RESIDENTIAL ANTI-DISPLACEMENT AND RELOCATION ASSISTANCE PLAN

This Residential Anti-displacement and Relocation Assistance Plan (“RARAP”) is prepared by the Texas Department of Housing and Community Affairs (“Department”), an agency of the State of Texas in accordance with the Housing and Community Development Act of 1974, (“Act”) as amended; and HUD regulations at 24 CFR §42.325 and is applicable to the Department’s Neighborhood Stabilization Program (“NSP”), HOME Investment Partnership Program (“HOME” and “HOME-ARP”) and Community Development Block Grant Cares (“CDBG-CV”) assisted projects.

# Relocation Assistance to Displaced Persons

The Department, through its subgrantees, will offer relocation assistance for lower-income tenants who, in connection with an activity assisted under NSP, HOME, HOME-ARP, or CDBG-CV 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 in accordance with the requirements of 24 CFR §42.350.

A displaced person who is not a lower-income tenant will be offered relocation assistance in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (“URA”), (Pub. L 91-645, 42 U.S.C. 4601 §§ *et seq*). Lower income tenants, may also elect to receive relocation assistance under URA instead of Section 104(d).

# Minimize Displacement

Consistent with the goals and objectives of activities assisted under the Act, the Department will require its subgrantees to take the following steps to minimize the direct and indirect displacement of persons from their homes:

* Stage rehabilitation of apartment units to allow tenants to remain on-site during and after rehabilitation by working on empty units or buildings first.
* Where feasible, give priority to rehabilitation of housing, as opposed to demolition, to avoid displacement.

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A displaced person who is not a lower-income tenant will be offered relocation assistance in accordance with the URA.

Rental replacement payments will be made in at least three installments except that lump sum payments may be made to cover (1) moving expenses, (2) a downpayment on the purchase of replacement housing, or incidental expenses related to (1) or (2). Section 104(d) Down payment assistance is limited by statute to securing participation in a housing cooperative or mutual housing association.

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

The State of Texas 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 HOME or CDBG-CV in accordance with 24 CFR §42.375. HOME-ARP and NSP are exempt from the one-for-one replacement requirement.

 Whenever possible, minority persons shall be given reasonable opportunities to relocate to comparable and suitable decent, safe, and sanitary replacement dwellings, not located in an area of minority concentration, that are within their financial means. As required by Section 504 of the Rehabilitation [Act](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=bc0c8be8306921bfd0aea43dda325090&term_occur=999&term_src=Title:24:Subtitle:B:Chapter:V:Subchapter:C:Part:576:Subpart:E:576.408) ([29 U.S.C. 794](https://www.law.cornell.edu/uscode/text/29/794)) and [49 CFR Part 24](https://www.law.cornell.edu/cfr/text/49/part-24), replacement dwellings must also contain the accessibility features needed by displaced persons with disabilities.

Before the Department enters into a written agreement committing the Department to provide funds for a project that will directly result in demolition or conversion of lower-income dwelling units, subgrantees will publish project information in a newspaper of general circulation, or other acceptable means approved by the Department, receive public comment for a minimum of fourteen days, and submit all comments to the Department in addition to the following items:

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 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)*. 1378 CHG-11 Appendix 34 App. 34-3 [09/11];
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).

To the extent that the specific location of the replacement dwelling units and other data in items 4 through 7 are not available at the time of the general submission, subgrantees will identify the general location of such dwelling units on a map and complete the disclosure and submission requirements to the Department as soon as the specific data is available.

# Replacement not Required, Based on Unit Availability

Under 24 CFR §42.375(d), the subgrantee may submit to the Department 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.

# Contacts

Program Area Management ensures compliance with the Act, tracks replacement of lower-income dwelling units to ensure that they are provided within the required period, and tracks relocation payments and other relocation assistance to any lower-income displaced person. Qualified displacement may include that caused by demolition of any dwelling unit or the conversion of lower-income dwelling units to another use. Program Area Management contact names are located on the Department’s website at <http://www.tdhca.state.tx.us/>.