

HOME & CDBG RESIDENTIAL ANTIDISPLACEMENT AND RELOCATION ASSISTANCE PLAN

This Residential Anti-displacement and Relocation Assistance Plan is prepared by the New York State Division of Housing and Community Renewal (DHCR) in accordance with the Housing and Community Development Act of 1974, as amended (the “Act”) and HUD regulations at 24 CFR 42.325 and is applicable to our Community Development Block Grant (CDBG) and HOME Investment Partnerships Program (“HOME”) assisted programs and projects.

Minimize Displacement

Consistent with the goals and objectives of activities assisted under the Act, DHCR will implement policies to minimize the direct and indirect displacement of persons (families, individuals, businesses, for-profit organizations, not-for-profit organizations and farms) from their homes and neighborhoods as a result of assisted activities including:

- Encouraging (alternate; mandate) its development partners to stage rehabilitation of apartment units to allow tenants to remain in the building/complex during and after the rehabilitation, working with empty units first.
- Assisting its development partners with locating facilities to house persons who must be relocated temporarily during rehabilitation by offering vacant units in other DHCR regulated properties in the immediate area, if any.
- Supporting local efforts to enact tax assessment policies which reduce the impact of potentially increasing property tax assessments on lower income owner-occupants or tenants in revitalizing areas.
- Where feasible, giving priority to rehabilitation of housing, as opposed to demolition, to avoid displacement.
- Where feasible, allowing for demolition or conversion of only dwelling units that are not occupied or vacant occupiable dwelling units (especially those units which are “lower-income dwelling units” (as defined in 24 CFR 42.305)) or structures that have not been used for residential purposes.
- Targeting only those properties deemed essential to the need or success of the project.

Relocation Assistance to Displaced Persons

DHCR, through its project development partners, will provide relocation assistance for eligible beneficiaries (as defined by either the CDBG or HOME regulations) who, in connection with an activity assisted under the CDBG and/or HOME program(s), move permanently or move personal property from

real property as a direct result of the demolition of any dwelling unit or the conversion of a lower-income dwelling unit. A displaced person may choose to receive EITHER assistance under the Uniform Relocation Assistance and Real Property Acquisitions Act (“URA”) and its implementing regulation at 49 CFR 24 or under Section 104(d) of the Act, including:

1. Advisory Services – A displaced person will be advised of his or her rights under the Fair Housing Act. If a comparable replacement dwelling to be provided to a minority person is located in an area of minority concentration (as may be identified in the DHCR Consolidated Plan) the minority person will also be given, if possible, referrals to comparable and suitable decent, safe and sanitary replacement dwellings not located in such areas. (24 CFR 42.350(a))

2. Moving Expenses – Payment for moving expenses at levels described in the URA. (24 CFR 42.350(b))

3. Security Deposits and Credit Checks – The reasonable and necessary cost of any security deposit required to rent the replacement dwelling unit, and for credit checks required to rent or purchase the replacement dwelling unit. (24 CFR 42.350(c))

4. Interim Living Costs – Displaced persons shall be reimbursed for actual, reasonable, out-of-pocket costs incurred in connection with a displacement, including moving expenses and increased housing costs, if (24 CFR 42.350(d)):

a) a person must relocate temporarily because continued occupancy of the dwelling unit constitutes a substantial danger to the health or safety of the person or the public; or

b) a person is displaced from a “lower income dwelling unit”, none of the comparable replacement dwelling units to which the person has been referred qualifies as a lower income dwelling unit and a suitable lower income dwelling unit is scheduled to become available in accordance with the one-for-one replacement rule discussed below.

5. Replacement Housing Assistance – Displaced persons are eligible to receive one of the following two forms of replacement housing assistance (24 CFR 42.350(e)):

a) rental assistance equal to 60 times the amount necessary to reduce the monthly rent and estimated average monthly cost of utilities for a replacement dwelling (comparable replacement dwelling or decent, safe, and sanitary replacement dwelling to which the person relocates, whichever costs less) to the "Total Tenant Payment," as determined by 24 CFR 5. (All or a portion of this assistance may be offered through a certificate or voucher for rental assistance, if available, provided under Section 8. If a Section 8 certificate or voucher is provided, the development partner must provide referrals to comparable replacement dwelling units where the owner is willing to participate in the Section 8 Tenant-Based Assistance Existing Housing Program 24 CFR 982); or

b) If a displaced person purchases an interest in a housing cooperative or mutual housing association and occupies a decent, safe, and sanitary dwelling in the cooperative or association, the person may elect to receive a payment equal to the capitalized value of 60 times the amount that is

obtained by subtracting the "Total Tenant Payment," as determined under 24 CFR 5, from the monthly rent and estimated average monthly cost of utilities at a comparable replacement dwelling unit. To compute the capitalized value, the installments shall be discounted at the rate of interest paid on passbook savings deposits by a federally insured financial institution conducting business within the recipient's jurisdiction. To the extent necessary to minimize hardship to the displaced household, development partners will, subject to appropriate safeguards, issue a payment in advance of the purchase of the interest in the housing cooperative or mutual housing association.

A displaced person who is not a lower-income tenant, will be provided relocation assistance in accordance with the URA. Businesses relocated as a result of assisted activities will also be provided relocation assistance in accordance with the URA.

One-for-One Replacement of Lower-Income Dwelling Units

DHCR, through its project development partner, will replace all occupied and vacant occupiable lower-income dwelling units demolished or converted to a use other than lower-income housing in connection with a project assisted with funds provided under the CDBG and/or HOME programs in accordance with 24 CFR 42.375.

1. To the extent feasible, DHCR will require that replacement units be located within the same neighborhood as the units demolished or converted.

2. DHCR will require that replacement units be sufficient in number and size to house no fewer than the number of occupants who could have been housed in the units that are demolished or converted. The number of occupants who could have been housed in units shall be determined in accordance with applicable local housing occupancy codes. A DHCR development partner will not be permitted to replace demolished or converted units with smaller units (e.g., a 2-bedroom unit with two 1-bedroom units).

3. The replacement units must be provided in standard condition. Replacement lower-income dwelling units may include units that have been raised to standard from substandard condition if:

(i) No person was displaced from the substandard unit; and

(ii) The substandard unit was vacant for at least 3 months before execution of the agreement between the DHCR development partner and the property owner.

4. The replacement units will be required to be made available by the DHCR development partner for occupancy at any time during the period beginning 1 year before the recipient makes public the information required by 24 CFR 42.375(c) and ending 3 years after the commencement of the demolition or rehabilitation related to the conversion.

5. The replacement units will be required to be designed by the DHCR development partner to remain lower-income dwelling units for at least 10 years from the date of initial occupancy.

Replacement lower-income dwelling units may include, but are not limited to, public housing or existing housing receiving Section 8 project-based assistance.

Replacement not Required Based on Unit Availability

Under 24 CFR 42.375(d), HCR's project development partner may submit a request to DHCR (if the project is funded through the State) for a determination that the one-for-one replacement requirement does not apply based on objective data that there is an adequate supply of vacant lower-income dwelling units in standard condition available on a non-discriminatory basis within the area. DHCR, upon receipt of such submission, will promptly put notice of the request on its website www.hcr.ny.gov and inform interested persons that they have 30 days from its posting to comment and provide additional information to DHCR.

Public Notices

Before entering into a contract, and the issuance of the Funding Commitment Letter for HOME Capital Development, committing DHCR to provide funds for a CDBG and/or HOME project that will directly result in demolition or conversion of lower-income dwelling units, DHCR will make public its requirements for through its website www.hcr.ny.gov and through public information sessions:

- 1- A description of the proposed assisted project.
- 2- The address, number of bedrooms, and location on a map of lower-income dwelling units that will be demolished or converted to a use other than as lower-income dwelling units 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 lower-income dwelling units by size (number of bedrooms) and location on a map of the replacement lower-income housing that has been or will be provided.
- 5- The source of funding and time schedule for the provision of the replacement dwelling units.
- 6- The basis for concluding that each replacement dwelling unit is designated to remain a lower-income dwelling units for at least 10 years from the date of initial occupancy.
- 7- Information demonstrating that any proposed replacement of lower-income dwelling 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 HUD-approved Consolidated Plan and 24 CFR 42.375(b).

Appeals

Any displaced person who disagrees with a DHCR development partner's determination of eligibility for benefits or the amount of relocation assistance for which the person is eligible may file a written appeal to DHCR. Appeals may be directed to DHCR c/o Housing Trust Fund Corporation, Program Manager, 38-40 State Street, Albany, New York 12207. Further appeal, in writing, may be submitted to the HUD field office.

Contacts

HCR's project development partner is responsible for tracking the replacement of lower-income dwelling units and ensuring that they are provided within the required period. HCR monitors this tracking throughout the development process.

HCR's project development partner is responsible for providing relocation payments and other relocation assistance to any lower-income person displaced by the demolition of any dwelling unit or the conversion of lower-income dwelling units to another use. HCR monitors the payment of relocation assistance throughout the development process.