



CITY OF UTICA, NEW YORK
DEPARTMENT OF URBAN & ECONOMIC DEVELOPMENT

RESIDENTIAL ANTIDISPLACEMENT & RELOCATION
ASSISTANCE PLAN

PURPOSE

To provide a policy for minimizing the displacement of persons, families, households, businesses and/or non-profit organizations by projects assisted with Community Development Block Grant (CDBG) and/or HOME Investment Partnerships (HOME) funds. For purposes of this plan, the term “persons” means any family, individual, household, business or non-profit organization. This Plan constitutes the City’s Residential Antidisplacement and Relocation Assistance Plan (RARAP). The Plan outlines measures to be taken by the City of Utica to minimize displacement and defines the benefits and advisory services that are available when the City of Utica uses CDBG and/or HOME funds in a project or activity that results in displacement due to demolition of any unit or conversion of lower-income dwelling units to a use other than as low or moderate income units.

BACKGROUND

The US Department of Housing and Urban Development (HUD) requires recipients of HUD funds to certify they have in effect and are following a RARAP as required by 24 CFR Part 42, Displacement, Relocation Assistance and Rea; Property Acquisition for HUD and HUD-Assisted Programs, as amended. The purpose of the RARAP is to ensure recipients that carry out HUD-assisted projects:

- Identify the reasonable steps it will take to minimize the displacement of persons from their homes as a result 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 dwelling that are demolished for a project.

POLICY AND PROCEDURES

I. General Policy

A. The City of Utica’s basic policy is that programs and projects assisted with HUD program funds will be undertaken in such a manner at to minimize the displacement of persons. In projects or activities that may be assisted by HUD program funds subject to 24 CFR Part 570, Community Development Block Grant (CDBG), and/or 24 CFR Part 92, HOME Investment Partnerships (HOME) Program, in which displacement is required, the City of Utica and/or any City-sponsored developer, contractor, or agency will comply with 24 CFR Part 42, Displacement, Relocation Assistance, and Real Property Acquisition for HUD and HUD-Assisted Programs, as amended, as well as 49 CFR Part 24, Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally – Assisted Programs, as amended.

B. Relocation Assistance will not be provided when homeowner occupants voluntarily participate in in the City’s CDBG and HOME programs’ housing rehabilitation activities. Procedures will be established to ensure that persons participating in CDBG and HOME owner occupied housing rehabilitation activities are informed that they will not be provide relocation assistance. Applicants

for assistance will be required to sign a Notice of Nondisplacement for relocation payments as a prerequisite for participation in these voluntary programs for the benefit of the affected property owner. Tenants, if any, however, will be eligible for relocation benefits and protections.

II. Applicability

A. This plan applies to the City of Utica, hereafter referred to as “City”, and/or any developer, contractor, or agency on projects sponsored by the City that are funded in whole or in part by HUD funds subject to the regulations at 24 CFR Part 570 and/or 24 CFR Part 92. Henceforth, the phrase “City” also includes any developer, contractor, or agency participating in HUD-funded projects or activities funded by the City.

B. This plan applies to any project sponsored by the City, which is funded in whole or in part by HUD funds subject to the aforementioned regulations and requires displacement.

III. Definitions

Definitions of terms used in this Plan or associated with this topic are found in applicable CDBG and HOME program regulations at 24 CFR 570 and 24 CFR 92. 49 CFR Part 24, Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally-Assisted Programs of 1970, as amended; 24 CFR Part 42, Requirements under Section 104(d) of the Housing and Community Development Act of 1974; and HUD Handbook 1378, Tenant Assistance, Relocation and Real Property Acquisition. If definitions are found to be contradictory, the most stringent definition will apply.

IV. Minimize Displacement

Consistent with the goals and objectives of activities assisted under the CDBG and/or HOME programs, the City of Utica (“City”) will take the following steps to minimize the direct and indirect displacement of persons from their homes:

- Evaluate Housing codes and rehabilitation standards and code enforcement in reinvestment areas to prevent undue financial burden on established owners and tenants.
- Stage rehabilitation of apartment units to allow tenants to remain in the building/complex during and after the rehabilitation, working with empty units first.
- Arrange for facilities to house persons who must be relocated temporarily during rehabilitation
- Adopt policies to identify and mitigate displacement resulting from intensive public investment in neighborhoods
- Adopt policies which provide reasonable protections for tenants faced with conversion to a condominium or cooperative

- Adopt tax assessment policies, such as deferred tax payment plans, to reduce 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 revitalization pressures.
- Where feasible, give priority to rehabilitation of housing, as opposed to demolition, to avoid displacement.
- 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.

V. Relocation Assistance to Displaced Persons

The City will provide relocation assistance for lower-income tenants who, in connection with an activity assisted under the CDBG and/or HOME Programs, move permanently or move personal property from real property as a direct result of the 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 provided 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.

VI. One-for-One Replacement of Lower-Income Dwelling Units

A. The City will replace all occupied and vacant occupiable lower-income dwelling units demolished or converted to a use other than lower-income housing in connection with a project assisted with funds provided under the CDBG and/or HOME Programs in accordance with 24 CFR 42.375.

B. Before entering into a contract committing the City to provide funds for a project that will directly result in demolition or conversion of lower-income dwelling units, The City will make the plans public by publication in the locally circulated newspaper, Observer-Dispatch, and submit to the HUD Field Office the following information in writing:

1. A description of the proposed assisted project;
2. The address, number of bedrooms, and location on a map of lower-income dwelling units that will be demolished or converted to a use other than as lower-income dwelling units as a result of an assisted project;

3. A time schedule for the commencement and completion of the demolition or conversion;
4. To the extent known, the address, number of lower-income dwelling units by size (number of bedrooms) and location on a map of the replacement lower-income housing that has been or will be provided.
5. The source of funding and a time schedule for the provision of the replacement dwelling units;
6. The basis for concluding that each replacement dwelling unit is designated to remain a lower-income dwelling unit for at least 10 years from the date of initial occupancy; and
7. Information demonstrating that any proposed replacement of lower-income dwelling units with smaller dwelling units (e.g., a 2-bedroom unit with two 1-bedroom units), or any proposed replacement of efficiency or single-room occupancy (SRO) units with units of a different size, is appropriate and consistent with the housing needs and priorities identified in the HUD-approved Consolidated Plan and 24 CFR 42.375(b).

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 submission, the City 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.

VII. Replacement not Required Based on Unit Availability

Under 24 CFR 42.375(d), the City may submit a request to HUD for a determination 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.

VIII. Contacts

Any questions, concerns, or requests for information should be directed to the City of Utica Department of Urban and Economic Development. The Department can be reached via phone at 315-792-0181 or by fax at 315-797-6607.