

ATTACHMENT 2

**RESIDENTIAL ANTIDISPLACEMENT
AND
RELOCATION ASSISTANCE PLAN**

October, 1998

Administered by the
Department of Housing and Human Services

Adopted by City Ordinance 119163 on September 21, 1998

RESIDENTIAL ANTIDISPLACEMENT and RELOCATION ASSISTANCE PLAN

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Introduction

The Residential Antidisplacement and Relocation Assistance Plan (RARAP) is a plan required by HUD. As required by HUD, it applies only to projects funded with monies from the following programs: CDBG, Urban Development Action Grants (UDAG), Section 108 Loan Guarantee Program, the HOME Program and any program income that may accrue from these programs.

1.0 Purpose

- 1.1 The purpose of this plan is to set forth the steps the City will take to minimize displacement of families and individuals from their homes and neighborhoods as a result of projects that receive funds from CDBG (Community Development Block Grant), HOME (Home Investments Partnerships Program), UDAG (Urban Development Action Grant) or a Section 108 loan guarantee (funds awarded under section 108 of the Housing and Community Development Act of 1974) or funding from any program income that may accrue from these programs; to provide for relocation assistance to displaced persons in connection with such projects; and to provide one-for-one replacement units when required by 24 CFR 42.375.

2.0 Anti-Displacement Policy

- 2.1 Consistent with the other goals and objectives for the use of CDBG, HOME, UDAG and Section 108 loan guarantee funds, and any program income that may accrue from these programs, the City will take all reasonable steps to minimize displacement of people from their homes and neighborhoods as a result of a project assisted with any of the above listed funds and mitigate the adverse effects of any such displacement as it occurs.
- 2.2 For projects assisted with HOME funds or any project income accruing from HOME funds, residential tenants will, to the extent feasible, be provided a reasonable opportunity to lease and occupy a suitable, decent, safe, sanitary and affordable dwelling unit in the building/complex upon completion of the project.

3.0 Organizations Affected

City departments, borrowers and subgrantees receiving CDBG, HOME, Section 108 Loan Guarantee, UDAG funds or any project income accruing from any of these funds in connection with a project that may cause the permanent displacement of families or individuals from their homes or neighborhood or that may result in the demolition or conversion to another use of lower-income dwelling units.

4.0 Definitions

4.1 CDBG Program income

Gross income received by the recipient or a subrecipient directly generated from the use of CDBG funds. When program income is generated by an activity that is only partially assisted with CDBG funds, the income shall be prorated to reflect the percentage of CDBG funds used.

4.2 City

The City of Seattle, Washington.

4.3 Comparable Replacement Dwelling Unit

A dwelling unit that:

1. Meets the following standards contained in 49 C.F.R. 24.2 (d) (1) through (6):
 - a) Decent, safe and sanitary as described in paragraph (f) of 49 C.F. R. 24.2(f), i.e., The term decent, safe, and sanitary dwelling means a dwelling which meets applicable housing and occupancy codes. However, any of the following standards which are not met by an applicable code shall apply

unless waived for good cause by the Federal agency funding the project. The dwelling shall:

- 1) Be structurally sound, weathertight, and in good repair.
 - 2) Contain a safe electrical wiring system adequate for lighting and other devices.
 - 3) Contain a heating system capable of sustaining a healthful temperature (of approximately 70 degrees) for a displaced person, except in those areas where local climatic conditions do not require such a system.
 - 4) Be adequate in size with respect to the number of rooms and area of living space needed to accommodate the displaced person. There shall be a separate, well lighted and ventilated bathroom that provides privacy to the user and contains a sink, bathtub or shower stall, and a toilet, all in good working order and properly connected to appropriate sources of water and to a sewage drainage system. In the case of a housekeeping dwelling, there shall be a kitchen area that contains a fully usable sink, properly connected to potable hot and cold water and to a sewage drainage system, and adequate space and utility service connections for a stove and refrigerator.
 - 5) Contains unobstructed egress to safe, open space at ground level. If the replacement dwelling unit is on the second story or above, with access directly from or through a common corridor, the common corridor must have at least two means of egress.
 - 6) For a displaced person who is handicapped, be free of any barriers which would preclude reasonable ingress, egress, or use of the dwelling by such displaced person.
- b) Functionally equivalent to the displacement dwelling.
 - c) Adequate in size to accommodate the occupants;
 - d) In an area not subject to unreasonable adverse environmental conditions;
 - e) In a location generally not less desirable than the location of the displaced person's dwelling with respect to public utilities and commercial and public facilities, and reasonably accessible to the person's place of employment;
 - f) On a site that is typical in size for residential development with normal site improvements, including customary landscaping. The site need not include

special improvements such as outbuildings, swimming pools, or greenhouses;
and

2. Is available at a monthly cost for rent plus estimated average monthly utility costs that does not exceed the "total tenant payment" as defined by the HUD Section 8 Housing Assistance Payments Program (under 24 CFR 813.107), after taking into account any rental assistance the household would receive.

4.4 Conversion

1. The alteration of an existing housing unit upon the receipt of CDBG, HOME, UDAG, or Section 108 loan guarantee funds or any program income accruing from these funds, so that it is:
 - a) used for nonhousing purposes;
 - b) used for housing purposes, but no longer meets the definition of a lower-income dwelling unit; or,
 - c) used as an emergency shelter.
2. A housing unit that continues to be used for housing after completion of the project is not considered a "conversion" if, upon completion of the project, the unit is owned and occupied by a person who owned and occupied the unit before the project.

4.5 Displaced Person

A lower income person who, in connection with an activity assisted with CDBG, HOME, UDAG, Section 108 Loan Guarantee funds, or project income accruing from such funds, moves from real property or moves personal property from real property, permanently, as a direct result of the demolition or conversion of a lower income dwelling. For purposes of this definition, a permanent move is a move made permanently and:

1. After notice to move from the property following initial submission to HUD of the consolidated plan required of the City pursuant to 24 CFR Sec. 570.302; of an application for assistance pursuant to 24 CFR Sec. 570.426, 570.430 or 570.465 that is thereafter approved; or an application for loan assistance under 24 CFR Sec. 570.701 that is thereafter approved;
2. After notice by the property owner to move from the property, following the submission of a request for financial assistance by the property owner (or other person in control of the site) that is thereafter approved; or
3. Before the dates described in this definition, if HUD, the City, or the applicant/owner determine that the displacement was a direct result of conversion or demolition in connection with an activity subject to this policy for which financial assistance has been requested and is thereafter approved.

4.6 Functionally Equivalent

That which performs the same function, provides the same utility and is capable of contributing to a comparable style of living. While a comparable replacement dwelling need not possess every feature of a displacement dwelling, the principal features must be present. Generally, functional equivalency is an objective standard, reflecting the range of purposes for which the various physical features of a dwelling may be used. However, in determining whether a replacement dwelling is functionally equivalent to a displacement dwelling, reasonable trade-off for specific features may be considered when the replacement unit is equal to or better than the displacement dwelling (See appendix A to 49 CFR 24).

4.7 HCD Act of 1974

The Housing and Community Development Act of 1974 (42 U. S. C. §5301 et seq.).

4.8 HOME Program income

Gross income received by the participating jurisdiction, State recipient, or a subrecipient directly generated from the use of HOME funds or matching contributions. When program income is generated by housing that is only partially assisted with HOME funds or matching funds, the income shall be prorated to reflect the percentage of HOME funds used.

4.9 Lower-income Dwelling Unit

A dwelling unit with a market rent (including utility costs) that does not exceed the applicable Fair Market Rent (FMR) for existing housing established for Section 8 under 24 CFR 888.

4.10 Lower-income Person

A "low and moderate income person" as that term is defined in 24 CFR 570.3 ("Low- and moderate-income person" means a member of a family having an income equal to or less than the Section 8 low-income limit established by HUD. Unrelated individuals will be considered as one-person families for this purpose), or a "low-income family" as that term is defined in 24 CFR 92.2 (A Low-income family whose annual income does not exceed 80 percent of the median income for the area, as determined by HUD with adjustments for smaller and larger families, except that HUD may establish income ceilings higher or lower than 80 percent of the median for the area on the basis of HUD findings that such variations are necessary because of prevailing levels of construction costs or fair market rents or unusually high or low family incomes").

4.11 Owner/applicant

A person, organization, or entity, including any successors in interest, that submits an application to the City for funding for a project and that receives funds for the project from CDBG (Community Development Block Grant), HOME (Home Investments Partnerships Program), UDAG (Urban Development Action Grant) or a Section 108 loan guarantee (funds awarded under section 108 of the Housing and Community Development Act of 1974) or funding from any program income that may accrue from these programs.

4.12 Project

The development, including acquisition, demolition, construction, and/or rehabilitation, of residential and/or commercial units and related improvements funded wholly or in part with funds from CDBG (Community Development Block Grant), HOME (Home Investments Partnerships Program), UDAG (Urban Development Action Grant) or a Section 108 loan guarantee or funding from any program income that may accrue from these programs.

4.13 Vacant Occupiable Dwelling Unit

A vacant dwelling unit that is in a sound condition as that term is used in the City's HUD approved Consolidated Plan; a vacant dwelling unit that is suitable for rehabilitation condition as that term is used in the City's HUD approved Consolidated Plan; or a dwelling unit in any condition that has been occupied (except by a squatter) at any time within a period beginning 3 months before the date of execution of an agreement between the City and the owner/applicant covering the rehabilitation or demolition.

5.0 Relocation Assistance for Displaced Persons

5.1 Eligibility

All displaced persons, as that term is defined in the Uniform Relocation Assistance and Real Estate Acquisition Policies Act of 1970 (URA) (42 U.S.C.4601et seq. and implementing regulations at 49 CFR part 24) will receive relocation assistance as required by that Act. A displaced person, as defined in this policy, may choose to receive assistance under the federal URA or the assistance provided by section 104(d) of the HCD Act of 1974, as described in Section 5.2 below.

5.2 Assistance Available for Displaced Persons as Defined in this Policy

1. Advisory Services.

Advisory services at the levels described in 49 CFR part 24 will be made available. In addition to displaced persons as defined in this policy, any person who occupies property

acquired by the owner/applicant, when such occupancy began subsequent to the acquisition of the property, and the occupancy is permitted by a short term rental agreement or an agreement subject to termination when the property is needed for a program or project, shall be eligible for advisory services, as determined by the City. A displaced person must be advised of his or her rights under the Fair Housing Act (42 U. S. C. 3601-19). If the comparable replacement dwelling to be provided to a minority person is located in an area of minority concentration, as shown on charts contained in the Housing Demand and Need's Assessment section of the City's consolidated plan, the minority person must also be given referrals to comparable and suitable decent, safe and sanitary replacement dwellings not located in such areas. 49 CFR part 24 currently provides that an advisory program shall include such measures, facilities and services as may be necessary or appropriate in order to:

- a) Determine the relocation needs and preferences of each person to be displaced and explain the relocation payments and other assistance for which the displaced person may be eligible, the related eligibility requirements and the procedures for obtaining such assistance. This shall include a personal interview with each displaced person.
- b) Provide current and continuing information on the availability, purchase prices and rental costs of comparable replacement dwellings, and explain that the displaced person cannot be required to move unless at least one comparable replacement dwelling is made available as set forth in 49 CFR 24.204(a). As soon as feasible the owner/applicant shall inform the displaced person in writing of the specific comparable replacement dwelling and the price or rent used for establishing the upper limit of the replacement housing payment (see 49 CFR 24.403 (a) and (b)) and the basis for the determination, so that the displaced person is aware of the maximum replacement housing payment for which he or she may qualify.
- c) Where feasible, housing shall be inspected by the City prior to being made available to assure that it meets applicable standards (See 49 CFR 24.2(d) and (f)). If such an inspection is not made, the displaced person shall be notified that a replacement housing payment may not be made unless the replacement dwelling is subsequently inspected and determined to be decent safe and sanitary.
- d) Whenever possible, minority persons shall be given reasonable opportunities to relocate to decent, safe and sanitary replacement dwellings not located in an area of minority concentration, that are within their financial means. This policy does not require the owner/applicant to provide a displaced person a larger payment than is necessary to enable a displaced person to relocate to a comparable replacement dwelling.
- e) All displaced persons, especially the elderly and the handicapped, shall be offered transportation to inspect housing to which they are referred.
- f) Provide current and continuing information on the availability, purchase prices, and rental costs of suitable commercial and farm properties and locations. Assist any person displaced from a business or farm operation to obtain and become established in a suitable replacement location.

- g) Minimize hardships to displaced persons in adjusting to relocation by providing counseling, advice as to other sources of assistance that may be available, and such other help as may be appropriate.
 - h) Supply persons to be displaced with appropriate information concerning federal and state housing programs, disaster loans and other programs administered by the Small Business Administration and other federal and state programs offering assistance to displaced persons and technical help to displaced persons applying for such assistance.
2. Moving Expenses at the levels described in 49 CFR part 24.
- a) Residential Moving and Related Expenses -- Payment for Actual Reasonable Expenses

Any owner-occupant or tenant of a dwelling who qualifies as a displaced person is entitled to payment of his or her actual moving or related expenses as the City determines to be reasonable and necessary, including expenses for:

- 1) transportation of the displaced person and personal property. Transportation costs for a distance beyond 50 miles are not eligible, unless the City determines that relocation beyond 50 miles is justified;
 - 2) packing, crating, unpacking and uncrating of the personal property;
 - 3) disconnecting, dismantling, removing, reassembling, and relocated household appliances and other personal and property;
 - 4) storage of the personal property for a period not to exceed 12 months, unless the City determines that a longer period is necessary;
 - 5) insurance for the replacement value of the property in connection with the move and necessary storage;
 - 6) the replacement value of property lost, stolen or damaged in the process of moving (not through the fault or negligence of the displaced person, his or her agent, or employee) where insurance covering such loss, theft, or damage is not reasonably available;
 - 7) other moving related expenses that are not listed as ineligible under 49 CFR 24.305, as the City determines to be reasonable and necessary.
- b) Residential Moving and Related Expenses -- Fixed Payment Option

Any person displaced from a dwelling or a seasonal residence is entitled to receive an expense and dislocation allowance as an alternative to payment for actual moving and related expenses under 49 CFR 24.301. This allowance shall be determined according to the applicable schedule approved by the Federal Highway Administration (see Appendix A to 49 CFR 24.301). This includes a provision that the expense and dislocation allowance to a displaced person with minimal personal possessions who is in occupancy of a dormitory style room shared by two or more other unrelated persons or a person whose residential move is performed by a third party at no cost to the displaced person shall be limited to \$50.00.

c) Nonresidential Moving and Related Expenses -- Payment for Actual Reasonable Costs

- 1) Eligible costs: Any business or farm operation which qualifies as a displaced person is entitled to payment for such actual moving and related expenses, as the City determines to be reasonable and necessary, including expenses for:
 - a) Transportation of personal property. Transportation of personal property costs for a distance beyond 50 miles are not eligible, unless the City determines that relocation beyond 50 miles is justified.
 - b) Packing, crating, unpacking, and uncrating of personal property;
 - c) Disconnecting, dismantling, removing, reassembling and reinstalling relocated machinery, equipment and other personal property, including substitute personal property described in CFR 24.303(a)(12). This includes connection to utilities available nearby. It also includes modifications to the personal property necessary to adapt it to the replacement structure, the replacement site, or the utilities at the replacement site and modifications necessary to adapt the utilities at the replacement site to the personal property; (Expenses for providing utilities from the right-of-way to the building or improvement are excluded.)
 - d) Storage of personal property for a period not to exceed 12 months, unless the City determines that a longer period is necessary;
 - e) Insurance for the replacement value of the personal property in connection with the move and necessary storage;
 - f) any license, permit or certification required of the displaced person at the replacement location. However, the payment may be based on the remaining useful life of the existing license, permit or certification;
 - g) The replacement value of property lost, stolen or damaged in the process of moving (not through fault or negligence of the displaced person, his or her agent, or employee) where insurance covering such loss, theft or damage is not reasonably available;
 - h) Professional services necessary for:
 - 1) planning the move of the personal property;
 - 2) moving the personal property;
 - 3) installing the relocated property at the replacement location;
 - i) Relettering signs and replacing stationary on hand at the time of displacement that are made obsolete as a result of the move;
 - j) Actual direct loss of tangible personal property incurred as a result of moving or discontinuing the business or farm operation. Except for advertising signs, the payment shall consist of the lesser of:

- 1) The fair market value of the item for continued use at the displacement site, less the proceeds from its sale. To be eligible for payment the claimant must make a good faith effort to sell the personal property, unless the City determines that such effort is not necessary. When payment for property loss is claimed for goods held for sale, the fair market value shall be based on the cost of the goods to the business, not the potential selling price); or
 - 2) The estimated cost of moving the item but no allowance for storage. (If the business or farm operation is discontinued, the estimated cost shall be based on a moving distance of 50 miles.);
 - 3) Advertising signs. The amount of a payment for direct loss of an advertising sign which is personal property shall be the lesser of:
 - a) the depreciated reproduction cost of the sign, as determined by the applicant/owner less the proceeds from its sale; or
 - b) the estimated cost of moving the sign, but with no allowance for storage.
- k) The reasonable cost incurred of attempting to sell an item that is not to be relocated;
- l) Purchase of substitute personal property. If an item of personal property which is used as part of a business or farm operation is not moved but is promptly replaced with a substitute item that performs a comparable function at the replacement site, the displaced person is entitled to payment of the lesser of:
- 1) The cost of the substitute item, including installation costs at the replacement site, minus any proceeds from the sale or trade-in of the replaced item; or
 - 2) The estimated cost of moving and reinstalling the replaced item but with no allowance for storage. At the City's discretion, the estimated cost for a low cost or uncomplicated move may be based on a single bid or estimate;
- m) Searching for a replacement location. A displaced business or farm operation is entitled to reimbursement for actual expenses, not to exceed \$1,000, as the City determines to be reasonable, which are incurred in searching for a replacement location including:
- 1) Transportation;
 - 2) Meals and lodging away from home;

- 3) Time spent searching, based on reasonable salary or earnings;
- 4) Fees paid to a real estate agent or broker to locate a replacement site, exclusive of any fees or commissions related to the purchase of such site;

n) Other moving-related expenses that are not listed as ineligible under 49 CFR 24.305, as the City determines to be reasonable and necessary.

- 2) Self moves. If the displaced person elects to take full responsibility for the move of the business or farm operation, the applicant/owner may make a payment for the person's moving expenses in an amount not to exceed the lower of two acceptable bids or estimates obtained by the owner/applicant or prepared by a qualified staff. At the City's discretion a payment for a low cost or uncomplicated move may be based on a single bid or estimate.
- 3) Transfer of ownership. Upon request and in accordance with applicable law the claimant shall transfer to the applicant/owner, ownership of any personal property that has not been moved sold or traded in.

d) Security Deposits and Credit Checks;

The applicant/owner will pay any reasonable and necessary cost of any security deposit required to rent the replacement dwelling and for credit checks required to rent or purchase the replacement dwelling unit.

e) Interim Living Costs;

The applicant/owner shall reimburse a displaced person for actual reasonable out-of-pocket costs incurred in connection with a displacement, including moving expenses and increased housing costs, if:

- 1) The displaced person must relocate temporarily because continued occupancy of the dwelling unit constitutes a substantial danger to the health or safety of the displaced person or the public; or,
- 2) The person is displaced from a "lower income dwelling unit," none of the comparable replacement dwelling units to which the displaced person has been referred qualifies as a lower income dwelling unit, and a suitable lower income dwelling unit is scheduled to become available under the one for one replacement of lower income unit provisions contained in section 7.0 below.

f) Replacement Housing Assistance;

Displaced persons are eligible to receive one of the following two forms of replacement housing assistance:

- 1) Each displaced person must be offered rental assistance equal to 60 times the amount necessary to reduce the monthly rent and estimated average monthly costs of utilities for a replacement dwelling (comparable replacement dwelling or decent, safe and sanitary replacement dwelling to which the displaced person relocates, whichever costs less) to the total tenant payment, as determined under the Section 8 Housing Assistance Payments Program under 24 CFR 813. All or a portion of this assistance may be offered through a certificate or voucher for rental assistance (if available) provided under Section 8. If a Section 8 certificate or voucher is provided to a displaced person, the City will provide referrals to comparable replacement dwelling units where the owner is willing to participate in the Section 8 Tenant-Based Assistance Existing Housing Program. When provided, cash assistance will generally be in installments; or
- 2) If the displaced person purchases an interest in a housing cooperative or mutual housing association and occupies a decent, safe and sanitary dwelling in the cooperative or association, the displaced person may elect to receive a payment equal to the capitalized value of 60 times the amount that is obtained by subtracting the "total tenant payment" as determined under 24 CFR 813, from the monthly rent and estimated average monthly cost of utilities at a comparable replacement dwelling unit. To compute the capitalized value the installments shall be discounted at the rate of interest paid on passbook savings deposits by a federally insured financial institution conducting business within the City of Seattle. To the extent necessary to minimize hardship to the household, the owner/applicant shall, subject to appropriate safeguards, issue a payment in advance of the purchase of the interest in the cooperative or mutual housing association.

6.0 Temporary Relocation Assistance.

- 6.1 Temporary Relocation for Projects Assisted with HOME funds. The following policies cover residential tenants who will not be required to move permanently but who must relocate temporarily for a project assisted with HOME funds or project income accruing from HOME funds. Such tenants must 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 temporarily occupied housing and any increase in monthly rent/utility costs.
 - 2) Appropriate advisory services, including reasonable advance written notice of:
 - a) The date and approximate duration of the temporary relocation;
 - b) The location of the suitable, decent, safe, and sanitary dwelling to be made available for the temporary period
 - c) The terms and conditions under which the tenant may lease and occupy a suitable, decent, safe, and sanitary dwelling in the building/complex upon completion of the project.

- 6.2 Those low-income residential households who are not permanently displaced (and therefore do not qualify as displaced persons under this policy) but who must relocate for more than 72 hours as a result of a Project, may be eligible for relocation assistance under the City's Tenant Relocation Assistance Ordinance, SMC 22.210.

7.0 One-for-One Replacement of Lower Income Dwelling Units

7.1 Policy

- 1) All occupied and vacant occupiable lower-income dwelling units that are demolished or converted to a use other than as lower-income dwelling units in connection with an activity funded with CDBG, HOME, UDAG or Section 108 Loan Guarantee funds must be replaced with comparable lower-income dwelling units.
- 2) Replacement lower-income dwelling units may be provided by the City, any other government agency, a non-profit agency or private developer and will meet the following requirements:

The units must be located in the City of Seattle. To the extent feasible and consistent with other statutory priorities, the units shall be located within the same neighborhood as the units replaced.

- a) The units must be sufficient in number and size to house no fewer than the number of occupants who could have been housed in the units that are demolished or converted. The number of occupants who could have been housed in units shall be determined by the housing occupancy provisions of the Seattle Housing Authority Housing Quality Standards. The owner/applicant will not replace those units with smaller units unless information is provided that the smaller unit replacement is consistent with the needs assessment contained in the City's current consolidated plan approved by HUD.
- b) The units provided will be in sound condition as that term is used in the City's HUD approved Consolidated Plan. Replacement lower income dwelling units may include units that have been raised to sound condition if:
- c) No person was displaced from the unit as a direct result of an activity assisted with CDBG, HOME Section 108 Loan Guarantee or UDAG funds or program income that may accrue from these funds; and The unit was vacant for at least 3 months before execution of the agreement between the acquiring entity and the property owner.
- d) Replacement units will initially be made available for occupancy at anytime during the period beginning 1 year before the City makes public a request for determination from HUD that the one-for-one replacement requirement does not apply in the City and ending 3 years after the commencement of the demolition or rehabilitation related to the conversion.
- e) The units must be designed to remain lower-income dwelling units for 10 years from the date of initial occupancy. Replacement lower-income dwelling

units may include but are not limited to, public housing or existing housing receiving Section 8 project based assistance.

7.2 Procedure

Before the City enters into a contract committing it to provide CDBG, HOME, UDAG or Section 108 loan guarantee funds or project income accruing from any of these programs for any activity that will directly result in the demolition of lower-income dwelling units or the conversion of lower-income dwelling units to another use, the City will make public, by publication in a newspaper of general circulation and submit to HUD, in writing, the following:

- 1) A description of the proposed assisted activity;
- 2) The location on a map and number of dwelling units by size (number of bedrooms) that will be demolished or converted to a use other than for lower-income dwelling units as a direct result of the assisted activity;
- 3) A time schedule for the commencement and completion of the demolition or conversion;
- 4) The location on a map and the number of dwelling units by size (number of bedrooms) that will be provided as replacement dwelling units. If such data are not available at the time of the general submission, the submission shall identify the general location on an area map and the approximate number of dwelling units by size; and information identifying the specific location and number of dwelling units by size shall be submitted and disclosed to the public as soon as it is available;
- 5) The source of funding and a time schedule for the provision of replacement dwelling units;
- 6) The basis for concluding that each replacement dwelling unit will remain a lower-income dwelling unit for at least 10 years from initial occupancy
- 7) Information demonstrating that any proposed replacement of dwelling units with smaller units is consistent with the needs assessment contained in the current HUD approved consolidated plan.

7.3 Exceptions to One-for-One Replacement Requirements

In accordance with 42 U.S.C. 5304(d)(3), the one-for-one replacement requirement of this section does not apply to the extent the HUD field office determines, based upon objective data, that there is an adequate supply of vacant lower income dwelling units in sound condition available on a nondiscriminatory basis within the area.

- 1) The City will submit directly to the HUD field office any request for determination that the one-for-one replacement does not apply. Simultaneously with the submission of the request, the City will make the submission public and inform interested persons that they have 30 days from the date of submission to provide to HUD additional information supporting or opposing the request.

8.0 Appeals

A person who disagrees with the City's determination concerning whether the person qualifies as a "displaced person" or with the amount of relocation assistance for which the displaced person is eligible may file a written appeal of that determination with the Director of the Department of Housing and Human Services (DHHS) and pursue that appeal pursuant to the appeal procedures contained at SMC 20.84.110-200. The City shall advise any low-income displaced person of that displaced person's right to appeal the City's decision on the appeal to court and to the HUD field office.

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