Residential Antidisplacement and Relocation Assistance Plan

Section 220(b) of the Housing and Community Development Act of 1992 amended section 105(b) of the Cranston-Gonzalez National Affordable Housing Act to require a participating jurisdiction (PJ) to certify as part of its Comprehensive Housing Affordability Strategy (CHAS) that it is following a Residential Antidisplacement and Relocation Assistance Plan (Plan) under its HOME Investment Partnerships Program (HOME) that is equivalent to the Plan required for the Community Development Block Grant (CDBG) Program under section 104(d) of the Housing and Community Development Act of 1974 (1974 Act).

The requirement that a PJ certify that it is following a Plan under the HOME Program has been incorporated into the CHAS regulation (24 CFR 91) through a Final Rule published March 12, 1993.

The requirements for a Plan under the CDBG, Section 108 Loan Guarantee Program, and the Urban Development Action Grant (UDAG) program are set out in 24 CFR 570.606(c). Under the Plan, a recipient of HOME or CDBG assistance must:

1)Identify the reasonable steps it will take to minimize the displacement of families and individuals from their homes as a result of an assisted project.

2)Replace all occupied and vacant occupiable "lower income housing" that is converted to a use other than "lower income housing" or is demolished for a project.

3)Provide relocation assistance to lower income families and individuals displaced as a direct result of the conversion of lower income housing or the demolition of any housing for a project.

To ensure uniformity with respect to the application of Plan requirements to affected programs, HUD is proposing 24 CFR 43 ("Part 43") as a single source reference for the requirements of residential antidisplacement and relocation assistance plans. Conforming changes would be made to 24 CFR 570.606 (CDBG Entitlement Program) and 24 CFR 92.353(e) (HOME Program) to reference the applicability of the Part 43 requirements.

The requirements of Part 43 would cover the HOME, CDBG and UDAG programs.

Removal of Dilapidated Housing

The current rule, applicable to the CDBG Program, requires recipients to replace vacant, dilapidated housing that is not suitable for rehabilitation if the unit was occupied at any time within the period beginning one year before the execution of the contract covering the demolition. The current rule has the effect of preventing or delaying the demolition of run-down vacant buildings that are a danger to the public health and safety. For this reason, and because the removal of vacant, dilapidated housing that is clearly not occupiable does not diminish the available useful supply of lower income housing, the 12-month period would be reduced to 3 months.[1]

Homeless Shelters and Other Public Facilities

Under current policy applicable to the CDBG program, changing lower income housing into overnight emergency shelters, nursing homes, battered spouse shelters, halfway houses, group homes and transitional shelters constitutes "conversion" even if the "market rent" of the shelter housing upon completion of the project does not exceed the Section 8 FMR. HUD has now concluded

[1]See §43.101(a)(3)