

**Residential Anti-Displacement and
Relocation Assistance Plan (RARAP)
Policy**

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Version History

Version Number	Adoption Date	Summary of Changes
1.0	06/12/2024	Original version

Purpose

This Policy will serve as the Residential Anti-Displacement and Relocation Assistance Plan (RARAP) specific to CDBG-DR, including specific waivers and requirements found in Federal Register 32046 Volume 88, No 96. Sarasota County's CDBG-DR program was launched as Resilient SRQ. This policy can be found on Sarasota County's Resilient SRQ web page (<https://www.resilientsrq.net/>)

Guidance

Sarasota County's CDBG-DR RARAP serves as a supplement to the acquisition and relocation requirements stated in the Sarasota County's Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA). Subrecipients may adopt this plan or develop their own for Sarasota County approval. The approved plan must be publicly accessible as soon as possible. The plan shall indicate the steps that will be taken consistent with other goals and objectives of the program, to minimize the displacement of families and individuals from their homes and neighborhoods as a result of any assisted activities.

Policy for CDBG-DR

Every effort will be made to minimize temporary or permanent displacement of persons due to the delivery of HUD CDBG-DR Programs administered by Sarasota County. Cost- efficient, feasible, and reasonable mitigation measures will be considered before the acquisition, rehabilitation and demolition of residential units and permanent displacement of residents. Sarasota County will comply with the requirements of and utilize the waivers set forth in applicable Federal Register Notices pertaining to the URA and 24 CFR Subpart C, Section 104(d), (Section 104(d)) including, but not limited to CDBG-DR Notice, 88 FR 32046, 5/18/2023.

This policy does not cover any optional relocation assistance provided through CDBG-DR to applicants who *voluntarily* participate in CDBG-DR funded programs and who are not required to be served under URA, such as temporary housing for homeowners temporarily displaced due to the rehabilitation of their primary residence using CDBG-DR funds. Optional relocation assistance policy can be located at Sarasota County's Resilient SRQ web page (<https://www.resilientsrq.net/>).

If a property owner has tenants, the tenants will be considered involuntarily displaced. The displacement may be temporary or permanent depending on the type of recovery and mitigation activity. URA will apply to both residential and non-residential tenants.

In accordance with HUD's programmatic and Sarasota County's CDBG-DR Residential Anti-Displacement and Relocation Assistance Plan, Sarasota County is committed to minimizing the displacement of persons whose storm-impacted properties are assisted with CDBG-DR funds. The County mirrors the federal URA objectives, which include:

- Ensuring that owners of real property to be acquired for federally assisted projects are treated fairly and consistently,
- Encouraging and expediting acquisitions by agreement,

- Minimizing litigation,
- Providing fair, consistent, and equitable treatment of person displaced by federally assisted projects, and
- Ensuring displaced persons will not face disproportionate negative impacts because of projects designed for public benefit.

Minimizing Displacement

Consistent with the objectives above, Sarasota County's CDBG-DR Program will take the following steps, where feasible, to minimize the direct and indirect displacement of persons from their homes and neighborhoods:

- Coordinate code enforcement with rehabilitation and housing assistance programs.
- Offer optional relocation assistance to those who must be relocated temporarily during voluntary rehabilitation.
- Adopt policies to identify and mitigate displacement resulting from intensive public investment in neighborhoods.
- Establish counseling opportunities to provide homeowners and tenants with information on assistance available to help them remain in their community.
- Prioritize rehabilitation of housing, as opposed to demolition, to avoid displacement.
- Demolish or convert 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). Section 104(d) requirements stipulate that CDBG (by extension CDBG-DR) funds may not be used to reduce Sarasota County's stock of affordable housing. The CDBG regulations [24 CFR 570.606(c)(1)(i)] state that: "All occupied and vacant occupiable low and moderate income (LMI) dwelling units that are demolished or converted to a use other than as low and moderate-income dwelling units in connection with an activity assisted under this part must be replaced with low- and moderate-income dwellings units." The rules implementing the Section 104(d) requirement for the replacement of housing in the County's CDBG-DR program are found at 24 CFR 570.496a(c). Exception can only be made to the aforementioned statute if converted to a use other than as low- and moderate-income dwelling units in connection with an activity assisted under this part must be replaced with low- and moderate-income dwelling units." To apply the 104(d) one for one replacement waiver, all following three alternative requirements must be met: The unit must be 1) disaster damaged, 2) not suitable for rehabilitation and 3) ownership determination must be met. Further detail is provided in the "Applicable Waivers Section".

Minimizing Adverse Impact of Displacement

If it is neither reasonable nor feasible to minimize displacement, Sarasota County's CDBG-DR program will focus on strategies that mitigate the negative impacts rather than eliminating displacement altogether. Such strategies may include, where feasible:

Mitigation Strategies:

- Compensation: Ensure fair compensation for those displaced, including financial support and assistance with relocation.
- Support Services: Provide support services such as counseling, job placement, and access to housing resources to help displaced individuals adjust.
- Community Engagement: Involve affected communities in decision-making processes to address their concerns and needs.
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Implement Measures to Prevent Repetitive Loss:

- Risk Assessment: Conduct thorough risk assessments to understand why displacement is necessary and how to minimize its recurrence.
- Resilient Design: Incorporate resilient design and planning measures to reduce the likelihood of future displacements due to similar issues.
- Adaptation Strategies: Develop adaptation strategies to address the underlying issues causing displacement, such as climate change or environmental degradation.

Minimizing Adverse Impact of Displacement Among Vulnerable Populations

Sarasota County's CDBG-DR program recognizes the importance of providing affordable housing is crucial in reducing and minimizing displacement and mitigating its negative effects, especially for vulnerable populations. Support for housing development or rehabilitation projects can help prevent displacement due to housing shortages or deteriorating conditions. Sarasota County's CDBG-DR program has launched their New Multifamily Affordable Housing program and can, where feasible, direct displaced persons to these programs.

Planning Programs and Projects Recognizing Challenges of Displaced Persons

Sarasota County's CDBG-DR program has been planned with recognizing the challenges that displacement presents to our community. Upon initial notification from HUD of the County's CDBG-DR award, Sarasota County met with community partners to encourage participation from key stakeholders and community groups in the development of the Action Plan, which guided the design of the programs.

These groups included the Homeless Continuum of Care, the Community Alliance of Sarasota County, the Council of Government, the South County Tiger Bay Club, the SHA, Community Organizations Active in Disaster, the Affordable Housing Advisory Committee, and the Sarasota County Long-Term Recovery Group. Approximately 100 community groups are represented in these organizations.

From the input received from the community, each program was designed, where feasible, to minimize displacement. Instead of displacing current tenants in the rehabilitation of existing multifamily affordable units, the program chose to build new affordable multifamily housing units.

Duplication of Benefits (DOB)

Duplication of benefits (DOB) refers to the provision under the Robert T. Stafford Disaster Assistance and Emergency Relief Act (Stafford Act) that prohibits any person, business concern, or other entity from receiving financial assistance from federal disaster funds with respect to any part of a loss resulting from a major disaster if that person or entity has already received financial assistance under any other program, insurance, or another source for the same purpose. Sarasota County CDBG DR programs will comply with HUD's requirements for DOB assessment of disaster assistance received for each tenant. Any assistance found to be duplicative of the URA assistance will be deducted from the award/payments.

Applicable Waivers

This section below lists some of the key waivers impacting the administration of Sarasota County, Florida CDBG- DR grants specific to the Consolidate Notice 88 Fed. Reg. 32046 (May 18, 2023)

Relocation by Subrecipients

Subrecipients will be required to adopt Sarasota County's RARAP or develop their own for Sarasota County approval to establish separate optional relocation policies prior to undertaking any activity assisted with funding from CDBG-DR. The written policy must: be available to the public, describe the relocation assistance that the subrecipient has elected to provide, and provide for equal relocation assistance within each class of displaced persons according to 24 CFR 570.606(d).

In the event of any displacement because of a federally funded award, Sarasota County requires that the subrecipients comply with the URA, section 104(d) as amended, (42 U.S.C. 4601 et seq.), for any household that is involuntarily and temporarily or permanently displaced, regardless of income. Sarasota County is aware that any demolition or disposition of public housing is subject to Section 18 of United States Housing Act of 1937, as amended, and 24 CFR part 970.

URA Regulations

Activities and projects undertaken with CDBG-DR funds may be subject to the URA, section 104(d) of the Housing and Community Development Act (HCDA) (42 U.S.C. 5304(d)), and CDBG program requirements related to displacement, relocation, acquisition, and replacement of housing, except as modified by waivers and alternative requirements provided in FR-6368-N-01.

In such notice, HUD waived or provided alternative requirements for the purpose of promoting the availability of decent, safe, and sanitary housing with respect to the use of CDBG-DR funds allocated under the Consolidated Notice.

Section 104(d) One-for-One Replacement of Lower-income Dwelling Units

Current CDBG-DR regulations waive the requirement to provide one-for-one replacement requirements at section 104(d)(2)(A)(i) and (ii) and 104(d)(3) of the HCDA and 24 CFR 42.375, for owner-occupied lower

income dwelling units that are damaged by the disaster and not suitable for rehabilitation. Units which meet Sarasota County's definition of Not Suitable for Rehabilitation are exempted from the one-for-one replacement requirements. Sarasota County's definition of not suitable for rehabilitation is included in our CDBG-DR Action Plan and Housing Recovery Policies outlined below:

- The cost to properly "rehabilitate" the unit, to bring it to livable standards under local code and HUD property and habitability standards, exceeds 60 percent of the total current value of the property or a comparable reconstruction.
- The property is located in an area where environmental or other hazards place residents in undue harm as identified through an environmental review or by other means as the County determines;
- The structure has been condemned under local code; or
- The building is identified as a repetitive loss structure.

Mobile Home Units or "MHU's" have a different criterion for "not suitable for rehabilitation" which is outlined in our Housing Recovery Policy located at <https://www.resilientsrq.net/housing-recovery>. An MHU is considered not suitable for rehabilitation if the estimated repair costs exceed \$20,000, or if the unit is more than ten years old at the time of the Housing Recovery Program application.

Tenant-occupied and vacant occupiable lower-income dwelling units demolished or converted to another use other than lower-income housing in connection with a CDBG-DR assisted activity are generally subject to one-for-one replacement requirements at 24 CFR 42.375 and these provisions are not waived.

Before entering a contract committing Sarasota County to provide funds for a project that will directly result in demolition or conversion of tenant-occupied and vacant occupiable lower-income dwelling units, Sarasota County will make public a "One-for-One Unit Replacement Plan", that will be submitted to HUD that will include the following information in writing:

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. NOTE: See also 24 CFR 42.375(d).
5. The source of funding and a 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 unit for at least 10 years from the date of initial occupancy; and
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).

Relocation Assistance to Displaced Persons

To prevent disparities in the provision of relocation assistance associated with activities funded by HUD or FEMA, the Federal Registration notice waives relocation assistance requirements at section 104(d)(2)(A)(iii) and (B) of the HCDA and 24 CFR 42.350, to the extent that an eligible displaced person, as defined under 24 CFR 42.305, may choose to receive either assistance under the URA (49 CFR part 24), or assistance under section 104(d) (24 CFR 42.350).

This waiver does not impact a person's eligibility as a displaced person under section 104(d), it merely limits the amounts and types of relocation assistance that a section 104(d) eligible displaced person is eligible to receive. A section 104(d) eligible displaced person is eligible to receive the amounts and types of assistance for displaced persons under the URA, as may be modified by the waivers and alternative requirements in this notice for activities related to disaster recovery.

This limited waiver of the section 104(d) relocation assistance requirements assures uniform and equitable treatment for individuals eligible to receive benefits under section 104(d) by establishing that all forms of relocation assistance to those individuals must be in the amounts and for the types of assistance provided to displaced persons under URA requirements.

URA Replacement Housing Payments

HUD waivers allow an agency to use tenant-based rental assistance (such as Section 8 housing choice vouchers) to meet all or a portion of its relocation assistance obligation if it also provides comparable replacement dwellings for consideration by the displaced person. Sarasota County may allow its subrecipients that administer such assistance to utilize this waiver. If this assistance is administered by a subrecipient, the county will require the subrecipient to provide a written plan for providing rental assistance through this waiver. The plan must commit to providing 42 months of assistance and must be provided to the county for review and approval. This waiver and alternative requirement are subject to the following condition: If the assistance is provided through a HUD-funded program, it is subject to the applicable HUD program requirements, including the requirement that the tenant must be eligible for the specified rental housing program

Voluntary Purchase for Primary Residence

49 CFR 24.101(b)(2) is waived to the extent that it applies to a homebuyer, who does not have the power of eminent domain, and uses CDBG-DR funds in connection with the voluntary purchase and occupancy of a home the homebuyer intends to make their primary residence. Tenants displaced by these voluntary acquisitions may be eligible for relocation assistance.

Voluntary Acquisition

Section IV.F.4 of the Consolidated Notice only waives 49 CFR 24.101(b)(2) to the extent that it applies to a homebuyer who does not have the power of eminent domain authority. Other acquisitions undertaken by entities without eminent domain power acquiring real property under CDBG-DR are subject to 49 CFR 24.101(b)(2) requirements. Furthermore, acquisitions subject to 49 CFR 24.101(b)(1) that applies to entities

that DO have eminent domain authority and the requirements have NOT been waived. Sarasota County will comply and document that it met this regulatory requirement in its purchase of any real property.

The requirements of URA do not apply to acquisitions that meet all of the following conditions (49 CFR 24.101(b)(1)):

- No specific site or property needs to be acquired, although Sarasota County may limit its search for alternative sites to a general geographic area. Where Sarasota County wishes to purchase more than one site within a general geographic area on this basis, all owners are to be treated similarly. (See appendix A, § 24.101(b)(1)(i).)
- The property to be acquired is not part of an intended, planned, or designated project area where all or substantially all of the property within the area is to be acquired within specific time limits.
- The Agency will not acquire the property if negotiations fail to result in an amicable agreement, and the owner is so informed in writing.
- The Agency will inform the owner in writing of what it believes to be the market value of the property. (See appendix A, § 24.101(b)(1)(iv) and (2)(ii).)

Section 414 Waiver of the Robert T. Stafford Disaster Relief and Emergency Assistance Act

Section 414 of the Stafford Act is waived to the extent that it would apply to real property acquisition, rehabilitation, or demolition of real property for a CDBG– DR funded project, undertaken by Sarasota County or its subrecipient, that began more than one (1) year after the Presidentially declared disaster, provided that the project was not planned, approved, or otherwise underway prior to the disaster. Sarasota County understands that the program commencement date is the earliest of:

- The date of an approved Release for Request of Funds (RROF) and certification, or
- the date of completion of the site-specific review when a program utilizes tiered environmental reviews, or
- the date of sign-off by the approving official when a project converts to exempt under 24 CFR 58.34(a)(12).

Sarasota County CDBG- DR Program will ensure that this waiver does not apply to persons that meet the occupancy requirements to receive a replacement housing payment under the URA nor does it apply to persons displaced or relocated temporarily by other HUD- funded programs or projects. Sarasota County will ensure that such persons' eligibility for relocation assistance and payments under the URA is not impacted by this waiver.