



City of Galveston CDBG-MIT Residential Anti-Displacement and Relocation Assistance Plan

It shall be the policy of the City of Galveston to follow the plan described below to minimize adverse impacts on persons of low-and-moderate income resulting from acquisition, rehabilitation, and/or demolition activities assisted with funds provided under Title 1 of the Housing and Community Development (HCD) Act of 1974, as amended, as described in 24 CFR 570.606(b-g).

Every effort will be made to minimize temporary or permanent displacement of persons due to the delivery of the Housing and Urban Development (HUD) Community Development Block Grant-Mitigation (CDBG-MIT) Programs administered by the City of Galveston. The City plans to exercise some of the waivers set forth in Federal Register Vol. 84, 45838 (August 30, 2019) pertaining to the Uniform Relocation Assistance Act (URA) and HCDA priority that communities engage in activities to avert repeated flood damage and to improve floodplain management and planning.

HUD has waived the one-for-one replacement requirement to the extent that URA assistance does not have to be extended to 60 months for lower income displaced persons typically required under 104(d) of the Housing and Community Development Act of 1974, as amended, (42 U.S.C. 5304(d)). Further, the waiver also waives the requirement to provide one-for-one replacement for lower income dwelling units that are damaged by the disaster and not suitable for rehabilitation. This change will simplify implementation while preserving statutory protections for persons displaced by projects assisted with CDBG disaster recovery grant funds. However, if the property that is acquired or demolished is an occupiable lower-income dwelling, but will not be used for low/moderate income housing under 104(d) of the Housing and Community Development Act of 1974, as amended, the displacement and relocation plan shall provide that before obligating and spending funds that will directly result in such demolition and/or conversion, the following information will be submitted and made public by the City:

- a. A description of the proposed activity;





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- b. The general location on a map and appropriate number of dwelling units by number of bedrooms that will be demolished or converted to a use other than as low and moderate-income dwelling units as a direct result of the assisted activity;
- c. A time schedule for the commencement and completion date of the demolition or conversion;
- d. 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 are 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 identified the specific location and number of dwelling units by size shall be submitted and disclosed to the public as soon as it is available;
- e. The source of funding and a time schedule for the provision of replacement dwelling units;
- f. The basis for concluding that each replacement dwelling unit will remain a low and moderate-income dwelling unit for at least ten (10) years from the date of initial occupancy;
- g. 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 city's HUD approved consolidated plan and that the proposed replacement is consistent with the housing needs of lower income households in the jurisdiction.





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- h. Persons displaced shall be relocated into comparable replacement housing that is decent, safe, and sanitary, adequate in size to accommodate the occupants, functionally equivalent, and in an area not subject to unreasonably adverse environmental conditions.
- i. Comparable replacement housing will be provided in the community within three (3) years of the commencement date of the demolition, rehabilitation, and/or conversion;

I. DEFINITIONS

A. **“Standard Condition”** means a housing unit that meets standard set forth in the Section 8 Program for Housing Quality Standards (HQS) (24 CFR 982.401) and all City and local codes and zoning ordinances.

B. **“Substandard suitable for rehabilitation”** means a housing unit, or in the case of multiple unit buildings the building or buildings containing the housing units, which have a least three major systems in need of replacement or repair and the estimated cost of making the needed replacements and the repairs is less than 50% of new construction of a comparable unit or units.

C. **“Not suitable for rehabilitation”** means a housing unit(s) with substandard conditions that threaten the health and safety of its occupants which is not financially or structurally feasible for rehabilitation. Generally, the estimated cost of making repairs to the unit is more than 50% of new construction of a comparable unit or units.

D. **“Comparable replacement dwelling unit”** means a dwelling unit that:

- 1. Meets the criteria of 49 CFR 24.2(a)(6)(i-ix); and





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2. Is available at a monthly cost for rent plus estimated average monthly utility costs that does not exceed the “Total Tenant Payment” determined under 24 CFR 5.628 after taking into account any rental assistance the household would receive.

E. **“Low-income dwelling unit”** means a dwelling unit with a market rental rate (including utility costs) that does not exceed the applicable Fair Market Rent (FMR) for existing housing and moderate rehabilitation established under 24 CFR Part 888.

F. **“Demonstrable Hardship”** is defined as a substantial change in an applicant’s situation that prohibits or severely affects their ability to provide a minimal standard of living or the basic necessities of life including food, housing, clothing, and transportation without causing economic distress well beyond mere inconvenience as shown by objective evidence.

RELOCATION ASSISTANCE

To minimize confusion and ensure uniform and equitable treatment, the URA and its implementing regulations shall be the sole standard for the City. The requirements at Section 104(d)(2)(A) and 24 CFR 42.350 are waived to the extent they differ from URA and 49 CFR part 24, as it relates to mitigation activities. Therefore, the City has chosen to utilize the following waivers provided by HUD to ease the burden in providing relocation assistance.

Arm’s Length Voluntary Purchases: The acquisition requirements of URA and implementing regulations are waived so they do not apply to an arm’s length voluntary purchase carried out by a person who does not have the authority to acquire by power of eminent domain, in connection with the purchase and occupancy of a principal residence by that person. The failure to suspend these requirements would impede disaster recovery and may result in windfall payments.





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Tenant-Based Rental Assistance: The URA implementing regulations 204 & 205, along with 49 CFR 24.2(a)(6)(ix) and 24.402(b), are waived to the extent necessary to permit the City to meet all or a portion of its replacement housing financial assistance obligation to a displaced renter by offering rental housing through a Tenant Based Rental Assistance (TBRA) housing program subsidy (e.g., Section 8 rental voucher or certificate), provided the tenant also receives referrals to suitable, available rental replacement dwellings in accordance with 49 CFR 24.204(a), where the owner is willing to participate in the TBRA program, and the period of authorized assistance is at least 42 months. Failure to grant this waiver may impede disaster recovery whenever TBRA program subsidies are available but funds for cash relocation assistance are limited. This waiver provides an additional relocation resource option.

Minimizing Displacement

Consistent with the goals and objectives of activities assisted under the Act, the city will take the following steps to minimize the displacement of eligible households:

1. All public facilities projects (water, sewer, gas, etc.) will be designed so that there will be minimal or no displacement of any residences or business;
2. No homes will be demolished that can be reasonably rehabilitated outside of a disaster buyout area.
3. Provide counseling and referral services to assist displaced homeowners and renters in finding alternative housing in the affected neighborhood or other suitable neighborhoods; and
4. Work with area landlords and real estate brokers to locate vacancies for housing facing displacement.





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CERTIFICATION OF COMPLIANCE

The City of Galveston does not anticipate that there will be any permanent displacement or relocation activities required for the CDBG-MIT program. Should an unforeseen need arise, the City certifies that it will comply with the Uniform Relocation Act and Section 104 (d) of the Housing and Community Development Act of 1974, as amended and modified in Federal Register Vol. 84, 45838 (August 30, 2019). The City of Galveston hereby adopts this Residential Anti-Displacement and Relocation Assistance Plan for the projects funded under the Community Block Grant-Mitigation Program.

On behalf of the City of Galveston:

Daniel J. Buckley, Deputy City Manager

Date





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Revision History:

Version	Date	Page	Description
Version 1	9.13.20		

