

# RESIDENTIAL ANTI-DISPLACEMENT AND RELOCATION ASSISTANCE PLAN

---

It shall be the policy of the State of North Carolina Office of Recovery and Resiliency (NCORR), to follow the plan described below to minimize adverse impacts on persons of low-and-moderate income resulting from acquisition, rehabilitation, and/or demolition activities assisted with funds provided under Title 1 of the Housing and Community Development (HCD) Act of 1974, as amended, as described in 24 CFR 42.325. NCORR is North Carolina's administrator of U.S. Department of Housing and Urban Development's (HUD) Community Development Block Grant-Disaster Recovery (CDBG-DR) and Community Development Block Grant – Mitigation (CDBG-MIT) Programs and certifies that it will comply with this Residential Anti-Displacement and Relocation Assistance Plan.

Every effort will be made to minimize temporary or permanent displacement of persons due to the delivery of HUD CDBG-DR and CDBG-MIT Programs administered by NCORR. Cost-efficient, feasible, and reasonable mitigation measures will be considered before the acquisition and demolition of residential units and permanent displacement of residents. The State will comply with the requirements of and utilize the waivers set forth in applicable Federal Register Notices pertaining to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA) and 24 CFR Subpart C, Section 104(d), (Section 104(d)) including, but not limited to, the following notices:

- CDBG-MIT Main Notice, 84 FR 45838, 8/30/2019; Notice 86 FR 561,1/6/21; and Omni Notice, 87 FR 36869, 6-21-2022;
- CDBG-DR Hurricane Florence Main Notice (also applies to Hurricane Matthew), 85 FR 4681, 1/27/2020;
- CDBG-DR (Hurricanes Florence and Matthew), 83 FR 5844, 2/9/2018;
- CDBG-DR (Hurricanes Florence and Matthew), 84 FR 4836, 2/19/2019; and
- CDBG-DR (Tropical Storm Fred), 87 FR 31636, 5/24/2022 (referred to later as the Consolidated Notice).

It is important to note that the funds governed by the Consolidated Notice are exclusively allocated for Tropical Storm Fred (Fred) recovery and mitigation.

## POLICY

In developing its ReBuild NC recovery and mitigation programs, NCORR considers any potential disturbance to citizens its programs may cause, because it understands the importance of community and the disruption storm survivors have already endured. Persons displaced by HUD funded recovery efforts could include individual and families, businesses, farms, and organizations, all with distinct needs and considerations. However, NCORR commits to considering alternatives that will keep residents in their current locations and/or homes, thereby minimizing displacement. By prioritizing the administration of recovery and mitigation programs that do not involve the possibility of displacement, NCORR has taken the first step towards minimizing displacement.

NCORR's largest recovery and mitigation program is the ReBuild NC Homeowner Recovery Program (HRP). This program makes every effort to ensure that property owners are re-housed on the original site of their storm-damaged property in a more resilient manner, so that they are less at risk for future storm damage. NCORR does not anticipate that displacement that triggers mandatory relocation assistance will be caused by its administration of HRP.

NCORR also makes a substantial investment in the development of resilient affordable housing. The Affordable Housing Development Fund, is largely a new construction program and generally does not involve the demolition or the rehabilitation of buildings. Since its launch, program activities have rarely resulted in the displacement of residents. However, because this program could potentially fund the activity of demolition or rehabilitation, as affordable housing activities are generally carried out through partners and subrecipients, NCORR commits to reviewing and approving every project involving the demolition or rehabilitation of rental property before a commitment of funds will be made to a specific project. This step will also include a review of the impact on vulnerable populations within the proposed project as well as in the larger community prior to NCORR approval. In addition, alternatives will be considered that will minimize the disruption to existing tenants such as phased development or other options if those options are deemed to be cost effective and feasible.

NCORR also understands that multiple strategies must be pursued to meet a variety of recovery and mitigation needs. The ReBuild NC Strategic Buyout Program represents NCORR's primary mitigation effort to permanently relocate citizens to safer areas, out of harm's way. This program involves the permanent, voluntary relocation of property owners who choose to participate by selling their property located in areas designated as a higher risk for future storm damage. The acquisition of buyout properties may result in the permanent involuntary displacement of tenants.

When relocation is required, in its Strategic Buyout Program or under other circumstances, NCORR will provide the relocation assistance required under the Uniform Relocation and Real Property Acquisition Policies Act of 1970 (URA) and HUD policy. Relocation assistance will be provided to all eligible persons displaced by an NCORR-funded CDBG-DR or CDBG-MIT activity, including the provision of advisory services, access of supportive services, replacement housing payments (including tenant assistance payments), and reimbursement for allowable expenses. When appropriate or required, NCORR will adhere to the housing of last resort requirements that may be needed to meet the need of large families and other vulnerable populations. The URA

services will include, but are not limited to, the provision of required URA notices, frequent communication with tenants to determine their housing needs, and identifying comparable replacement housing. Consideration will be given to the needs of all impacted vulnerable populations including persons with disabilities. Accessible communication to persons with disabilities will be provided and as well as reasonable accommodations when needed. When displacement is unavoidable or part of a planned program (as is the case with the Strategic Buyout effort), NCORR will follow its policies regarding the implementation of relocation assistance included in its ReBuild NC URA Policy Manual. URA policies may be revised intermittently and will be available for public review on the ReBuild NC website. NCORR will ensure that when displacement will occur, that sufficient budget is available for URA services and benefits. URA requirements and waivers are described below. NCORR utilizes a system of record to document its program activities. All displacement, relocation, acquisition, new construction, and replacement of housing activities will be recorded in compliance with NCORR's Record Retention and Access Policy.

## WAIVERS

This section lists some of the key waivers impacting the administration of North Carolina CDBG-DR and CDBG-Mitigation grants.

### Relocation by Subrecipients

NCORR requires subrecipients to adopt the State's Residential Anti-Displacement and Relocation Assistance Plan or develop and adopt its own plan regarding any activity assisted with funding from CDBG-DR or CDBG-MIT as allowed under the waiver for optional relocation plans. When an entity decides to adopt its own plan, the plan must be provided to NCORR for review. The final relocation plan must be approved by NCORR and made available to the public, HUD, and other agencies as applicable. In the event of displacement because of a federally funded award, NCORR requires that the sub-grantee and sub-recipients to comply with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, (42 U.S.C. 4601 et seq.) ["URA"], for any household, regardless of income which is involuntarily and permanently displaced, and to comply with Section 104(d). NCORR is aware that any demolition or disposition of public housing is subject to Section 18 of United States Housing Act of 1937, as amended, and 24 CFR part 970.

### URA Regulations Apply for Hurricanes Matthew and Florence

For the sake of ensuring the consistent administration of relocation benefits, HUD has waived Section 104(d) of the Housing and Community Development Act of 1974 as amended, and 24 CFR 42.350, to the extent that relocation requirements differ from those under the URA regulations at 49 CFR Part 24. Therefore, NCORR commits to consistently implementing the requirements at 49 CFR Part 24 in its administration of relocation assistance under the URA.

## URA Regulations Apply for Tropical Storm Fred

A waiver under the Consolidated Notice requires that all displaced persons receive URA services and benefits. This requirement extends to displaced persons eligible under Section 104(d). In order to provide parity and consistency across recovery and mitigations programs, NCORR will provide all displaced persons with URA services and benefits.

Although the waiver allows NCORR to replace some or all of the replacement housing payment with a rental housing program subsidy (such as Housing Choice Vouchers (HCV)) under certain circumstances, this remedy is unlikely to be used. NCORR is not an administrator of any rental subsidy programs and the resource of HCVs is generally unavailable through NCORR for program applicants. Therefore, it is largely infeasible that NCORR will take advantage of the waiver that allows rental housing assistance payments.

## Section 104(d) One-for-One Replacement for Hurricanes Matthew and Florence

Current CDBG-DR regulations waive the requirement to provide one-for-one replacement for lower income dwelling units that are damaged by the disaster and not suitable for rehabilitation. Units which meet NCORR's definition of Not Suitable for Rehabilitation are exempted from the one-for-one replacement requirements. NCORR's definition of not suitable for rehabilitation is included in NCORR's program policy manuals.

While the CDBG-DR regulations apply to the majority of NCORR's disaster recovery efforts, NCORR's ReBuild NC Strategic Buyout Program is governed by the regulations issued for CDBG-MIT funds. The issuance of 87 FR 36872, June 21, 2022, V. provides a revised waiver to the one-for-one replacement exemption for CDBG-MIT funds allocated under PLs 115-123 and 116-20. This waiver indicates that the previous waivers and alternative requirements required that properties treated with CDBG-MIT funds must be "tied" to a previous storm and be storm-damaged. This revised waiver recognizes that CDBG-MIT funds are to be used to lessen the risk of future storm damage. Therefore, the waiver removes the requirement to demonstrate damage by a previous disaster as long as the activity meets the objective of moving people and property out of harm's way and is aligned with the objectives of the MIT funding. NCORR has applied the waiver at 87 FR 36872 in the implementation of its Strategic Buyout Program.

## Section 104(d) One-for-One Replacement for Tropical Storm Fred (Consolidated Notice)

The Consolidated Notice waives the requirement to provide one-for-one replacement of owner-occupied lower income dwelling units that are damaged by the disaster and not suitable for rehabilitation. NCORR understands that this waiver does not apply to tenant-occupied and vacant occupiable lower-income dwelling units demolished or converted to another use other than lower-income housing in connection with a CDBG-DR assisted activity, which are generally subject to one-for-one replacement requirements of 24 CFR 42.375. NCORR's definition of not suitable for rehabilitation is included in NCORR's program policy manuals.

## Tenant-Based Rental Assistance for Hurricanes Matthew and Florence

HUD waivers allow an agency to use tenant-based rental assistance (such as Section 8 housing choice vouchers) to meet all or a portion of its relocation assistance obligation if it also provides comparable replacement dwellings for consideration by the displaced person. NCORR does not administer such rental assistance however NCORR may allow its subrecipients that administer such assistance to utilize this waiver. If this assistance is administered by a subrecipient, NCORR will request that the subrecipient indicate its plan in writing for review, commit to providing 42 months of assistance, and must be approved by NCORR.

## Arm's Length Voluntary Purchase for Hurricanes Matthew and Florence

While the acquisition requirements under URA are waived, NCORR plans to perform acquisition under its Strategic Buyout Program to meet all the requirements of 49 CFR 24.101(b)(1)(i-iv). NCORR will provide an offer to acquire an applicant's property under the Strategic Buyout Program. This offer will be made in writing and based on the appraised current fair market value. If an owner rejects the offer, no further attempt will be made to have the owner approve the acquisition. Any eligible tenant displaced by this activity will be provided with the relocation assistance required under the URA.

## URA Voluntary Acquisition for Tropical Storm Fred

The activities funded with Consolidated Notice funds will not include the voluntary purchase of an owner's primary residence. However, if plans change and the Action Plan is amended, NCORR will rely on the waiver of 49 CFR 24.101(b)(2).

## Section 414 Waiver of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (All Disasters and Regulations)

The regulations listed on page one of this document provide waivers to Section 414. These waivers have been utilized by NCORR in the implementation of its programs.

Section 414 of the Stafford Act is waived to the extent that it would apply to real property acquisition, rehabilitation, or demolition of real property for a CDBG– DR or CDBG-MIT funded project, undertaken by NCORR or its subrecipient, that began more than one (1) year after the Presidentially declared disaster, provided that the project was not planned, approved, or otherwise underway prior to the disaster. NCORR understands that the program commencement date is the earliest of: (1) The date of an approved Release for Request of Funds (RROF) and certification, or (2) the date of completion of the site-specific review when a program utilizes tiered environmental reviews, or (3) the date of sign-off by the approving official when a project converts to exempt under 24 CFR 58.34(a)(12). Further, NCORR will ensure that this waiver does not apply to persons that meet the occupancy requirements to receive a replacement housing payment under the URA nor does it apply to persons displaced or relocated temporarily by other HUD-funded programs or projects. NCORR will ensure that such persons' eligibility for relocation assistance and payments under the URA is not impacted by this waiver.

## CERTIFICATION OF COMPLIANCE

---

Overview information can be provided on this section. The North Carolina Office of Recovery and Resiliency (NCORR) commits to implementing this Residential Anti-Displacement and Relocation Plan, minimizing displacement whenever feasible, and certifies that it will comply with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Pub. L. 91-646) [42 U.S.C. 4601 et seq.].

The North Carolina Office of Recovery and Resiliency hereby adopts this Residential Anti-Displacement and Relocation Assistance Plan for the projects funded under the CDBG-DR and CDBG-MIT Programs.

Division on Behalf of the North Carolina Office of Recovery and Resiliency (NCORR).

Printed Name: Laura Hogshead

Title: Director, NCORR

*Laura Hogshead*

\_\_\_\_\_  
*Signature*

10/19/2022 | 17:11:03 EDT

\_\_\_\_\_  
*Date of Approval*