

RESIDENTIAL ANTI- DISPLACEMENT AND RELOCATION ASSISTANCE PLAN (RARAP)

2020

CITY OF PASSAIC
Department of Community Development
330 Passaic Street
Passaic, NJ 07055

CITY OF PASSAIC
RESIDENTIAL ANTI-DISPLACEMENT AND RELOCATION ASSISTANCE PLAN
FOR HOME & CDBG PROGRAMS

I. PURPOSE

This plan is written in accordance with Section 104(d) of the Housing and Community Development Act of 1974, as amended. Its objective is to insure that persons displaced as a result of Community Development Block Grant (CDBG) and HOME Investment Partnerships Program (HOME) assisted projects receive the benefits they are entitled to as mandated by federal rules and regulations.

II. POLICY

- a. **Minimizing Permanent Displacement:** The City of Passaic will minimize displacement of families and individuals from their homes and neighborhoods as a result of activities assisted with funds provided under the Community Development Block Grant (CDBG) and HOME Investment Partnerships Program (HOME) programs. The City will replace all occupied and vacant occupiable lower income housing demolished or converted to a use other than lower income housing under the Housing and Community Development Act of 1974, as amended. Lower income housing is defined here as housing with a market rent and average monthly utilities that does not exceed the County of Passaic regional fair market rent (fmr), as determined and revised each year by the United States Department of Housing and Urban Development (HUD).

All replacement housing will be provided within three years after commencement of the demolition or conversion. Before entering into a contract committing the City of Passaic to provide funds for a project that will directly result in the demolition or conversion of low income dwelling units, the City of Passaic will make public through publication in a newspaper of general circulation a project description available at the City of Passaic-Department of Community Development and submit to the Newark HUD Field Office the following information in writing:

1. Description of proposed assisted project;
2. Address, number of bedrooms and map of location of lower income housing that will be lost as a result of the project;
3. Time schedule for start and completion of demolition or conversion;
4. To the extent known, address, number of bedrooms and map of location of replacement housing that has been or will be provided;

5. Source of funding and time schedule for provision of replacement housing;
6. Basis for concluding replacement housing will remain lower income housing for at least 10 years from the date of initial occupancy; and
7. Information demonstrating that any proposed replacement of housing units that are different in size from those units lost, is appropriate, and consistent with housing needs and priorities identified in the approved Consolidated Plan.

The specific location of the replacement housing is Block 1086, Lot 14; commonly known as 69 Jefferson Street.

The City of Passaic, Department of Community Development (330 Passaic Street, 2nd Floor, Passaic, NJ 07055; telephone: (973) 365-5563, is responsible for tracking the replacement of lower income housing and ensuring that replacement units are provided within the required period. The City of Passaic will also provide relocation payments and other relocation assistance, to any lower income person displaced by the demolition or conversion of lower income housing to another use in a project using HOME and CDBG funds. No waiver for relocation assistance will be accepted. (NOTE: The Grantee is ultimately responsible; while you may delegate the function to the sub-recipient, the Grantee must take full responsibility and ensure that the sub-recipient does what is correct and if they fail to, the Grantee will make up any shortfall owed to the displaced residents.)

- b. Temporary Relocation: The following policies cover residential tenants who will not be required to move permanently but who must relocate temporarily for the development. Such tenants must at a minimum be provided:
 1. Reimbursement for all reasonable out-of-pocket expenses incurred in connection with the temporary relocation, including the cost of moving to and from the temporary occupied housing and any increase in monthly rent/utility costs at such housing;
 2. Appropriate advisory services, including reasonable advanced written notice of (i) date and approximate duration of the temporary relocation; (ii) the address of the suitable, decent, safe and sanitary dwelling to be made available for the temporary period; (iii) the terms and conditions under which the tenant may lease and occupy a suitable, decent, safe and sanitary dwelling (iv) the provisions in the Notice of Non-Displacement in which persons who are not to be displaced must be provided a notice explaining the reasonable terms and conditions under which they may lease and occupy the property upon the completion of the acquisition or rehabilitation. It is important that this notice be provided as soon as possible. In

addition, agencies must offer all residential displaced persons transportation to temporary replacement housing.

3. Temporary relocation cannot extend beyond twelve months. Failure to return the tenant to a decent, safe, and sanitary unit in the complex within twelve months will trigger full relocation benefits for the tenant. Full relocation benefits may not be offset by expenses incurred during the twelve month temporary relocation period..
- c. Relocation Assistance due to Local Needs- This is an optional policy, as defined under 24 CFR 570.201 (i), to allow for the use of CDBG-assisted relocation assistance for individuals and/or families who are displaced as a result of violations of Housing Maintenance code violations. In order for individuals and/or families to receive relocation assistance, he or she must meet the following criteria:
1. The dwelling unit must be located within the legal limits of the City of Passaic;
 2. The dwelling unit must be a “legal unit”;
 3. The landlord and/or owner of the dwelling unit must first be responsible for the provision of relocation assistance to the tenant residing in his/her dwelling unit; and;
 4. The tenant must meet the income guideline limits for a low/moderate income individual as defined by Part 5 Income Guidelines published by the United States Department of Housing and Urban Development.

If it is determined that an individual and/or family meets the criteria listed above and is granted relocation assistance, the individual and/or family would be entitled to one of all of the assistance listed below, providing upon the availability of funds for this activity:

1. The provision of temporary shelter for a maximum of three days at an approved hotel or motel;
 2. The provision of a maximum of \$500 to assist with moving cost assistance to low/moderate income individuals/families displaced due to involuntary code enforcement violations.
- d. Steps to minimize displacement: Consistent with the goals and objectives of activities assisted under the HOME, CDBG, Section 108 and NSP programs, the City of Passaic, at

a minimum, will take the following steps to minimize direct and indirect displacement of persons from their homes:

1. Stage rehabilitation of apartment units, where possible, to allow tenants to remain in the building/complex during and after rehabilitation, working with empty units first;
2. Arrange for facilities to house persons who must be relocated temporarily during rehabilitation;
3. Arrange for acceptable replacement units;
4. Arrange for appropriate advisory services at the levels described in 49 CFR Part 24, including advanced written notice of date and approximate duration of temporary relocation, location of suitable, safe, decent and sanitary dwelling to be made available for the temporary period. The terms and conditions under which a tenant may lease and occupy a suitable, decent, safe and sanitary dwelling in the building/complex upon completion of the project. In addition, agencies must offer all residential displaced persons transportation to temporary replacement housing; and
5. Adopt an appeals process for those persons who disagree with the determination concerning whether they qualify as a displaced person or the amount of relocation assistance for which they may be eligible, including the opportunity to file a written appeal of that determination with the City of Passaic. A low-income person who is dissatisfied with the City of Passaic's determination of his or her appeal may submit a written request for review of that determination to the HUD Newark Field Office.

III. DEFINITIONS

Displaced Person: Any person that moves from real property or moves his or her own personal property from real property as described in the Uniform Relocation Assistance and Real Property Acquisition Policy Act.

Lower-Income Dwelling Unit- A dwelling unit with a fair market rent (including utility costs) that does not exceed the applicable Fair Market Rent (FMR) established under CFR Part 888.

Lower-and Moderate-Income Person- A "low and moderate income person", as that term is defined in 24 CFR Part 570.3, means a member of a family having an income equal to or less than the Part 5 income limit established by HUD or a "low-income family" as that term is defined in Sec. 92.2 of this title. (While your optional plan may be limited to

CDBG; the RARAP itself is for CDBG and HOME so we need the HOME definition as well).

Vacant Occupiable Dwelling Unit- A dwelling unit that is in standard condition; a vacant dwelling unit that is in sub-standard condition, but is suitable for rehabilitation; or a dwelling unit in any condition that has been occupied (except by a squatter) at any time within the period beginning three (3) months before the date of execution of the agreement by the City of Passaic covering the rehabilitation or demolition.

IV. PUBLIC REVIEW

To ensure compliance with Section 104 (d), the City of Passaic will make public this RARAP by using the following methods:

- Posting the RARAP in the Passaic Free Public Libraries (Julius Fortsmann & Reid Memorial), which are the City of Passaic’s libraries for general circulation; and
- Publishing in the Herald News & El Especialito, a notice of availability stating where and when the RARAP and identified project areas will be available for review.

The purpose of the public disclosure requirement for the plan is to ensure that citizens are made aware of the City’s plans for demolition and conversion of existing low-and **moderate-income housing and how it intends to replace those lost dwelling units.**

V. REFERENCES

- a. Uniform Relocation Assistance and Real Property Act of 1970 (URA), as amended, which covers all HUD-assisted programs and projects;
- b. Housing Community Development Act of 1974 (1974 Act) 49 CFR Part 24, which contains the government-wide regulations implementing URA of 1970;
- c. Handbook 1378 Tenant Assistance Relocation and Real Property Acquisition
- d. 24 CFR Part 42 for CDBG or HOME funds:
http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/library/relocation/policyandguidance

VI. CONTACT

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