

CDBG-DR Residential Anti-Displacement and Relocation Assistance Plan (RARAP) Toolkit

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RARAP FAQs

What is a RARAP?

A Residential Anti-displacement and Relocation Assistance Plan (RARAP) is a strategy to minimize displacement of residents in connection with HUD-funded projects, and an overview of how a HUD grantee will assist those who are displaced as a result of HUD-funded projects. It describes measures that will be taken to prevent displacement, a summary of relocation assistance that will be provided to displaced persons, and how the grantee will comply with the One-For-One replacement requirement for lower-income housing units demolished or converted to another use.

Are grantees required to do a RARAP for their entitlement programs as well as CDBG-DR?

Yes. A RARAP is required for the CDBG (including entitlement, Small Cities, State and Section 108), UDAG, and HOME programs. When you submit your Consolidated Plan, you are required to certify that you have in place and are following a RARAP. Some grantees believe they are exempt from having to develop a RARAP by simply not undertaking activities that will require relocation. However, HUD requires all grantees to have a RARAP in place not only to help intentionally avoid displacement, but also to ensure they have a plan in case there is an unexpected need for relocation. HUD has provided a sample RARAP for entitlement programs at [appendix 34 of HUD Handbook 1378.0](#). Note that this sample does not address CDBG-DR or MIT activities.

Can I use the RARAP from my entitlement program for my CDBG-DR award?

Only if it is amended to incorporate CDBG-DR requirements from applicable HUD allocation notices. Both the Universal Notice and the Consolidated Notice require grantees to either develop a new CDBG-DR RARAP or amend their existing RARAP to cover their CDBG-DR activities.

- Grantees with awards subject to the Universal Notice ([90 FR 1754](#), amended 4/5/2025) should follow the RARAP requirements at III.B.15.a of the Universal Notice.
- Grantees with awards subject to the Consolidated Notice ([87 FR 31636](#)) should follow the RARAP requirements at IV.F.7 of the Consolidated Notice.
- Grantees with awards that pre-date the Consolidated Notice should consult the Federal Register Notice that governs their award.

How is a RARAP different from URA policies and procedures?

A RARAP differs from a URA policies and procedures (hereinafter referred to as “URA P&Ps”) in several ways:

Content – A RARAP is a high-level plan for how a grantee will minimize displacement in all its HUD-funded activities and provide relocation assistance if a HUD-funded activity does result in displacement. URA P&Ps, on the other hand, provide detailed guidance for how relocation activities will be operationalized in specific CDBG-DR and MIT programs and activities. URA P&Ps may include, but are not limited to, topics such as client application and intake, case management, processing of benefits, and file documentation.

Audience – A RARAP is a resource for the public, as well as the grantee and its subrecipients, and should be written in plain language that avoids jargon and acronyms. URA P&Ps are more technical and detailed and are primarily intended to guide grantee or subrecipient staff, as well as their developers and contractors, who are implementing relocation activities. Grantees may also choose to post a public-facing version of their URA P&Ps that is intended to be read by program beneficiaries or other members of the general public. However, this manual does not take the place of the RARAP. Grantees must comply with their RARAP in any CDBG-DR programs, so program administrators and operations teams should be familiar with their RARAP as they design and implement their programs.

Length – While there is no length requirement, a RARAP is typically 5-10 pages long. URA P&Ps may be much longer, as they contain very specific guidance for how relocation activities must be administered and compliance documented.

Applicability – All grantees are required to develop a RARAP, regardless of whether or not they plan to undertake relocation activities, whereas URA P&Ps are only necessary to the extent that a grantee intends to undertake relocation activities. (In the event of unexpected displacement, a grantee may need to expand or develop new URA P&Ps.) **Universal Notice grantees should note that section III.A.2.a of the Notice lists certain displacement and relocation considerations that must be included in the grantee’s program-specific policies and procedures for each activity that could potentially trigger displacement.**

How do I use the CDBG-DR RARAP checklist provided in this toolkit?

If you have an existing RARAP that you wish to modify for CDBG-DR, or if you have already developed a CDBG-DR RARAP, you can use the checklist on pages 5-6 of this toolkit to ensure your RARAP meets the requirements in the Universal Notice, Consolidated Notice and/or other applicable FRNs.

How do I use the CDBG-DR RARAP template provided in this toolkit?

If you do not yet have an existing CDBG-DR RARAP, you may use the provided template to develop one. To customize the template:

1. Fill in the highlighted fields with the specified information.
2. Refer to the annotations in purple for specific areas that you may need to customize for your program and award(s).
3. Review the plan in its entirety to determine if you need to make any other edits and to make sure your organization is prepared to carry out the activities described in the RARAP.

Does this toolkit provide guidance for grantees with CDBG-DR awards under more than one Allocation Announcement Notice (AAN)?

This toolkit provides guidance on complying with RARAP-related requirements under both the Universal Notice (90 FR 1754) and the Consolidated Notice (87 FR 31636). The applicability of the guidance is noted so that grantees can delete information that does not apply to them. Grantees with awards that pre-date the Consolidated Notice will need to consult the requirements of their specific notice for RARAP guidance.

What should I do with the RARAP once it is finalized?

- There is no federal requirement to hold a public hearing or a public comment period before implementing the RARAP, although grantees may do so if they choose.
- Once the document is finalized, you should follow your organization's standard process for adopting plans or policies.
- You should also share the RARAP with your HUD representative and follow any additional steps they may require. Note that HUD approval is typically not required.
- When the document is fully approved and adopted, you should post it on your CDBG-DR website. (While this is not a stated requirement by HUD, it is recommended for communication and transparency.)
- If necessary, amend your CDBG-DR Action Plan to state that your organization has in effect and follows a RARAP for your CDBG-DR activities. This will generally be a non-substantial amendment unless there are other, more significant changes that need to be made to your Action Plan at the same time.
- Finally, ensure that your CDBG-DR programs are designed and implemented in accordance with your adopted RARAP with regard to any activities that may result in the displacement of households or businesses.

Checklist for Existing CDBG-DR RARAPs

Requirements for All RARAPs

- Includes a certification that the grantee has in effect and is following a RARAP per applicable requirements.
- Conforms with the Housing and Community Development Act of 1974, as amended, and HUD regulations at 24 CFR 42.325, as well as the alternative requirements established under the applicable FR Notice(s).
- Includes language that specifically covers CDBG-DR activities (grantees may either develop a new CDBG-DR specific RARAP, or amend an existing RARAP to include CDBG-DR.)
- Describes how the grantee plans to minimize displacement of families and individuals from their homes and neighborhoods as a result of any CDBG-DR assisted activities.
- Requires subrecipients, contractors and developers to comply with the grantee's RARAP.
- If the grantee's CDBG-DR funded programs include buyout or other eligible acquisition activities where minimizing displacement is not reasonable, feasible, cost-efficient, or would not help prevent future or repetitive loss, describes how the grantee will minimize the adverse impacts of displacement.
- Identifies the proposed disaster recovery activities that may directly or indirectly result in displacement.
- Describes the relocation assistance required for those displaced, including that required under:
 - URA and implementing regulations at 49 CFR 24
 - Section 104(d) of the HCDA
 - 24 CFR 570.488
 - 24 CFR 570.606
 - Any other assistance the grantee will make available to displaced persons
- Describes how the grantee will plan CDBG-DR programs and projects in a manner that recognizes the substantial challenges experienced by displaced individuals, families, businesses, farms, and nonprofit organizations.
- Describes solutions the grantee will use to minimize displacement and its adverse impacts, especially among vulnerable populations. These solutions must be scoped to the complexity and nature of the anticipated displacing activities.
- Evaluates the grantee's available resources to carry out timely and orderly relocations in compliance with all applicable relocation requirements.

RARAP-Related Requirements Under the Universal Notice

- RARAP includes the grantee's plan to replace, on a one-for-one basis, all occupied and vacant occupiable low-income dwelling units that are demolished or converted with CDBG-DR funds to another use according to 24 CFR 42.325(b) and 24 CFR 49.375.

- Each program-specific policy and procedure for a program or activity that has the potential to cause displacement includes a description of how the grantee will:
 - Minimize displacement,
 - Ensure the accessibility needs of displaced persons with disabilities, and
 - Provide assistance to those displaced in accordance with the grantee's RARAP.
- For any program-specific policies and procedures that do not have the potential to cause displacement (e.g. planning), the grantee has indicated that minimizing displacement is not applicable because displacement will not occur.

RARAP-Related Requirements Under the Consolidated Notice

- The grantee's CDBG-DR Action Plan includes a description of how the grantee will:
 - Minimize displacement,
 - Ensure the accessibility needs of displaced persons with disabilities, and
 - Provide assistance to those displaced in accordance with the grantee's RARAP.
 - Meet the RARAP requirements.
- The action plan must indicate to HUD whether the grantee will be amending an existing RARAP or creating a new RARAP specific to CDBG-DR.
- In the action plan, grantees must describe how they will plan and budget for relocation activities.

CDBG-DR RARAP Template for Grantee Use

GRANTEE NAME

CDBG-DR RESIDENTIAL ANTI-DISPLACEMENT AND RELOCATION ASSISTANCE PLAN

The U.S. Department of Housing and Urban Development (HUD) requires the **Grantee** to certify that it has in effect and is following a Residential Anti-displacement and Relocation Assistance Plan (RARAP) as required by the regulations found at 24 CFR Part 42, for the “Displacement, Relocation Assistance, and Real Property Acquisition for HUD and HUD-Assisted Programs”, as amended. This RARAP conforms with the Section 104(d) of the Housing and Community Development Act of 1974 (HCDA), as amended; and HUD regulations at 24 CFR 42.325, and applicable waivers for activities funded by the Community Development Block Grant—Disaster Recovery (CDBG-DR) program.

PURPOSE

The purpose of this RARAP is to ensure the **Grantee** and its subrecipients carry out HUD-assisted projects in a manner that minimizes residential displacement. When displacement is necessary for a project, this RARAP outlines the broad steps the **Grantee** will take to minimize the impacts of temporary or permanent displacement upon families and individuals in compliance with applicable relocation and housing replacement requirements. The **Grantee** and its subrecipients will serve this purpose by undertaking the following:

- Identify the reasonable steps to be taken to minimize the displacement of persons from their homes and businesses because of a HUD-assisted project.
- Provide relocation assistance to all families and individuals displaced as a direct result of a HUD-assisted project, including the conversion of a low- to moderate-income (LMI) dwelling unit to a different purpose, or the rehabilitation or demolition of any housing for a HUD-assisted project.
- Replace all occupied and vacant occupiable LMI dwellings that are converted to a use other than LMI dwellings or LMI dwellings that are demolished for a project except as waived for CDBG-DR funded activities (see One-For-One Replacement section below).

Additional details on the applicability and implementation of this Plan can be found in the **Grantee's** URA policies and procedures, which are available at [link](#).

The above sentence should be revised according to the following:

Grantees with awards under the Universal Notice must include in their program-specific policies and procedures a description of how they will minimize displacement, ensure the accessibility needs of displaced persons with disabilities are met, and provide assistance to those displaced in accordance with their adopted RARAP.

Grantees with awards under other notices may choose to describe these efforts in a standalone URA Policy and Procedure Manual, as long as it contains sufficient detail to guide specific programs and activities.

APPLICABLE CDBG-DR AND CDBG-MIT FEDERAL REGISTER NOTICES

This RARAP has been developed to comply with CDBG-DR and CDBG-MIT waivers and alternative requirements related to relocation planning, relocation assistance, and lower-income housing replacement found in the following Federal Register Notices issued by HUD governing CDBG-DR and CDBG-MIT funding allocated to the **Grantee**:

- For CDBG-DR 2023-2024 Disasters: **AAN number and issue date**
 - Also subject to HUD Universal Notice 90 FR 1754, updated 4/5/2025
- For CDBG-DR 2020-2022 Disasters: **AAN number and issue date**
 - Also subject to HUD Consolidated Notices: 87 FR 6364, 2/3/2022, and 87 FR 31636, 5/22/2022

Grantees should edit the above subsection with the correct number and issue date of the AAN for each of their awards. The number and date have been noted above for the Universal Notice and Consolidated Notice. These should be removed if a grantee does not have active awards under these notices, and the number and issue date should be added for any older notices a grantee may have awards under.

CDBG-DR ACTIVITIES THAT MAY TRIGGER DISPLACEMENT

Pursuant to its CDBG-DR award(s) under the Notice(s) listed above, the Grantee anticipates undertaking the following programs and activities that may directly or indirectly cause displacement:

Grantees should use this subsection to briefly describe programs and activities they may undertake that could trigger displacement.

STRATEGIES TO MINIMIZE DISPLACEMENT

The items in the list below are examples. Grantees should review this list and feel free to change, delete or add items as applicable to their jurisdiction's activities.

The **Grantee** recognizes the substantial challenges experienced by displaced individuals, families, businesses, farms, and non-profit organizations. Accordingly, the **Grantee** will take the steps below to develop solutions when planning programs or projects to minimize displacement or adverse impact, especially among vulnerable populations. The **Grantee** will seek to minimize displacement consistent with the goals and objectives for the activities assisted under the HCDA. In addition, the **Grantee** will coordinate with municipalities and other local-level authorities to minimize the direct and indirect displacement of persons from their homes and neighborhoods because of assisted activities.

The **Grantee** will minimize the displacement of families and individuals, as well as minimize the impacts upon displaced persons due to CDBG-DR funded activities, by taking the following steps consistent with other goals and objectives of programs covered by 24 CFR Part 570:

Project Selection and Planning

- Prior to committing HUD funding to a project, the **Grantee** will collect information on project site occupants to assess the potential impact of the proposed project upon occupants.
- Communicate to potential program participants that non-buyout activities requiring significant

displacement of residents will not be considered competitive for funding.

- Adopt policies to identify and mitigate potential displacement resulting from intensive public investment in neighborhoods.
- Where feasible, give priority to projects that expand the available stock of affordable housing, as opposed to demolition or conversion of housing.
- 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)) or structures that have not been used for residential purposes.
- Target only those properties deemed essential to the need or success of the project.
- Evaluate housing codes and rehabilitation standards and code enforcement in reinvestment areas to prevent undue financial burden on established owners and tenants.

Housing Rehabilitation and Residential Projects

- If current tenants must move as part of the housing rehabilitation project, the **Grantee** will encourage sponsors to provide those who are eligible with an opportunity to rent a unit in the rehabilitated property upon its completion.
- For rehabilitation or other projects that require the temporary relocation of residential tenants, the **Grantee** will encourage project sponsors to minimize the amount of time that tenants are required to relocate from their unit.
- To the extent feasible, construction will be phased to allow tenants to stay in their units as long as possible and will be planned to ensure tenants with disabilities do not lose access, even on a temporary basis, to needed accommodations.
- Secure temporary replacement housing for persons who must be relocated temporarily during rehabilitation.
- Ensure that persons who are temporarily relocated can return to their original unit at a similar rental rate for at least one (1) year after project completion.
- If the **Grantee** commits CDBG-DR funds to a project, the **Grantee** will require that all occupants are provided with appropriate advisory services and relocation assistance as required by the Uniform Relocation Assistance and Real Property Acquisition Policies Act (URA) and Section 104(d) of the HCDA unless waived by HUD.
- If any temporary or permanent relocation is contemplated by a project, the **Grantee** will require the project sponsor to submit a detailed relocation plan that describes the entire relocation process, responsible parties, replacement housing, and funding source for relocation activities.

Rehabilitation of Manufactured Housing Units

- The **Grantee** will encourage project sponsors to implement rent stabilization or pad lease agreements to prevent displacement of residents due to increased pad rents following rehabilitation or program activities.
- Where feasible, the **Grantee** will support residents in forming Resident-Owned Communities (ROCs) to enable collective purchase of the land under their MHUs and provide long-term protection from displacement.
- The **Grantee** will work with MHU owners and residents to establish lease covenants or other

contractual protections ensuring tenants can remain in place, or provide relocation assistance to help residents secure safe, comparable replacement sites within the same community when protections are not feasible.

Infrastructure and Public Facility Projects

- During the design phase of infrastructure projects, the **Grantee** will evaluate alternative alignments, siting, and design options to avoid or minimize displacement of households, businesses, and community facilities.
- When infrastructure improvements are planned within residential areas, the **Grantee** will coordinate construction phasing to maintain access to homes and services and to avoid unnecessary temporary displacement.
- For projects that may affect the operations of small businesses or nonprofits, the **Grantee** will identify early communication and mitigation strategies—such as temporary access accommodations, signage, or scheduling adjustments—to minimize disruption.
- The **Grantee** will commit to not using eminent domain for CDBG-DR-funded projects.

Buyouts and Acquisitions

- The **Grantee** will design buyout programs to be voluntary and will ensure that participants are fully informed of available options and assistance before agreeing to sell their property.
- When feasible, the **Grantee** will provide location counseling and information on comparable housing in safer areas, ensuring displaced homeowners and tenants have opportunities to relocate to housing that meets their accessibility, affordability, and proximity needs.
- For buyout projects in repetitive loss areas, the **Grantee** will coordinate with local housing agencies and nonprofit developers to encourage the development of replacement affordable housing in less vulnerable areas.
- The **Grantee** will use CDBG-DR funds to offer housing incentives that encourage voluntary relocation from high-risk areas to safer locations outside the hazard-prone zone. Incentives may include housing supplements, down payment or closing cost assistance, or other financial benefits designed to offset the cost of purchasing or renting replacement housing in a lower-risk area. These incentives will be structured to promote permanent risk reduction, support housing stability for displaced households, and maintain affordability for low- and moderate-income participants.
- The **Grantee** will work to maintain community ties by prioritizing relocation within the same jurisdiction or school district, when consistent with floodplain management and mitigation objectives.

Neighborhood Stabilization and Anti-Displacement Policies

- Adopt policies which provide reasonable protections for tenants faced with conversion of their housing unit to a condominium or cooperative.
- Adopt tax assessment policies, such as deferred tax payment plans, to reduce the impact of increasing property tax assessments on lower income owner-occupants or tenants in revitalizing areas.

- Establish counseling centers to provide homeowners and tenants with information on assistance available to help them remain in their neighborhood in the face of increased housing costs resulting from revitalization.
- The **Grantee** will explore and encourage the formation of Community Land Trusts (CLTs) to acquire and hold land under rehabilitated or relocated housing units.

RELOCATION ASSISTANCE FOR DISPLACED PERSONS

Through its program recipients and development partners, the **Grantee** will offer relocation assistance in accordance with its URA policies and procedures. Lower-income tenants who, in connection with an activity assisted under CDBG-DR, are required to move permanently or move personal property from real property as a direct result of the acquisition, rehabilitation or demolition of any dwelling unit or the conversion of a lower-income dwelling unit will receive relocation assistance in accordance with the requirements of URA or Section 104(d), as applicable. 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, and implementing regulations at 49 CFR Part 24.

In the provision of relocation assistance, relocation advisory services will be provided to support displaced persons in securing replacement housing and receiving relocation payments. Appropriate accommodations will be provided to meet the needs of members of vulnerable populations, including but not limited to accounting for accessibility needs of persons with disabilities and providing translation or interpretation services for persons of Limited English Proficiency in accordance with the **Grantee's** Language Access Plan.

Replacement housing assistance payments for permanent relocation will be made in at least two (2) installments except that lump sum payments may be made to cover moving expenses, a down payment on the purchase of replacement housing, or related incidental expenses. For activities subject to the Universal Notice, a single lump sum rental assistance payment may be made instead of installment payments.

The **Grantee** may choose to offer Optional Relocation Assistance (ORA) as allowed for by HUD under 24 CFR 570.606(d) to program participants and other persons displaced by federally funded activities who do not meet the URA definition of “displaced person” and would therefore not be eligible for URA relocation assistance. The **Grantee** may establish ORA policies and procedures for programs with activities that may require such assistance on a limited basis to CDBG-DR and CDBG-MIT Program participants whose voluntary participation may require relocation. Such assistance will be provided in accordance with this RARAP.

Subrecipients shall be required to provide relocation assistance in accordance with URA and Section 104(d), as applicable to their CDBG-DR funded activities. The **Grantee** will provide technical assistance to subrecipients of CDBG-DR funds regarding compliance with relocation requirements and delivery of relocation payments and assistance. Additionally, subrecipients are required to either adopt the **Grantee's** Residential Anti-Displacement and Relocation Assistance Plan, or if they are a HUD entitlement jurisdiction, develop or revise their own plan for any activities assisted with funding from CDBG-DR as per applicable waivers.

Planning and Budget for Relocation Assistance Activities

The Grantee will plan and budget for relocation and anti-displacement activities as part of each program and project. During project development, staff will assess the potential for temporary or permanent displacement and estimate associated relocation costs, including advisory services, moving expenses, and replacement housing payments, as applicable under the Uniform Relocation Assistance and Real Property Acquisition Policies Act (URA) and Section 104(d) of the Housing and Community Development Act. These costs will be incorporated into project budgets and funding requests to ensure sufficient resources are available to fully meet relocation obligations. The grantee will also coordinate with subrecipients and project partners to ensure that adequate funds, staff capacity, and procedures are in place to carry out all required relocation and anti-displacement activities in compliance with CDBG-DR requirements.

Special Considerations for Vulnerable Populations

Both the Universal Notice and the Consolidated Notice require grantees to describe how they will minimize displacement or the adverse effects of displacement on vulnerable populations. Grantees may edit this section as necessary.

To ensure the needs and challenges of vulnerable populations are accommodated in the implementation of this RARAP, the **Grantee** will undertake the following actions as appropriate:

- Develop individualized relocation plans for members of vulnerable populations who are facing involuntary displacement.
- Provide advisory services in a manner that is inclusive of individuals with disabilities and/or limited English proficiency.
- Locate replacement housing options that are accessible to individuals with disabilities and mobility challenges.
- Provide referrals to legal services to help vulnerable residents navigate the relocation process, address any disputes, and ensure their rights are protected.

WAIVERS RELATED TO RELOCATION ASSISTANCE

All waivers described in this section apply identically to both the Consolidated Notice and the Universal Notice EXCEPT One-for-One Replacement. The two different waivers and alternative requirements are described separately under the One-for-One Replacement subsection below.

Optional Relocation Assistance by Subrecipients

Subrecipients may adopt their own policy for optional relocation assistance (ORA) policy if permitted by the **Grantee**. When an entity decides to adopt its own policy, it must be provided to the **Grantee** for review. The final ORA policy must be approved by the **Grantee** and made available to the public, HUD, and other agencies as applicable. In the event of displacement because of a federally funded award, the **Grantee** requires subrecipients to comply with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, (42 U.S.C. 4601 et seq.) "URA", for any household, regardless of income, which is involuntarily and permanently displaced, and to comply with Section 104(d). The **Grantee** 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.

Section 104(d) Relocation Assistance for Activities funded with CDBG-DR

The relocation assistance requirements at section 104(d)(2)(A)(iii) and (B) of the HCDA and 24 CFR 42.350, are waived by HUD to the extent that an eligible displaced person, as defined under 24 CFR 42.305 of the section 104(d) implementing regulations, may choose to receive either assistance under the URA and implementing regulations at 49 CFR part 24, or assistance under section 104(d) and implementing regulations at 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 to those required under URA. 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. Without this waiver, disparities exist in relocation assistance associated with activities typically funded by HUD and FEMA (e.g., buyouts and relocation).

URA Replacement Housing Payments for Tenants when Using CDBG-DR

The requirements of sections 204 and 205 of the URA (42 U.S.C. 4624 and 42 U.S.C. 4625), and 49 CFR 24.2(a)(6)(vii), 24.2(a)(6)(ix), and 24.402(b) are waived by HUD to the extent necessary to permit a grantee to meet all or a portion of a grantee's replacement housing payment obligation to a displaced tenant by offering rental housing through a rental housing program subsidy (to include, but not limited to, a housing choice voucher), provided that comparable replacement dwellings are made available to the tenant in accordance with 49 CFR 24.204(a) where the owner is willing to participate in the program and the period of authorized assistance is at least 42 months.

This waiver and alternative requirement are subject to the following: If assistance is provided through a HUD program, it is subject to the applicable HUD program requirements, including the requirement that the tenant must be eligible for the rental housing program. Failure to grant this waiver would impede disaster recovery whenever rental program subsidies are available but funds for cash replacement housing payments are limited and such payments are required by the URA to be based on a 42-month term.

Waiver of Section 414 of the Stafford Act for CDBG-DR Funded Projects

Section 414 of the Stafford Act (42 U.S.C. 5181) provides that "Notwithstanding any other provision of law, no person otherwise eligible for any kind of replacement housing payment under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Pub. L. 91-646) 42 U.S.C. 4601 *et seq.* 'URA' shall be denied such eligibility as a result of his being unable, because of a major disaster as determined by the President, to meet the occupancy requirements set by the URA."

Section 414 of the Stafford Act and its implementing regulation at 49 CFR 24.403(d)(1) are waived by HUD to the extent that they would apply to real property acquisition, rehabilitation, or demolition of real property for a CDBG-DR funded project commencing **more than one year after the date** of the latest applicable Presidentially declared disaster undertaken by the grantees, or subrecipients, provided that the project was not planned, approved, or otherwise underway before the disaster.

For purposes of this waiver, which will apply to projects commencing more than one year after the date of the applicable disaster, a CDBG-DR funded project shall be determined to have commenced on the earliest of the following dates, which all pertain to the Environmental Review completed for each project pursuant to 24 CFR 58: (1) The date of an approved Request for Release of Funds and certification; (2) the date of completion of the site-specific review when a program utilizes Tiering; or

(3) the date of sign-off by the approving official when a project converts to exempt under 24 CFR 58.34(a)(12).

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

The **Grantee** will ensure that all projects comply with the requirements of 24 CFR Part 42.375 for the one-for-one replacement of all occupied and vacant occupiable lower-income dwelling units that are demolished or converted to another use other than as lower-income dwelling units in connection with a CDBG-DR assisted activity except as waived by HUD.

Tenant-occupied and vacant occupiable lower-income dwelling units demolished or converted to another use other than lower-income housing in connection with CDBG-DR assisted activities are generally subject to one-for-one replacement requirements at 24 CFR 42.375.

There are two (2) different waivers and alternative requirements provided by HUD for CDBG-DR funds subject to the Universal Notice and the Consolidated Notice, respectively. Grantees should delete the waiver/alternative requirement that does not apply to their award. Grantees receiving awards subject to both the Universal Notice and the Consolidated Notice should ensure they are applying the correct waiver/alternative requirement to each award. Grantees with older awards must refer to the FRN(s) governing those awards.

Section 104(d) One-For-One Replacement Waiver for CDBG-DR – UNIVERSAL NOTICE

The **Grantee** may request a waiver of section 104(d) one-for-one replacement requirement and its regulations at section 104(d)(2)(A)(i) and (ii) and 104(d)(3) of the HCDA and 24 CFR 42.375. To request a waiver, a grantee must submit a good cause justification that includes a data-driven analysis which indicates that there is an adequate supply of vacant lower-income dwelling units in standard condition that will be available to meet the housing needs of LMI owners and tenants in the MID areas or surrounding communities.

Any waiver request must be accompanied by the information under the “One-For-One Implementation” subsection below. Project sponsors will be responsible for producing information for items 1-7 in that subsection, and working with the **Grantee** to fulfill the waiver requirements.

Section 104(d) One-For-One Replacement Waiver for CDBG-DR – CONSOLIDATED NOTICE

This waiver to the one-for-one requirement applies only to CDBG-DR awards that are subject to the Consolidated Notice.

HUD is waiving the section 104(d) one-for-one replacement requirement for owner-occupied lower-income dwelling units that are damaged by the disaster and not suitable for rehabilitation because the one-for-one replacement requirements do not account for the large, sudden changes that a major disaster may cause to the local housing stock, population, or economy. Disaster-damaged housing structures that are not suitable for rehabilitation can pose a threat to public health and safety and to economic revitalization.

“NOT SUITABLE FOR REHABILITATION” DEFINITION (APPLIES TO CONSOLIDATED NOTICE)

Below is a suggested definition of Not Suitable for Rehab but grantees may develop their own definition. This subsection should be edited accordingly.

The **Grantee** defines a residential property as “not suitable for rehabilitation” if any of these conditions apply:

- The property is declared a total loss by its insurer.
- Repairs would exceed 50% of the cost of reconstruction.
- Repairs exceed \$50,000.
- Homes cannot be rehabilitated or reconstructed in place under existing agency policies and award caps due to legal, engineering, or environmental constraints, such as permitting, extraordinary site conditions, or historic preservation.

The **Grantee** may provide exceptions to award maximums on a case-by-case basis and will include procedures within program guidelines on how the **Grantee** or its subrecipients will analyze the circumstances under which an exception is needed, and the amount of assistance necessary and reasonable.

Under 24 CFR §42.375(d)(1), the **Grantee** may submit to HUD for consideration a determination request 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.

One-For-One Implementation (applies to both the Universal Notice and Consolidated Notice)

If CDBG-DR funds are used for any activity that will directly result in the demolition of lower-income dwelling units or the conversion of lower-income dwelling units to another use that does not meet the definition of “not suitable for rehabilitation,” the **Grantee** will require the subrecipient to make public and submit to the responsible **Grantee** agency, in writing, the following information:

1. A description of the proposed activity.
2. The location on a map and number of dwelling units by size (number of bedrooms) that will be demolished or converted to another use other than for lower-income dwelling units as a direct result of the assisted activity.
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 is 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 dwelling units by size shall be submitted and disclosed to the public as soon as it is available.
5. The source of funding and a time schedule for the provision of replacement dwelling units.
6. The basis for concluding that the replacement housing will remain a lower-income dwelling unit for at least 10 years from the date of initial occupancy.
7. Information demonstrating that any proposed replacement of dwelling units with smaller dwelling units (e.g., a 2-bedroom unit with two 1-bedroom units) is consistent with the needs

assessment contained in the Grantee Consolidated Plan. A unit of general local government (UGLG) funded by the State must also make public information demonstrating that the proposed replacement is consistent with the housing needs of lower-income households in the jurisdiction. *(This sentence may be removed if the grantee is not a state funding UGLGs.)*

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

The above information shall be submitted before funds are committed by the Grantee or eligible subrecipient for CDBG-DR activities. Subrecipients shall follow their regular local practice for public notice. The Grantee will forward information submitted by subrecipients to the applicable HUD representative(s).

Tracking Compliance (applies to both the Universal Notice and the Consolidated Notice)

The Grantee shall be responsible for tracking the replacement of lower-income dwelling units to ensure that they are provided within the required period and shall track relocation payments and other relocation assistance to any lower-income displaced person.

APPEALS

All tenants will have an opportunity to file an appeal in accordance with the URA regulations at 49 CFR 24.10 and the Grantee Appeals Policy. Information on how to submit an appeal will be included in the required URA written notifications. For tenants with potential communication barriers, including limited English proficiency, or who otherwise require reasonable accommodation in preparing an appeal, the Grantee shall provide such assistance directly or through an appropriate third party at no cost to the tenant. Tenants will be provided with a copy of the Grantee Appeal Procedures during their intake interview. The Grantee Appeal Procedures will also be mailed to tenants as an enclosure to any appealable determination.

CONTACT

The Grantee can be contacted at phone number or email address.

CERTIFICATION

The Grantee certifies that it has in effect and is following this Residential Anti-Displacement and Relocation Assistance Plan (RARAP) as required by section 104(d)(1) and (2) of the HCDA, 24 CFR 42.325, and the aforementioned HUD Notices applicable to its allocations of CDBG-DR funds.

Authorized Representative

Date