

# Residential Antidisplacement and Relocation Assistance Plan

## Background and Scope

This Residential Antidisplacement and Relocation Assistance Plan (“RARAP”) is a plan required by federal law that applies to projects funded by The City of Seattle with CDBG program<sup>1</sup> or HOME program funds (or both). The intent of the plan is to identify steps the City will take by to minimize displacement of people from their homes and neighborhoods as a result of such projects, and to affirm that the City will comply with the requirements for relocation assistance and one-for-one replacement under Section 104(d) of the Housing and Community Development Act of 1974 (“Section 104(d)”). Terms used in the RARAP and defined in 24 CFR Section 42.305 have the meanings set forth in that Section unless the context otherwise requires.

## Steps to Minimize Displacement

The City shall take the following steps to minimize displacement:

- Prior to committing HOME or CDBG funding to a project, the City will collect information on existing structures and occupants to assess the potential impact of the proposed project.
- The City will communicate to potential sponsors that projects requiring significant displacement of residents will not be considered competitive for funding.
- If any temporary or permanent relocation is contemplated by a project, the City will require the project sponsor to submit a detailed relocation plan that describes the entire relocation process and its impact on all current occupants. The City will actively consult with the sponsor in order to minimize displacement. If current tenants must move as part of the construction process, the City will encourage sponsors to provide those who are eligible an opportunity to rent a unit in the new project upon its completion.
- If the City commits HOME or CDBG funds to the project, the City will require that all occupants are provided with appropriate advisory services and relocation assistance as required by Section 104(d) and the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (“URA”). (See below paragraph on Relocation Assistance.)
- For rehabilitation or other projects that require the temporary relocation of residential tenants, the City will encourage project sponsors to minimize the amount of time that tenants are required to relocate from their unit. To the extent feasible, construction should be phased to allow tenants to stay in their units as long as possible.

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<sup>1</sup> CDBG programs include: Entitlement Community Development Block Grant (CDBG) Program, State CDBG Program, CDBG Small Cities Program, Section 108 Loan Guarantee Program, CDBG Special Purpose Grants Program, and the Neighborhood Stabilization Program (NSP).

## One-for-One Replacement

The City shall comply with Section 104(d), as implemented in 24 CFR Section 42.375, which requires one-for-one replacement of all occupied or vacant and occupiable lower-income dwelling units that are demolished or converted to a use other than as lower-income dwelling units in connection with a HOME or CDBG-funded project. Following is a summary of basic requirements of the Act and HUD regulations thereunder.

### Replacement Units

Replacement units shall be: (a) in standard condition, as defined by the current Consolidated Plan; (b) available for occupancy no later than 3 years after the initiation of demolition or conversion work; (c) located within the city of Seattle and, to the extent feasible and consistent with other statutory priorities, located in the same neighborhood; (d) comparable to the units demolished or converted, and able to accommodate the same number of occupants without using smaller units to replace larger ones unless the City has provided the information required under paragraph (7) below; and (e) designed to remain lower-income dwelling units for at least 10 years from the date of initial occupancy. The replacement units may include existing housing assisted with project based assistance provided under 42 USC Section 1437f (“Section 8”).

### Public Notice

Prior to entering into a contract committing to provide HOME or CDBG 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 City must submit to HUD and make public certain information through advertisement in a local publication. Required information includes:

- A description of the proposed project.
- The location on a map and number of units by size (number of bedrooms) that will be demolished or converted.
- A schedule for the commencement and completion of the demolition or conversion.
- To the extent known, the location on a map and the number of dwelling units by size (number of bedrooms) will be provided as replacement units. If not yet known, the submission shall identify the general location and approximate number of units by size, and more specific information shall be submitted and disclosed to the public as soon as it is available.
- The source of funding and a schedule for the provision of replacement dwelling units.
- 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.
- Information demonstrating that any proposed replacement of dwelling units with smaller units is consistent with the needs assessment contained in the current HUD approved Consolidated Plan.

## Relocation Assistance

The City shall ensure provision of relocation assistance in accordance with the requirements of Section 104(d), as implemented in 24 CFR 42.350, for lower-income persons who, in connection with an activity assisted under the CDBG and/or HOME programs, are “displaced persons” as defined in 24 CFR 42.305. A person who is not lower-income, but is a displaced person under URA, as implemented in 49 CFR Part 24, will be provided relocation



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assistance as required under URA. A lower-income person who is a displaced person may elect to receive assistance under URA in lieu of assistance under Section 104(d). Examples of assistance for displaced persons required by URA include advisory services, payments for moving expenses, and payments to cover the additional costs of renting a comparable dwelling for 42 months, or the equivalent amount to be used towards a down payment. Examples of assistance for displaced persons under Section 104(d) include advisory services, payments for moving expenses, and payments to cover the additional costs of renting a comparable dwelling for 60 months, or the or the equivalent amount to be used towards purchase of housing through a housing cooperative. Tenants who are not displaced but must temporarily relocate shall be reimbursed for out-of-pocket expenses, including moving costs and increases in monthly housing costs.

### Appeals

The City will provide a process for persons to appeal decisions concerning their eligibility for and the amount of assistance. The appeals process will follow URA requirements at 49 CFR 24.10. If dissatisfied with the City's determination with respect to a claim for relocation into comparable replacement housing under Section 104(d), a person may submit a request to HUD to review the determination. The decision of the HUD Secretary shall be final unless a court determines the decision was arbitrary and capricious.