



RESIDENTIAL ANTIDISPLACEMENT AND RELOCATION ASSISTANCE PLAN

HOUSING & COMMUNITY DEVELOPMENT DIVISION
150 NORTH CAPITOL BOULEVARD
BOISE, ID 83702-5920
(208) 570-6830

IDAHO RELAY SERVICE
DIAL 7-1-1
TOLL-FREE NUMBERS
1-800-377-3529 ASCII
1-866-252-0684 SPANISH
1-888-791-3004 SPEECH TO SPEECH
1-800-377-3529 TTY

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This document can be provided in a format accessible to persons with disabilities and/or persons with limited English proficiency upon request.

Anyone who requires an auxiliary aid, service, or translation for effective communication may contact the HCD Division by phone at 208-570-6830 or by email at Housing@cityofboise.org. Individuals who are deaf, hard of hearing, or have speech disabilities may use the Idaho Relay Service for the Hearing Impaired to make a request for accommodation by calling 1-800-377-1363 (voice) or 1-800-377-3529 (TTY).

SPANISH

Los miembros de la comunidad pueden solicitar traducción, interpretación y/o ajustes razonables para garantizar que puedan participar plenamente en este proceso. Para realizar una solicitud, comuníquese con la División de Vivienda y Desarrollo Comunitario por correo electrónico: housing@cityofboise.org, teléfono: 208-570-6830, TTY: 1-800-377-3529, fax: 208-384-4195, o en persona en 150 N. Capitol Blvd (segundo piso).

KISWAHILI

Wana jamii wanaeza omba huduma za utafsiri au zingine za kuhakikisha kwamba wanaeza shiriki kwa ukamilifu kwenye mchakato huu. Tafadhali wasiliana na Idara ya Makao na Maedeleo ya Jamii kupitia barua pepe: housing@cityofboise.org, simu: 208-570-6830, kuduma ya Simu ya Viziwi (TTY): 1-800-377-3529, Faksi: 208-384-4195, au ujifikishe kwa 150 N. Capitol Blvd (ghorofa ya pili)

BOSNIAN

Članovi zajednice mogu zatražiti prevodjenje, tumačenje i/ili razuman smještaj kako bi osigurali da mogu u potpunosti sudjelovati u ovom procesu. Za podnošenje zahtjeva obratite se Odjelu za stanovanje i razvoj zajednice putem emaila: housing@cityofboise.org, telefon: 208-570-6830, TTY: 1-800-377-3529, fax: 208-384-4195, ili osobno na 150 N. Capitol Blvd (2. kat).

ARABIC

للمشاركة و تقديم الطلبات من خلال تحديد موعد مقابلة شخصية او مقابلة عن طريق الهاتف وللاستفسارات او لطلب خدمات الترجمة ولتحديد المواعيد ، يرجى الاتصال بقسم الإسكان وتنمية المجتمع TTY: هاتف: 208-570-6830 ، ، Housing@cityofboise.org عبر البريد الإلكتروني: (الطابق الثاني) N. Capitol Blvd فاكس: 208-384-4195 ، أو 150 ، 1-800-377-3529.

FARSI

اعضای انجمن می توانند برای اینکه قادر به مشارکت کامل در این فرآیند باشند، درخواست ترجمه، تفسیر، و/ یا کمک هی معقول دیگر کنند. برای درخواست، لطفاً از طریق ایمیل با بخش مسکن و توسعه جامعه تماس بگیرید:

housing@cityofboise.org

تلفن: ۲۰۸-۵۷۰-۶۸۳۰

تلفن ناتوانان گفتاری و/ یا ناشنوا: ۱-۸۰۰-۳۷۷-۳۵۲۹

شماره فکس: ۲۰۸-۳۸۴-۴۱۹۵

یا به صورت حضوری به ادرس

150 N. Capitol Blvd (2nd floor) (طبقه دوم)

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OVERVIEW

This Residential Antidisplacement and Relocation Assistance Plan (RARAP) is required by Federal law and U.S. Department of Housing and Urban Development (HUD) regulations at 24 CFR 42.325 and applies to projects funded by the City of Boise (“the City”) utilizing Community Development Block Grant (CDBG) and/or HOME Investment Partnership Program (HOME) funds. The intent of the plan is to identify the steps the City will take to minimize displacement of persons from their homes when a HUD-funded activity results in the demolition or conversion of lower-income dwelling units to a non-residential use, and to affirm that the City will comply with the requirements for relocation assistance and one-for-one replacement under Section 104(d) of the Housing and Community Development Act of 1974, as amended.

For purposes of this plan, the term “displaced person” means a lower-income person who, in connection with an activity assisted under the CDBG or HOME program(s), permanently moves from real property or permanently moves personal property from real property as a direct result of the demolition or conversion of a lower-income dwelling. Terms used in the RARAP and defined in 24 CFR 42.305 have the meanings set forth in that section unless the context requires otherwise. 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 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.

STEPS TO MINIMIZE DISPLACEMENT

The purpose of the plan is to ensure recipients that carry out CDBG and HOME-assisted projects do the following:

- 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 dwellings that are demolished for a project.

Consistent with the goals and objectives of activities assisted under the Act, the City will take the following steps to minimize the direct and indirect displacement of persons from their homes to the extent practicable:

- Prior to committing HOME or CDBG funding to a project, the City will collect information on existing structures and occupants to assess the potential impact of the proposed project.
- If any temporary or permanent relocation is contemplated by a project, the City will require the project sponsor (i.e., developer or subrecipient) to submit a

detailed relocation plan that describes the entire relocation process and its impact on all current occupants. The City will actively consult with the sponsor in order to minimize displacement. If current tenants must move as part of the construction process, to the extent possible, the City will encourage sponsors to provide those who are eligible an opportunity to rent a unit in the new project upon its completion.

- If the City commits HOME or CDBG funds to the project, the City will require that all occupants are provided with appropriate advisory services and relocation assistance as required by Section 104(d) and the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended ("URA"). (See below paragraph on Relocation Assistance.)
- For rehabilitation or other projects that require the temporary relocation of residential tenants, the City will encourage project sponsors to minimize the amount of time that tenants are required to relocate from their unit. To the extent feasible, construction should be phased to allow tenants to stay in their units as long as possible, so long as work does not present unreasonable conditions for occupants. This will be accomplished by rehabilitating vacant units or buildings first, permitting tenants to move into the newly rehabilitated units, and then rehabilitating the remaining vacated units or buildings. No family will be required to move from a unit unless the City determines the work cannot be done with the family in residence.
- Where feasible, give priority to rehabilitation of housing, as opposed to demolition, to avoid displacement.

RELOCATION ASSISTANCE TO DISPLACED PERSONS

The City shall ensure provision of relocation assistance in accordance with the requirements of Section 104(d), as implemented in 24 CFR 42.350, for lower-income persons who, in connection with an activity assisted under the CDBG and/or HOME programs, are "displaced persons" as defined in 24 CFR 42.305. A lower-income person who is a displaced person may elect to receive assistance under URA in lieu of assistance under Section 104(d).

Tenants who are not displaced but must temporarily relocate shall be reimbursed for out-of-pocket expenses, including moving costs and increases in monthly housing costs.

A person who is not lower income, but is a displaced person under URA, as implemented in 49 CFR Part 24, will be provided relocation assistance as required under URA.

Examples of assistance for displaced persons required by URA include advisory services, payments for moving expenses, and payments to cover the additional and/or interim costs of renting a comparable dwelling for 42 months, or the equivalent amount to be used towards a down payment.

Examples of assistance for displaced persons under Section 104(d) include advisory services, payments for moving expenses, and payments to cover the additional and/or interim costs of renting a comparable dwelling for 60 months, or the equivalent amount to be used towards purchase of housing through a housing cooperative.

OPTIONAL RELOCATION ASSISTANCE FOR DISPLACED PERSONS

The City may provide optional relocation assistance for tenants or homeowners (as defined in 24 CFR 42.305) who are temporarily or permanently displaced from their units or homes in situations in which URA, as implemented in 49 CFR Part 24, has not been triggered. In order to receive optional relocation assistance, the following conditions must exist:

- The tenant or homeowner must have a household income of 80% Area Median Income or less at the time of their most recent program application, lease, or recertification.
- Either the unit or home occupied prior to displacement or the activity causing the displacement must have been/be federally assisted.

In accordance with 24 CFR 570.201(i)(2) and 24 CFR 570.606(d), this assistance can be provided when there is no feasible option for the tenant/owner to remain in the unit/home while the activity is being carried out.

The City's HCD Division will determine the amount and type of assistance necessary to ensure the tenant or homeowner is able to maintain safe, decent, and sanitary housing. Assistance for tenants of City-owned housing may be eligible for up to 60 months of relocation assistance. Tenants of other public or private housing and homeowners displaced due to a federally assisted activity may be eligible for assistance throughout the duration of the displacing activity, until their home/unit can safely be reoccupied, or other comparable, permanent housing is secured. Assistance may include provision of interim living costs, alternative living space, and expenses related to moving and storage of personal property as deemed necessary by the City. The City may use its CDBG or HOME funds to provide this assistance, in accordance with 24 CFR 570.606(g)(2).

ONE-FOR-ONE REPLACEMENT OF LOWER-INCOME DWELLING UNITS

The City shall comply with Section 104(d), as implemented in 24 CFR Section 42.375, which requires one-for-one replacement of all occupied or vacant and occupiable lower-income dwelling units that are demolished or converted to a use other than as lower-income dwelling units in connection with a HOME or CDBG-funded project.

Replacement Units shall be:

1. In decent, safe, and sanitary condition, demonstrated by meeting applicable federal housing inspection standards, as determined by HCD.
2. Available for occupancy no later than three years after the initiation of demolition or conversion work.
3. Located within the City of Boise, and, to the extent feasible, located within the same general area.
4. Comparable to the units demolished or converted, and able to accommodate the same number of occupants without using smaller units to replace larger ones unless the City has provided the information required under item 7 below.

5. Designed to remain lower-income dwelling units for at least 20 years from the date of initial occupancy.

PUBLIC NOTICE

Before entering into a contract committing the City to provide CDBG or HOME funds for a project that will directly result in demolition or conversion of lower-income dwelling units, the City will make public by publishing in the Idaho Statesman, the City's Housing and Community Development (HCD) website <https://hcd.cityofboise.org> and submitting to the HUD Portland Field Office the following information in writing:

1. A description of the proposed 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 20 years from the date of initial occupancy
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.

MONITORING

The City's HCD Division is responsible for tracking the replacement of lower income dwelling units and ensuring that they are provided within the required period.

The City's HCD Division shall ensure that any developer receiving CDBG and/or HOME funds provides relocation payments and other relocation assistance to any lower-income person displaced by the demolition of any dwelling unit or the conversion of lower-income dwelling units to another use.

APPEALS

The HCD Compliance Manager will review all relocation assistance appeals. Appeals must be submitted within 60 days of the determination of assistance or written notification of the City's determination regarding an assistance claim. On a case-by-case basis, and for good cause, the time limit may be extended by the City. A displaced 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 expense. The City shall permit a person to inspect and copy all materials pertinent to his or her appeal, except materials which the City determines may not be disclosed for reasons of confidentiality. The City may, however, impose reasonable conditions on the right to inspect, consistent with applicable laws.

The City has established a process for persons to appeal relocation assistance decisions, in accordance with the URA requirements at 49 CFR 24.10.

A person may file an appeal when he/she believes the developer, subrecipient, or City failed to:

1. properly determine the person qualifies, or will qualify (upon moving), as a displaced person who is eligible for relocation assistance.
2. properly determine the amount of any relocation payment required by HUD Handbook 1378 or a payment required under 49 CFR Part 24 or 24 CFR Part 42. A person's acceptance of a payment that is less than the full amount claimed does not limit the persons' right to appeal.
3. provide appropriate referrals to comparable replacement dwellings or inspect the replacement dwelling in a timely manner; or
4. find good cause to waive the time limit for (1) filing a claim or an appeal or (2) purchasing, renting, or occupying a replacement dwelling.

APPEAL PROCESS

1. Appeals must be submitted in writing to the HCD Compliance Manager
 - a. Appeals should be emailed to monitoring@cityofboise.org or mailed to:
City of Boise, ATTN: HCD Compliance Manager
PO Box 500
Boise, ID 83701
 - b. Appeals must include:
 - i. Name, address, and phone number of person filing the appeal
 - ii. Rationale for the appeal, including all relevant information
2. Within 15 calendar days after the receipt of the appeal, the HCD Compliance Manager will review all relevant information and will respond in writing, in a format accessible to the appellant. The response will explain the City of Boise's position, including the basis on which the decision was made, and proposed resolution.
 - a. The City may determine that the appropriate assistance has been provided or may require the developer/subrecipient/program manager to provide additional, or different form(s), of assistance to remedy the situation.
3. If dissatisfied with the City'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.

- a. The decision of the HUD Secretary shall be final unless a court determines the decision was arbitrary and capricious.
- b. Nothing in this policy shall in any way preclude or limit a person from seeking judicial review of the appeal on its merits after the person exhausts the administrative remedies described herein.