

RESOLUTION NO. 6258

A RESOLUTION ADOPTING ALBANY'S RESIDENTIAL ANTI-DISPLACEMENT AND RELOCATION ASSISTANCE PLAN AS REQUIRED BY THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974, AS AMENDED.

WHEREAS, the U.S. Department of Housing and Urban Development (HUD) will be providing Community Development Block Grant (CDBG) funds to the City of Albany as an entitlement grantee; and

WHEREAS, as a CDBG entitlement grantee, the City is required by Section 104(d) of the Housing and Community Development Act of 1974, as amended, to adopt a Residential Anti-Displacement and Relocation Assistance Plan (Anti-Displacement Plan) in connection with any activity assisted with funding under the CDBG programs; and

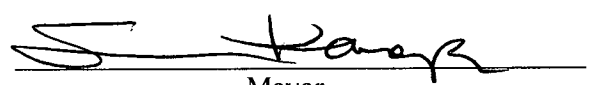
WHEREAS, the Uniform Relocation Assistance and Real Property Housing and Community Development Act of 1974, as amended (Uniform Act), has protections and assistance that must be applied to the acquisition, rehabilitation, or demolition of real property for federally funded projects; and

WHEREAS, the City of Albany supports the objectives of the Uniform Act to provide uniform, fair, and equitable treatment of persons whose real property is acquired or who are displaced in connection with CDBG program activities; and

WHEREAS, the Anti-Displacement Plan will ensure no individual or family is displaced unless decent, safe, and sanitary housing is available within the displaced person's financial means; and

NOW, THEREFORE, BE IT RESOLVED that the Albany City Council agrees to adopt the City of Albany's Residential Anti-Displacement and Relocation Assistance Plan, a copy of which is attached hereto as "Exhibit A".

DATED AND EFFECTIVE THIS 14th DAY OF August 2013.



Mayor

ATTEST:



City Clerk

**CITY OF ALBANY
RESIDENTIAL ANTI-DISPLACEMENT AND
RELOCATION ASSISTANCE PLAN**

A. Anti-displacement

1. It is the intent of the City of Albany to minimize the displacement of persons (families, individuals, businesses, nonprofit organizations, and farms) as a result of activities funded through the Community Development Block Grant (CDBG) programs. Accordingly, the City will comply with the regulations set forth in 24 CFR 570.606 for activities assisted with funds provided under the Housing and Community Development Act of 1974 as amended.
2. Consistent with the goals and objectives of activities assisted under the Housing and Community Development Act of 1974, the City will take the following steps to minimize the displacement of persons from their home.
 - a. The City will analyze all applications for CDBG funds to determine whether the proposed project will cause the permanent displacement of any person.
 - b. The City will encourage applicants for CDBG funds to locate sites for projects in a way that will avoid or minimize displacement of persons (for example to locate projects on sites with vacant or no housing).
 - c. The City will encourage applicants for CDBG funds, where practical, to plan and phase projects in a way to avoid or minimize the effects of displacement (for example, by using temporary housing).

B. One-for-One Replacement

1. The City will take steps to ensure that all occupied or vacant habitable low-income dwelling units that are demolished or converted to a use other than as low-income dwelling units in connection with an activity assisted with CDBG funding will be replaced by the City, another agency or a private developer with comparable low-income units.
2. In the event a habitable low-income dwelling is demolished or converted, and a replacement dwelling created, that replacement unit will:
 - a. Be within the City limits of Albany, and preferably within the same neighborhood or general area;
 - b. Be capable of housing the same number of occupants as the dwelling being demolished or converted, meaning that it will consist of at least the same number of bedrooms. The comparable replacement may not be multiple smaller units that in total provide the same number of bedrooms (e.g. replacing a 2-bedroom unit with two 1-bedroom units) unless the Consolidated Plan shows that such replacement is advantageous and would align with the needs assessment contained in the Plan.
 - c. Be a decent, safe and sanitary unit that meets the HUD Section 8 Housing Quality Standards (HQS). Replacement units may include, but are not limited to, public housing or existing housing receiving HUD Section 8 project-based assistance. In addition, replacement units may include units brought from substandard condition to standard condition if 1) no person was displaced from the unit, and 2) the unit was vacant for at least three months before execution of an agreement between the City and the property owner to carry out activities to bring it to standard condition;

- d. Be designed to remain affordable to low income occupants for at least ten years from the time of initial occupancy;
- e. Be made available for occupancy at any time during the period beginning one year before the recipient makes public the information required under

The foregoing requirements shall not apply in the event the Secretary of the U.S. Department of Housing and Urban Development (HUD) finds, on the basis of objective data, that there is an adequate supply of habitable affordable housing for low-income persons in Albany.

- 3. All replacement housing will be provided within three years after the commencement of the demolition or conversion. Before entering into a contract committing the the City of Albany to provide funds for a project that will directly result in demolition or conversion, the City will make public by advertising the project in the paper and submit to HUD Field Office the following information in writing:
 - a. A description of the proposed assisted project;
 - b. The address and number of dwelling units by size (number of bedrooms) of the lower income housing that will be demolished or converted to a use other than as lower income housing as a result of an assisted project;
 - c. A time schedule for the commencement and completion of the demolition or conversion;
 - d. The address or location on a map (unless the new use will serve a purpose for which, for safety purposes, the location will not be generally known or published such as a confidential shelter for survivors of domestic violence), and number of dwelling units by size (number of bedrooms of that will be provided as replacement housing;
 - e. The source of funding and a time schedule for the provision of the replacement housing;
 - f. The basis for concluding that the replacement housing will remain lower income housing for at least 10 years from the date of initial occupancy;
 - g. Information demonstrating that any proposed replacement of housing 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 approved Consolidated Plan.

To the extent that the specific location of the replacement housing and other data in items d through g are not available at the time of the general submission, the [jurisdiction] will identify the general location of such housing on a map and complete the disclosure and submission requirements as soon as the specific data are available.

C. Relocation Assistance.

- 1. Relocation benefits shall be provided for all low-income persons who occupied housing demolished or converted to a use other than for low-income housing when City CDBG funds are utilized to carry out that demolition or conversion. Such benefits may include advisory services, as well as reimbursement for actual and reasonable moving expenses, security deposits, credit checks, and other moving-related expenses, including interim living costs. In addition, displaced persons will be eligible to receive one of the following:
 - a. Compensation sufficient to ensure that, for a five-year period, the displaced person(s) shall not bear, after relocation, a ratio of shelter costs to income that exceeds 30%; or

- b. If elected by the displaced person(s), a lump-sum payment equal to the capitalized value of the benefits available under a. above to permit the person to secure participation in a housing cooperative or mutual housing association.
2. Persons displaced shall be relocated into comparable replacement housing that is:
 - a. Decent, safe and sanitary;
 - b. Adequate in size to accommodate them;
 - c. Functionally equivalent to the dwelling from which they were displaced; and
 - d. In an area not subject to unreasonably adverse environmental conditions.
3. Persons displaced shall have the right to elect, as an alternative to the benefits described in 1, and 2 above, to receive benefits under the Uniform Relocation Assistance and Real Property Acquisition Act of 1970, 42 USC 4602 et seq., if such persons determine that it is in their best interests to do so.
4. Where a claim for assistance under 1. above is denied by the City, the claimant may appeal to the Secretary of HUD, and the decision of the Secretary shall be final.