

Residential Anti- Displacement and Relocation Assistance Plan

CDBG-DR

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Version History

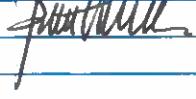
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1. Overview

It shall be the policy of the County of Maui – Office of Recovery (County OOR) 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. The County of Maui is 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 (RARAP).

Every effort will be made to minimize temporary or permanent displacement of persons due to the delivery of HUD CDBG-DR Programs administered by the County OOR. Cost-efficient, feasible, and reasonable mitigation measures will be considered before the acquisition and demolition of residential units and permanent displacement of residents. The County 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 CDBG-DR Notice, Federal Register Vol. 90, No. 10, published January 16, 2025.

The County OOR mirrors the federal URA objectives, which include:

- ensuring that owner of real property to be acquired for federally assisted projects are treated fairly and consistently
- encouraging and expediting acquisitions by agreement
- minimizing litigation
- providing fair, consistent, and equitable treatment of person displaced by federally assisted projects, and
- ensuring displaced persons will not face disproportionate negative impacts as a result of projects designed for public benefit.

A. Minimizing Displacement

Consistent with the objectives above, the County OOR will take the following steps, where feasible, to minimize the direct and indirect displacement of persons from their homes:

- Coordinate code enforcement with rehabilitation and housing assistance programs.
- Stage rehabilitation of apartment units to allow tenants to remain in the building/complex during and after the rehabilitation, working with empty units first.
- Arrange facilities to house persons who must be relocated temporarily during rehabilitation.
- Adopt policies to identify and mitigate displacement resulting from intensive public investment in neighborhoods.
- Establish counseling opportunities to provide homeowners and tenants with information regarding assistance available to help them remain in their community.
- Give priority to rehabilitation of housing, as opposed to demolition, to avoid displacement.

- Demolish or convert only dwelling units that are not occupied or vacant occupiable dwelling units, especially those units which are “lower-income dwelling units” as defined in 24 CFR 42.305. Section 104(d). CDBG (by extension CDBG-DR) requirements stipulate that funds may not be used to reduce the County of Maui’s stock of affordable housing. The CDBG regulations [24 CFR 570.606(c)(1)(i)] state that: “All occupied and vacant occupiable low and moderate income (LMI) dwelling units that are demolished or converted to a use other than as low- and moderate-income dwelling units in connection with an activity assisted under this part must be replaced with low- and moderate-income dwellings units.” The rules implementing the Section 104(d) requirement for the replacement of housing in the County of Maui’s CDBG-DR program are found at 24 CFR 570.606. An exception to this statute is permitted only if the units are converted to another use, and such units will be replaced with low- and moderate-income dwelling units in connection with the assisted activity.
- The County OOR may request a waiver of section 104(d) one-for-one replacement requirement and its regulations at section 104(d)(2)(A)(i) and (ii) and 104(d)(3) of the HCDA and [24 CFR 42.375](#), by submitting a good cause justification that includes a data-driven analysis that indicates that there is an adequate supply of vacant lower-income dwelling units in standard condition that will be available to meet the housing needs of LMI owners and tenants in the MID areas or surrounding communities in alignment with the requirement to affirmatively further fair housing.

2. Policy

In developing its recovery programs, County OOR considers any potential disturbance to citizens its programs may cause, because the county understands the importance of community and the disruption survivors have already endured. Persons displaced by HUD funded recovery efforts could include individuals and families, businesses, farms, and organizations, all with distinct needs and considerations. However, County OOR 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, County OOR has taken the first step towards minimizing displacement.

A. Potential for Relocation and Displacement by Program

While the County OOR’s CDBG-DR programs are primarily designed to restore housing, infrastructure, and community services following the 2023 Maui Wildfires, certain activities may involve acquisition, rehabilitation, or construction that could result in the temporary or permanent displacement of occupants or businesses. County OOR will take all reasonable steps to minimize displacement consistent with the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA) and Section 104(d) of the Housing and Community Development Act of 1974.

I. Infrastructure and Public Facilities Program

The Infrastructure and Public Facilities Program provides CDBG-DR funding in the form of loans or subsidies to repair, upgrade, and construct essential public infrastructure and facilities damaged by

the Maui Wildfires.

Although infrastructure activities typically occur within existing public rights-of-way or on government-owned property, relocation could occur if:

- construction activities require the temporary relocation of residents or businesses during utility or roadway improvements;
- land acquisition is necessary to expand public facilities; or
- construction of new public facilities such as fire stations or emergency shelters requires clearing of occupied sites.

When such impacts are unavoidable, affected persons will receive relocation assistance consistent with 49 CFR Part 24.

II. Economic Revitalization Program

The Economic Revitalization Program focuses on job creation, workforce development, and small-business recovery. While the program itself does not directly fund construction, relocation may occur if CDBG-DR funds support physical improvements to business locations or rehabilitation of commercial space requiring tenants to vacate temporarily. In these cases, URA requirements will apply.

III. Public Services Program

This program may support expanded or restored services such as public transportation, health and wellness, childcare, and outreach. Activities are service-based and are not anticipated to cause displacement. However, if any project includes facility rehabilitation or expansion that requires temporary relocation of service recipients or staff, the County OOR will ensure compliance with applicable URA notice and assistance requirements.

IV. First-Time Homebuyer Opportunity Program

This program may assist income-eligible households in purchasing homes and does not involve displacement. The program policies require that properties being acquired by first time homebuyers be owner occupied or vacant to ensure that no displacement occurs. However, the County OOR will ensure that properties purchased with CDBG-DR assistance are voluntarily acquired. For CDBG-DR, [49 CFR 24.101\(b\)\(2\)](#), as it may be amended, is waived to the extent that it applies to a homebuyer, who does not have the power of eminent domain, and uses CDBG-DR funds in connection with the voluntary purchase and occupancy of a home the homebuyer intends to make their primary residence.

V. Multifamily Rental Housing New Construction Program

This program may provide gap financing for new affordable rental developments. While most activities will occur on vacant or undeveloped sites, relocation could occur if a proposed site currently contains occupied housing or active businesses. Prior to funding commitment, the County OOR will review each project for potential displacement and require compliance with URA and Section 104(d) requirements, including issuance of General Information Notices (GINs), Relocation Plans, and one-

for-one replacement analyses where applicable.

VI. Multifamily Rental Housing Reconstruction Program

This program may support the reconstruction of multifamily rental properties destroyed by the 2023 Maui Wildfires. Because these activities focus on replacing previously destroyed units, displacement is not anticipated. However, temporary relocation may occur if partial reconstruction occurs on an occupied site or if construction phasing affects remaining tenants. In such cases, relocation assistance will be provided under URA and HUD guidance.

VII. Single-Family Homeowner Reconstruction Program

This program assists owner-occupants whose primary residences were destroyed. As such, no new displacement will occur; however, homeowners may experience temporary relocation during construction. Homeowners are not eligible for URA when they are applicants to the program causing their temporary relocation. However, any tenants residing in assisted homes may be eligible for relocation assistance. Homeowners may receive Optional Relocation Assistance under 24 CFR 570.606(d) if the grantee chooses to offer it. The County OOR will coordinate with participating homeowners to minimize disruption and ensure that all activities are voluntary and fully compliant with URA requirements for owner-occupied reconstruction.

VIII. Single-Family New Construction Program

This program may support the development of new affordable single-family homes to be sold to income-qualified households affected by the 2023 Maui Wildfires. Because activities are anticipated to occur on vacant or undeveloped land, no displacement is expected. However, if any proposed site involves existing occupied housing or active businesses, the County OOR will review the project for potential displacement impacts and ensure full compliance with URA and Section 104(d) requirements, including issuance of General Information Notices (GINs) and preparation of Relocation Plans, as applicable.

3. Waivers

This section lists some of the key waivers impacting the administration of County of Maui CDBG- DR grants.

A. Relocation by Subrecipients

The County OOR requires subrecipients to adopt the County OOR's Residential Anti-Displacement and Relocation Assistance Plan. This plan must be available to the public, describe the relocation assistance that the subrecipient has elected to provide, and provide for equal relocation assistance within each class of displaced persons according to 24 CFR 570.606(d).

In the event of displacement because of a federally funded award, the County OOR requires that the subrecipients 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). The County OOR 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.

B. URA Regulations

Activities and projects undertaken with CDBG-DR funds may be subject to the URA, section 104(d) of the HCDA (42 U.S.C. 5304(d)), and CDBG-DR program requirements related to displacement, relocation, acquisition, and replacement of housing, except as modified by waivers and alternative requirements provided in FR-6489-N-01.

In such notice, HUD waived or provided alternative requirements for the purpose of promoting the availability of decent, safe, and sanitary housing with respect to the use of CDBG-DR funds allocated under the Consolidated Notice.

C. Section 104(d) One-for-One Replacement

All occupied and vacant occupiable lower-income dwelling units that are demolished or converted to a use other than lower-income dwelling units in connection with a CDBG-DR assisted activity must be replaced with comparable lower-income dwelling units in compliance with 24 CFR 42.375. County OOR will follow the requirements at 24 CFR 42.375.

D. Section 104(d) Relocation Assistance

To prevent disparities in the provision of relocation assistance associated with activities funded by HUD or FEMA, the Federal Registration notice waives relocation assistance requirements at section 104(d)(2)(A)(iii) and (B) of the HCDA and 24 CFR 42.350, to the extent that an eligible displaced person, as defined under 24 CFR 42.305, may choose to receive either assistance under the URA (49 CFR part 24), or assistance under section 104(d) (24 CFR 42.350).

This waiver does not impact a person's eligibility as a displaced person under section 104(d), it merely limits the amounts and types of relocation assistance that a section 104(d) eligible displaced person is eligible to receive. A section 104(d) eligible displaced person is eligible to receive the amounts and types of assistance for displaced persons under the URA, as may be modified by the waivers and alternative requirements in this notice for activities related to disaster recovery.

This limited waiver of the section 104(d) relocation assistance requirements assures uniform and equitable treatment for individuals eligible to receive benefits under section 104(d) by establishing that all forms of relocation assistance to those individuals must be in the amounts and for the types of assistance provided to displaced persons under URA requirements.

E. Section 104(d) one-for-one replacement of lower income dwelling units

The County OOR will replace, on a one-for-one basis, all occupied and vacant occupiable low-income dwelling units that are demolished or converted with CDBG-DR funds to another use according to 24 CFR 42.325(b) and 24 CFR 49.375, unless a waiver is pursued and granted by HUD, as described in III.B.15.d of the Universal Notice. 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 are generally subject to one-for-one replacement requirements at 24 CFR 42.375 and those particular provisions are not waived.

Before entering into a contract committing the County OOR to provide funds for a project that will directly result in demolition or conversion of lower-income dwelling units, the County of Maui will make public a “One-for-One Unit Replacement Plan”, that will be submitted to the HUD that will include the following information in writing:

1. A description of the proposed assisted 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. NOTE: See also 24 CFR 42.375(d).
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 10 years from the date of initial occupancy; and
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).

F. URA Replacement Housing Payments

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. The County OOR may allow its subrecipients that administer such assistance to utilize this waiver. If this assistance is administered by a subrecipient, the County OOR will require the subrecipient to provide a written plan for providing rental assistance through this waiver. The plan must commit to providing 42 months of assistance and must be provided to the County OOR for review and approval. This waiver and alternative requirement are subject to the following condition: If the assistance is provided through a HUD-funded program, it is subject to the applicable HUD program requirements, including the requirement that the tenant must be eligible for the specified rental housing program.

G. Voluntary Purchase for Primary Residence

The County OOR intends to provide financial assistance to eligible homebuyers to purchase and occupy residential properties as their primary residence. 49 CFR 24.101(b)(2) is waived to the extent that it applies to a homebuyer, who does not have the power of eminent domain, and uses CDBG-DR funds in connection with the voluntary purchase and occupancy of a home the homebuyer intends to

make their primary residence. Tenants displaced by these voluntary acquisitions may be eligible for relocation assistance.

H. Voluntary Acquisition

The Section III.B.15.f. of the Universal Notice only waives 49 CFR 24.101(b)(2) to the extent that it applies to a homebuyer who does not have the power of eminent domain authority. Other acquisitions undertaken by entities without eminent domain power acquiring real property under CDBG-DR are subject to 49 CFR 24.101(b)(2) requirements.

Furthermore, acquisitions subject to 49 CFR 24.101(b)(1) applies to entities that do have eminent domain authority and the requirements have NOT been waived. The County OOR will comply and document that it met this regulatory requirement in its purchase of any real property.

The requirements of URA do not apply to acquisitions that meet all of the following conditions (49 CFR 24.101(b)):

- The agency will not use the power of eminent domain to acquire the property, and the following conditions are met:
 - No later than the time of the offer the agency informs the owner of the property or the owner's designated representative in writing of the following:
 - The agency will not acquire the property if negotiations fail to result in an amicable agreement; and
 - The agency's estimate of fair market value for the property to be acquired. (See appendix A, sections [24.101\(b\)\(1\)\(i\)](#) and [24.101\(b\)\(1\)\(i\)\(B\)](#).)
 - Where an agency wishes to purchase more than one property within a general geographic area on this basis, all owners are to be treated similarly. (See appendix A, [section 24.101\(b\)\(1\)\(ii\)](#).)
 - The property to be acquired is not part of an intended, planned, or designated project area where all or substantially all of the property within the area must be acquired within specific time limits. (See appendix A, [section 24.101\(b\)\(1\)\(iii\)](#).)
- The acquisition of real property by a cooperative from a person who, as a condition of membership in the cooperative, has agreed to provide without charge any real property that is needed by the cooperative.

I. Section 414 Waiver of the Robert T. Stafford Disaster Relief and Emergency Assistance Act

The regulations listed on page one of this document provide waivers to Section 414. These waivers have been utilized by the County OOR 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 funded project, undertaken by The County OOR or its subrecipient, that began more than one (1) year after the Presidential declared disaster, provided that the project was not planned, approved, or otherwise underway prior to the disaster. The County OORunderstands 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).

The County OOR 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. The County OOR will ensure that such persons' eligibility for relocation assistance and payments under the URA is not impacted by this waiver.

4. Contact

The County OOR is responsible for ensuring compliance with the Residential Anti-Displacement and Relocation Assistance Plan, including the provision of relocation assistance in accordance with applicable regulations, recordkeeping. The County OOR may be contact via phone at [\(808\) 270-6267](tel:(808)270-6267) or via email at cdbg-dr@mauicounty.gov.

County of Maui – Office of Recovery 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 County OOR hereby adopts this Residential Anti-Displacement and Relocation Assistance Plan for the projects funded under the CDBG-DR Program.