

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), federal Housing Trust Fund (FHTF) 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, not-for-profit organizations and farms) from their homes and neighborhoods as a result of assisted activities including:

- Encouraging 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 lower-income persons (as defined by either the CDBG, FHTF or HOME regulations) who, in connection with an activity assisted under the CDBG, FHTF 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 lower-income dwelling unit. Neither homeowners nor nonresidential entities are eligible for Section 104(d) relocation assistance regardless of income. 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 (note that FHTF is not subject to Section 104 (d)), 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)) Advisory services generally include, but are not limited to (see 49 CFR 24.205(c)(2)(ii)):

- explaining relocation eligibility requirements, services, and payments
- conducting a personal interview to determine needs and preferences
- providing appropriate services and payments, including a written offer of comparable replacement housing.

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 – Interim living costs are the actual, reasonable, out-of- pocket costs incurred in connection with a displacement, including moving expenses and increased housing costs (24 CFR 42.350(d)). Displaced persons are only eligible for interim living costs when:

a) Continued occupancy of the dwelling is a substantial danger to the health of safety of the person or public and the person must relocate temporarily until a comparable replacement unit can be made available; ; 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: Section 104(d) rental assistance is calculated as 60 times the amount required to reduce the lesser of:

- (i) Monthly rent and estimated average monthly cost of utilities of the comparable replacement dwelling, OR
- (ii) Monthly rent and estimated average monthly cost of utilities of the decent safe and sanitary (DSS) actual replacement dwelling to the Total Tenant Payment (TTP) as determined by 24 CFR 5. TTP is the highest of the following amounts rounded to the nearest dollar:
 - a. 30% of the family’s monthly adjusted income (24 CFR 5.611);
 - b. 10% of the family’s monthly income (see annual income 24 CFR 5.609);
 - c. If the family is receiving payments for welfare assistance from a public agency and a part of those payments, adjusted in accordance with the family’s actual housing costs, is specifically designated by such Agency to meet the family’s housing costs, the portion of those payments which is so designated; OR
 - d. The minimum rent, as determined in accordance with 24 CFR 5.630 . Note the definitions of income differ under 104(d) and the URA. (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) Purchase Assistance: Displaced persons may use their Section 104(d) replacement housing assistance to purchase an interest in a housing cooperative or a mutual housing association. Displaced persons who purchase an interest in and occupy a DSS dwelling in a cooperative or association may claim a payment equal to the capitalized value of 60 times the difference between TTP and the cost of monthly rent and estimated average utilities at a comparable replacement unit. To compute the capitalized value, 60 monthly installments are discounted at the rate of interest paid on local passbook savings deposits. 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.

There is no prohibition against providing Section 104(d) assistance and payments to persons not legally present in the United States. 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, FHTF and/or HOME programs in accordance with 24 CFR 42.375 on a one-for-one basis with comparable lower-income units. See Section 5.0 of the Capital Program Manual for further information (<https://hcr.ny.gov/capital-programs-manual>).

1. To the extent feasible, DHCR will require that replacement units be located within the same neighborhood as the units demolished or converted (24 CFR 42.375(b)(1)).

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) (24 CFR 42.375(c)(7)).

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 (24 CFR 42.375(b)(3)). 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 (24 CFR 42.375(b)(4)).

4. 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 (24 CFR 42.375(b)(5)).

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.nyshcr.org 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 (Award Letter for CDBG and HOME Local Program Administrators, Funding Commitment Letter for FHTF and/or HOME Capital Development) committing DHCR to provide funds for a CDBG, FHTF and/or HOME project that will directly result in demolition or conversion of lower-income dwelling units, DHCR will make public the one-for-one replacement plan on its website www.nyshcr.org and through public information sessions (see Section 5.0 of the Capital Program Manuals for further information (<https://hcr.ny.gov/capital-programs-manual>):

- 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 direct result of an assisted project.
- 3- A time schedule for the commencement and completion of the demolition or conversion.
- 4- The location on a map and the number of dwelling units by size (number of bedrooms) that will be provided as replacement dwelling units. If such data are not available at the time of the general submission, the submission shall identify the general location on an area map and the approximate number of dwelling units by size and information identifying the specific location and number of dwelling units by size shall be submitted and disclosed to the public as soon as its available.
- 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.