

City of Lake Charles

RESIDENTIAL ANTI-DISPLACEMENT AND RELOCATION ASSISTANCE PLAN

The U.S. Department of Housing and Urban Development (HUD) requires the City of Lake Charles 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. The City of Lake Charles CDBG-DR RARAP conforms with the Housing and Community Development Act of 1974, as amended; and HUD regulations at 24 CFR 42.325 and is applicable to the Community Development Block Grant—Disaster Recovery (CDBG-DR) program.

The purpose of the RARAP is to ensure the City of Lake Charles will carry out HUD-assisted projects by undertaking the following:

- Identify the reasonable steps to be taken to minimize the displacement of persons from their homes because of a HUD-assisted project.
- Provide relocation assistance to low/moderate-income (LMI) households, including families and individuals, displaced as a direct result of the conversion of a LMI dwelling or the demolition of any housing for a 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).

STEPS TO MINIMIZE DISPLACEMENT

The City of Lake Charles will minimize the displacement of families and individuals from their homes and neighborhoods because of CDBG-DR funded activities by taking the following steps and requiring subrecipients, contractors and developers receiving program funds to take the following steps, consistent with other goals and objectives of programs covered by 24 CFR Part 570:

- 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.
- Public facilities will be designed to avoid displacement of residents or businesses.

RELOCATION ASSISTANCE FOR DISPLACED PERSONS

Through its program recipients and development partners, the City of Lake Charles will offer relocation assistance for 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 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, and implementing regulations at 49 CFR Part 24. Replacement housing assistance payments will be made in at

least three (3) installments except that lump sum payments may be made to cover (1) moving expenses, (2) a down payment on the purchase of replacement housing, or incidental expenses related to (1) or (2).

In the provision of relocation assistance, appropriate accommodations will be made to consider 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 City of Lake Charles Language Access Plan.

Subrecipients shall be required to provide relocation assistance in accordance with 49 CFR Part 24. The City of Lake Charles will provide technical assistance to subrecipients of CDBG-DR funds regarding how they may be used for relocation payments.

Relocation by Subrecipients

The City of Lake Charles requires subrecipients to adopt the City of Lake Charles Residential Anti-Displacement and Relocation Assistance Plan or develop and adopt its own plan regarding any activity assisted with funding from CDBG-DR as allowed under the waiver for optional relocation plans. When an entity decides to adopt its own plan, the plan must be provided to the City of Lake Charles for review. The final relocation plan must be approved by the City of Lake Charles and made available to the public, HUD, and other agencies as applicable. In the event of displacement because of a federally funded award, the City of Lake Charles 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 City of Lake Charles 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 in Federal Register Notice 88 FR 3198, applicability date 1/23/23, 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. 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 in Federal Register Notice 88 FR 3198, applicability date 1/23/23, 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 in Federal Register Notice 88 FR 3198, applicability date 1/23/23, 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 City of Lake Charles will ensure that recipients comply with the requirements of 24 CFR Part 42.375 for the 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 in Federal Register Notice 88 FR 3198, applicability date 1/23/23.

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.

Section 104(d) One-For-One Replacement Waiver for CDBG-DR and CDBG-MIT

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

The City of Lake Charles defines a residential property as “not suitable for rehabilitation” if any of these conditions apply:

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

RARAP Implementation

If funds will be 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, the City of Lake Charles will require the CDBG-DR subrecipient to make public and submit to the responsible City of Lake Charles agency, in writing, the following information:

1. A description of the proposed activity.
2. If the activity is funded with CDBG-DR, the recipient will need to explain whether or not any waivers listed above will apply.
3. 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.
4. A time schedule for the commencement and completion of the demolition or conversion.
5. 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.
6. The source of funding and a time schedule for the provision of replacement dwelling units.
7. 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.
8. 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 of Lake Charles Consolidated Plan.

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 replacement plan submission, the City of Lake Charles 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 City of Lake Charles or other

eligible subrecipient for CDBG-DR activities. Subrecipients shall follow their regular local practice for public notice. The City of Lake Charles will forward information submitted by subrecipients to the applicable HUD representative(s).

Replacement not Required Based on Unit Availability

Under 24 CFR §42.375(d)(1), the City of Lake Charles 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.

Appeals

The City of Lake Charles or its recipient (depending on which entity is carrying out the activity) will provide a process for persons to appeal decisions concerning their eligibility for and the amount of assistance. The appeals process will follow URA requirements at 49 CFR 24.10. If dissatisfied with the City of Lake Charles's determination with respect to a claim for relocation into comparable replacement housing under Section 104(d), a person may submit a request to HUD to review the determination. The decision of the HUD Secretary shall be final unless a court determines the decision was arbitrary and capricious.

Contact

The City of Lake Charles Department of Community Development 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. The City of Lake Charles Department of Community Development can be contacted at 337-491-1467.

Certification

The City of Lake Charles certifies that they have in effect and are following a Residential Anti-displacement and Relocation Assistance Plan (RARAP) as required by section 104(d)(1) and (2) of the HCDA and 24 CFR 42.325.

Authorized Signature

Date