  
GRANT PROGRAM RESIDENTIAL ANTI-DISPLACEMENT AND RELOCATION  
ASSISTANCE PLAN**

It shall be the policy of the City of Minot which received Community Development Block Grant Disaster Recovery funding to follow the plan described below to minimize any 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 Act of 1974, as amended, as described in 24 CFR Section 92.353 and 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 disasters. This is not intended to limit the ability to conduct buyouts for destroyed and extensively damaged units or units in a flood plain. The City plans to exercise the waivers set forth in Federal Register Vol. 77, No. 73 pertaining to URA and HCD given its priority to engage in voluntary 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 75% 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 75% 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(d)(1) through (6); and
  - 2. Is available at monthly cost for rent plus estimated average monthly utility costs that does not exceed the “Total Tenant Payment” determined under 24 CFR 813.107 after taking into account any rental assistance the household would receive
- E. **“Low-income dwelling unit”** means a dwelling unit with a market rental (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 dealing 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. 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 grantees from converting or demolishing disaster-damaged housing because of excessive costs that would result from replacing all such units within the specified time frame. 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

Relocation assistance will be provided, as described in 24 CFR Section 42.350 to each low/moderate-income household displaced by the demolition of housing or by the conversion of a low/moderate-income dwelling to another use as a direct result of assisted activities. Pursuant to CFR Section 42.350, a displaced person may choose to receive either assistance under the URA and implementing regulations at 49 CFR part 24 or assistance under section 104(d) of the Housing and Community Development Act of 1974, including advisory services, moving expenses, security deposits and credit checks, interim living costs, and replacement housing assistance. The City has chosen to utilize the following waivers provided by HUD to ease the burden in providing relocation assistance: The acquisition requirements of the URA and implementing regulations are waived so that 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.

A limited waiver is granted of the URA's implementing regulations to the extent that they require grantees 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 utilize this waiver, the grantee must establish a definition of "demonstrable hardship"

The URA and implementing regulations are waived to the extent necessary to permit a grantee to meet all or a portion of a grantee's 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 that the tenant is also provided with referrals to suitable, available rental replacement dwellings 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 would impede disaster recovery whenever TBRA program subsidies are available but funds for cash relocation assistance are limited. This waiver gives grantees an additional relocation resource option.

The URA and implementing regulations are waived to the extent that they require a grantee to offer a person displaced from a dwelling the option to receive a “moving expense and dislocation allowance” based on the current schedule of allowances prepared by the Federal Highway Administration. In the alternative, the grantee must establish and offer the person 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. Failure to suspend and provide alternative requirements in this case would impede disaster recovery by requiring grantees to offer allowances that do not reflect current local labor and transportation costs. 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 locally 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 to understand the range of assistance options available, utilizing existing housing counseling programs to the greatest extent possible;
- B. Provide counseling and referral services to assist displaced homeowners and renter in finding alternative housing in the affected neighborhood; and
- C. Work with area landlords and real estate brokers to locate vacancies for households facing displacement.

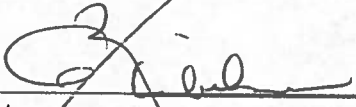
#### **IV. MINIMIZING DISPLACEMENT**

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 their sub-grantee will undertake a minimum of one of the following steps to minimize the displacement of persons from their homes:

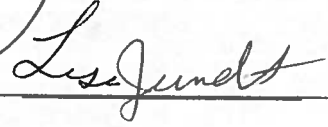
- A. Coordinate code enforcement with rehabilitation and housing assistance programs.
- B. Evaluate housing codes and rehabilitation standards in reinvestment areas to prevent placing undue financial burden on long-established owners or tenants of multi-family buildings.
- C. Stage rehabilitation of apartment units to allow tenants to remain during and after rehabilitation by working on empty units or buildings first.
- D. Establish facilities to house persons who must be relocated temporarily during rehabilitation.

- E. Adopt public policies to identify and mitigate displacement resulting from intensive public investment in neighborhoods.
- F. Adopt policies that provide reasonable protection for tenants faced with conversion to a condominium or cooperative.
- G. Establish counseling centers to provide homeowners and renters with information on the assistance available to help them remain in their neighborhood in the face of revitalization pressures.

The City of Minot hereby adopts this Residential Anti-Displacement and Relocation Assistance Plan for projects funded under the 2011 Disaster Recovery Community Development Block Program.

  
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Signature:  
Mayor, City of Minot

6-4-12  
\_\_\_\_\_  
Date

ATTEST:  
  
\_\_\_\_\_  
Signature:  
City Clerk – ~~Katy Solar~~  
Kisa Jundt

6-4-12  
\_\_\_\_\_  
Date