

Compliance Issues for 3 Primary and Required Items

Community Development Block Grant (CDBG) Program Grantees HOME Investment Partnerships Program (HOME) Program Participating Jurisdictions (PJs)

Residential Anti-Displacement, Replacement Housing and Relocation Assistance Plan (24 CFR 570.606)

As a pre-submission requirement when applying for funding through the CDBG and/or HOME Program, the (jurisdiction) is required to develop, make public, and certify that it is following a Residential Anti-Displacement and Relocation Assistance Plan.

Legislation: Amendments to the Housing and Community Development Act of 1974, coupled with expansion of the Uniform Relocation Act, in 1989, to cover HUD assisted private development represents the strongest anti-displacement measures yet to be applied to HUD assisted activities. Additional legislation was passed on October 28, 1992, the Housing and Community Development Act of 1992. Within this legislation there was Section 105(b) of the Cranston-Gonzalez National Affordable Housing Act, which required a HOME participating jurisdiction (PJ) certify it is following a Residential Anti-Displacement and Relocation Assistance Plan (Plan) under its HOME Investment Partnerships Program (HOME). This Plan requires the same actions and provides the same rights as the Plan required for the Community Development Block Grant (CDBG) Program under Section 104(d) of the Housing and Community Development Act of 1974, expanded in 1989.

Policy: The Certification and Plan are required even if the HOME or CDBG assisted projects will not result in the demolition or conversion of a low/moderate-income dwelling. PJs (e.g., HOME consortia) that are not CDBG grantees must establish and follow a Plan that meets the requirements of the applicable CDBG regulation (24 CFR 570.606(c) for local jurisdictions and 570.488(c) for states).

Written Appeals Process 49 CFR 24.10 (example)

The (jurisdiction) 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 (jurisdiction) administering the grant funds under CDBG and HOME. If a person believes that the (jurisdiction) 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

(jurisdiction). Please contact the (jurisdiction) if you wish to discuss an appeal at:

Contact person _____
Address _____
Phone number _____

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 (jurisdiction) shall consider written appeals regardless of form. The (jurisdiction) may set a reasonable time limit for a person to file an appeal. The time limit shall not be less than 60 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 (jurisdiction) 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 (jurisdiction) 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 (jurisdiction) 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. In addition, a low- or moderate-income household that has been displaced from a dwelling may file a written request for review of the grantee's decision to the HUD Field Office (24 CFR 570.606(f)).

Uniform Act Replacement Housing Payments (RHPs) Installment Policy

42 USC Sec. 3537c. - Prohibition of Lump-Sum Payments

In providing relocation assistance in connection with any program administered by the Department of Housing and Urban Development, the Secretary may not make lump-sum payments to any displaced residential tenant, except where necessary to cover: (1) moving expenses; (2) a downpayment on the purchase of a replacement residence, including a condominium unit or membership in a cooperative housing association; or (3) any incidental expenses related to paragraph (1) or (2).

Note: Page 2 – Available Template “Plan” Policy that covers all 3 items and more.



**FOR Community Development Block Grant AND HOME INVESTMENT
PARTNERSHIPS PROGRAM PARTICIPANTS**

**ANTI-DISPLACEMENT PLAN
REPLACEMENT HOUSING
AND
RELOCATION ASSISTANCE**

**HUD ASSISTED ACQUISITION,
REHABILITATION, DEMOLITION AND
CONVERSION**

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