

Residential Anti-Displacement and Relocation Assistance Plan HUD Funded Programs ROCKLAND COUNTY, NEW YORK

Definition: Local Government – In this document Local Government is defined as Rockland County, New York or any local government that has an executed Subrecipient’s Agreement with Rockland County, New York.

Residential Anti-Displacement and Relocation Assistance Plan HUD Funded Programs

This Residential Anti-Displacement and Relocation Assistance Plan (RARAP) is prepared by the County of Rockland in accordance with the Housing and Community Development Act of 1974, as amended; and HUD regulations at 24 CFR 42.325 and is applicable to HUD funded programs including but not limited to our CDBG, CDBG-R and HOME assisted projects.

Minimize Displacement

Consistent with the goals and objectives of activities assisted under the ACT, the County will take the following steps to minimize the direct and indirect displacement of [persons from their homes:

- Coordinate code enforcement with rehabilitation and housing assistance programs.
- Evaluate housing codes and rehabilitation standards in reinvestment areas to prevent undue financial burden on established owners and tenants.
- Stage rehabilitation of apartment units to allow tenants to remain in the building/complex during and after the rehabilitation, working with empty units first.
- Arrange for facilities to house persons who must be relocated temporarily during rehabilitation.
- Adopt policies to identify and mitigate displacement resulting from intensive public investment in neighborhoods.
- Adopt policies which provide reasonable protections for tenants faced with conversion to a condominium or cooperative.
- Where feasible, give priority to rehabilitation of housing, as opposed to demolition, to avoid displacement.

- If feasible, 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).
- Target only those properties deemed essential to the need or success of a project.

Relocation Assistance to Displaced Persons

The County will provide relocation assistance for lower-income tenants who, in connection with an activity assisted under the CDBG, CDBG-R, HOME or other HUD funded programs, 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 42.450. A displaced person who is not a lower-income tenant, will be provided relocation assistance in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and implementing regulations at 49 CFR Part 24.

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

The County 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, CDBG-R, HOME or other HUD funded programs, in accordance with 24 CFR 42.375.

Before entering into a contract committing the County to provide funds for a project that will directly result in demolition or conversion of lower-income dwelling units, the County will make public by publication in a newspaper of general circulation and submit to HUD 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. (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 will 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, the County will identify the general location of such dwelling units on a map and complete the disclosure and submission of requirements as soon as the specific data is available.

Replacement not Required Based on Unit Availability

Under 24 CFR 42.375(d), the County may submit a request to HUD 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.

DEFINITIONS OF "STANDARD" AND "NON-STANDARD SUITABLE FOR REHABILITATION DWELLING UNIT CONDITION

In the absence of federal and state provided definitions, the following is provided to establish a frame of reference and context when dealing with matters of displacement and/or relocation as defined in 24 CFR Part 570, 24 CFR Part 92, and 24 CFR Part 42 and 49 CFR Part 24.

A. Standard Condition

A dwelling unit is considered standard if it has no major defects or only slight defects, which are correctable through the course of regular maintenance. It must be in total compliance with applicable local housing and occupancy codes; be structurally sound, watertight and in good repair; be adequate in size with respect to number of rooms and area of living space and contain the following:

1. A safe electrical wiring system adequate for lighting and other normal electrical devices.
2. A heating system capable of sustaining a healthful temperature (consistent with normal, year round climatic conditions).
3. A separate, well-lighted and ventilated bathroom that provides user privacy and contains a sink, commode, and bathtub or shower stall.
4. An appropriate, sanitary and approved source of hot and cold potable water.
5. An appropriate, sanitary and approved sewage drainage system.
6. A fully usable sink in the kitchen.
7. Adequate space and service connections for a refrigerator that will not hinder functionality.
8. An unobstructed egress to a safe, open area at ground level.
9. Be free of any barriers, which would preclude ingress or egress if the occupant is

handicapped.

Failure to meet any of these criteria automatically causes a dwelling to not be considered "standard."

B. Substandard Condition Suitable for Rehabilitation

A dwelling unit is considered substandard if it does not fully comply with the standard criteria, or has minor defects which require a certain amount of correction but can still provide safe and adequate shelter or has major defects requiring a great deal of correction and will be safe and adequate once repairs are made.

To be suitable for rehabilitation, a trained housing specialist must carefully inspect the dwelling and prepare a work write-up of repairs necessary to bring it up to standard condition. A cost estimate of repairs will be prepared based on the needs identified in the work write-up. Rehabilitation requires that at least 20% of the original structure remain after construction, based upon the following formula. Three (3) major components of the house are considered, with each component weighted to total 100% of the structural value of the house. These components and ratios are:

- roof 20%;
- exterior walls 60%;
- flooring system 20%.

This criteria is arbitrary, however, and the local governing body may authorize deviations based on the unique aspects of each dwelling, owner, tenant, etc., on a case-by-case basis. Each deviation so approved must be thoroughly documented.

APPEALS

The County of Rockland will promptly review appeals in accordance with the requirements of applicable law and 49 CFR Part 24.10 of the Uniform Act regulations.

Any person who believes he/she has been displaced for a federally assisted project may file a written appeal with the County of Rockland. If a person believes that the County of Rockland or its subrecipients has failed to properly consider the person's application for assistance under the Uniform Act or Section 104(d) of the Housing and Community Development Act, by denying benefits, an appeal should be sent to, and will be reviewed by, the County of Rockland. Please contact the County of Rockland if you wish to discuss an appeal at:

Rockland County Office of Community Development
Joseph F. Abate
185 North Main Street
Spring Valley, New York, 10977

Assistance, or lack thereof, that can be appealed may include the person's eligibility for, or the amount of, payments required for moving, replacement housing or commercial re-

establishment.

The County of Rockland shall consider written appeals regardless of form. The County of Rockland may set a reasonable time limit for a person to file an appeal. The time limit shall be 90 days after the person receives written notification of the Agency's determination on the person's claim.

A person has a right to be represented by legal counsel or other representative in connection with his or her appeal, but solely at the person's own expense.

The County of Rockland shall permit a person to inspect and copy all materials pertinent to his or her appeal, except materials which are classified as confidential. The imposition of reasonable conditions on the person's right to inspect, consistent with applicable laws, will be set

In deciding an appeal, the County of Rockland will consider pertinent justification and material submitted by the person, to ensure a fair and full review of the appeal. Promptly after receipt of all information submitted by a person in support of an appeal, the County of Rockland shall make a written determination on the appeal, including an explanation of the basis on which the decision was made, and furnish the person a copy.

If the full relief is not granted, the County of Rockland shall advise the person of his or her right to seek judicial review of the decision. The official conducting the review shall be the Director of the Rockland County Office of Community Development or his or her authorized designee. However, the official cannot be directly involved in the action appealed. If the displaced person is still not in agreement with the determination, the person shall be directed to the local HUD office (attn: Relocation Specialist in Community Planning and Development) for a review of the appeal and determination.

Contacts

The Rockland County Office of Community Development is responsible for tracking the replacement of lower-income dwelling units and ensuring that they are provided within the required period.

The Subrecipient (the organization that received CDBG, CDBG-R, HOME or other HUD project funds) is responsible for providing relocation payments and other relocation assistance to any lower income person displaced by the demolition of any housing or the conversion of lower income housing to another use. These costs may be funded by CDBG, CDBG-R, HOME or other HUD program funds.