

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

In the Matter of Approval of the)	
Multnomah County Residential)	RESOLUTION
Anti-Displacement and Relocation)	93-191
Assistance Plan)	

WHEREAS the Housing and Community Services Division, Community Development Program is required to adopt a Residential Anti-Displacement and Relocation Assistance Plan as a condition of receiving grant funds a from the U.S. Department of Housing and Urban Development; and

WHEREAS, the Plan implements components from the Housing and Community Development Act of 1974, as amended; and

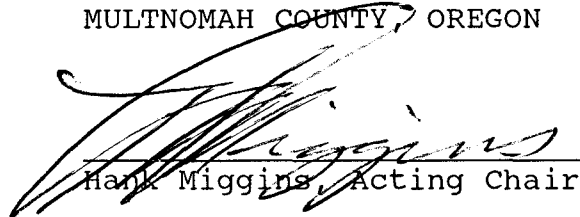
WHEREAS, the January 1993 version amends the July 1992 version by adding definitions and expanding procedures for providing replacement housing and/or relocation assistance for persons displaced by the Community Development Program's demolition or conversion of a low/moderate income dwelling to another use in the course of activities carried out under the Community Development Block Grant program;

NOW, THEREFORE IT IS RESOLVED that the Multnomah County Residential Anti-Displacement and Relocation Assistance Plan is approved.

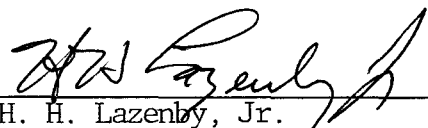
APPROVED this 20th day of May, 1993.



MULTNOMAH COUNTY, OREGON


Hank Miggins, Acting Chair

REVIEWED
LAURENCE KRESSEL, COUNTY COUNSEL
for MULTNOMAH COUNTY, OREGON

By 
H. H. Lazenby, Jr.

January 1993

RESIDENTIAL ANTIDISPLACEMENT AND
RELOCATION ASSISTANCE PLAN
Multnomah County, Oregon

Multnomah County will follow the Residential Antidisplacement and Relocation Assistance Plan per Section 104(d) of the Housing and Community Development Act of 1974, as amended, by implementing as is required the following components:

Definitions.

- ° A "low/moderate-income dwelling unit" is defined as a unit with a market rental, including utility costs, that does not exceed the applicable FMR for existing housing and moderate rehabilitation, as established under the Section 8 Existing Housing Program. Thus, if assisted rehabilitation raises the rent of such a low/moderate-income unit to a rent above the FMR, the unit must be replaced.
- ° A "displaced person" is a lower-income person who is required to move permanently and involuntarily as a direct result of an assisted activity. The term includes a residential tenant who moves from the real property if the tenant has not been provided a reasonable opportunity to lease and occupy a suitable, decent, safe and sanitary dwelling in the same building or in a nearby building on the real property following completion of the assisted activity at a monthly rent/utility cost that does not exceed the greater of:
 - 30 percent of the tenant household's average monthly gross income, or

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- The tenant's monthly rent and average cost for utilities before the owner requested the financial assistance.

A residential tenant who is required to move to another unit in the property or is required to relocate temporarily, but is not reimbursed for his/her reasonable out-of-pocket expenses, would also be considered a "displaced person" if he/she moves from the real property permanently.

- ° Conversion is defined as occurring when a unit is rehabilitated and after rehabilitation the market rent exceeds the fair market rate for the area or the unit is converted to a non-housing use.
- ° A "low/moderate-income dwelling unit" is defined as a unit with a market rental, including utility costs, that does not exceed the applicable FMR for existing housing and moderate rehabilitation, as established under the Section 8 Existing Housing Program. Thus, if assisted rehabilitation raises the rent of such a low/moderate-income unit to a rent above the FMR, the unit must be replaced.

1. One-For-One Replacement Unit Requirement. The Plan includes the following components:

- (A) All occupied and vacant occupiable low/moderate-income dwelling units demolished or converted to a use other than as low/moderate-income dwelling units as a direct result of

activities assisted under the CDBG program will be replaced with low/moderate-income dwelling units. Substandard but economically repairable units that have been demolished or converted will be replaced under this provision, but more seriously deteriorated units may not be replaced, as determined by the County.

(B) Replacement low/moderate-income dwelling units will be provided within three years of the commencement of the demolition or the rehabilitation related to the conversion, and will be:

- Located within unincorporated Multnomah County to the extent feasible or within neighborhoods having the same characteristics as that in which the demolished or rehabilitated unit(s) were located.
- Sufficient in number and size to house at least the number of occupants that could have been housed in the units demolished or converted, as determined in accordance with applicable housing occupancy codes.
- Provided in standard condition. (A substandard unit raised to standard condition will count.)
- Designed to remain low/moderate-income dwelling units for at least 10 years from the date of initial occupancy of the units. (Replacement dwelling units may include public housing and existing housing receiving Section 8 project-based assistance.)

(C) Before obligating or expending funds for an assisted activity that will directly result in the demolition or the conversion of low/moderate-income dwelling units to another use, Multnomah County will make public and submit to the HUD Field Office information that identifies:

- The activity.
- The location on a map and approximate number of units by size (number of bedrooms) to be demolished or converted.
- Time schedule for demolition/conversion.
- General location on a map and approximate number of replacement units by size (number of bedrooms).
- Source of funding and time schedule for replacement units.
- The basis for concluding that each replacement unit will remain a low/moderate-income dwelling unit for 10 years.

(D) The required certification and Plan will be submitted to the HUD Field Office even if the grant will not result in demolition or in the conversion of a low/moderate-income unit to a use other than low/moderate-income housing.

- (E) Exception. The one-for-one replacement unit requirement will not apply if the HUD Field Office finds there is an adequate supply of available, vacant low/moderate-income dwelling units in standard condition in the unincorporated Multnomah County.

2. Relocation Assistance. Multnomah County will provide relocation assistance to each low/moderate-income household displaced by the demolition of any housing unit or by the conversion of a low/moderate-income dwelling to another use, occurring as a direct result of assisted activities. Persons will be provided:

- (A) A choice between (i) actual reasonable moving expenses as described in §42.301 or (ii) a fixed expense and dislocation allowance as described in §42.302.
- (B) Advisory services as described in 24 CFR Part 42, Subpart C.
- (C) Reimbursement for reasonable and necessary security deposit and credit checks.
- (D) Replacement housing assistance.

- ° A person choosing to rent will be offered either (i) a Section 8 housing voucher/certificate (through the Housing Authority of Portland) and referrals to comparable replacement dwelling units where the owner agrees to participate in the Section 8 Program or (ii) cash rental assistance to reduce the rent and utility costs to 30% of his/her income (adjusted, as

determined by grantee/recipient) for a 5-year period and appropriate referrals to comparable replacement dwelling units.

- ° A person buying an interest in and occupying a unit in a housing cooperative or mutual housing association by elect to receive a lump sum payment equal to the present value of the rental assistance installments. To compute the present value, the rental assistance installments shall be discounted at the passbook savings rate.

NOTE: A person may elect Uniform Relocation Act assistance in lieu of the relocation assistance described in this paragraph 1.

3. Appeals. A person may appeal Multnomah County's determination on his/her eligibility for, or the amount of, the relocation assistance per the interim rule at §§570.496(f) and 570.606(f). If dissatisfied with the County's determination on the appeal, a low/moderate-income person may seek review by the HUD Field Office/State or any individual may seek recourse per 29CFR24.10 which outlines legal recourse.
4. Records. Multnomah County will maintain records in sufficient detail to demonstrate compliance with the rule for at least three years after the later of: a) the date the person has received all of the assistance to which the person is entitled, or b) the date the project is completed. The records shall include the following:

(A) Comprehensive Project Occupancy Lists. For each project, there shall be a control list or lists identifying the name and address of:

- (1) All persons occupying the real property on: (a) the date of the submission of the application for assistance by the property owner to the County or by the County to HUD, as the case may be, if the applicant has site control; or (b) whenever site control is obtained after submission of the application, the date of site control or HUD approval of the site, whichever is later.
- (2) All persons moving into the property on or after the date specified in subparagraph (1) above but before completion of the project; and
- (3) All persons occupying the property immediately following completion of the project.

NOTE: The documentation on persons included in categories (1) and (2) but not in category (3) must demonstrate that they either received appropriate relocation assistance as "displaced persons" (see subparagraph c below), or they elected to move permanently for their own reasons but do not qualify as displaced persons (see subparagraph (b) below).

(B) Persons Not Displaced. Documentation on persons not displaced shall include:

- (1) Evidence that the person received timely written notice that he/she would not be displaced by the project.
 - (2) Evidence that tenants occupying a dwelling received a timely offer of (a) a reasonable opportunity to lease and occupy a suitable, affordable, decent, safe and sanitary dwelling on the real property and (b) reimbursement of any out-of-pocket expenses incurred in connection with any temporary relocation or a move to another unit on the real property.
 - (3) For each occupant that is not displaced but elects to move permanently from the real property, indicate the reason for the move and any personal contact to explain that the person will not qualify for relocation payments as a "displaced person."
- (C) Displaced Persons. For persons displaced, there shall be separate case files that include:
- (1) Identification of the person's name, address, racial/ethnic group classification and date of initial occupancy. For residential tenant-occupants, include age, sex, and income of all members of the household and monthly rent and utility costs. For homeowners, include Agency "acquisition cost" of unit. For nonresidential occupants, include type of enterprise.

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- (2) Evidence that person received timely written notice of possible displacement and a general description of the relocation payments and advisory services for which he/she may be eligible, basic eligibility conditions and the procedures for obtaining payments.
- (3) Evidence that person received timely written notice of eligibility for relocation assistance and, for those displaced from a dwelling, the specific comparable replacement dwelling and the related cost to be used to establish the upper limit of the replacement housing payment.
- (4) Identification of relocation needs and preferences, dates of personal contacts and services provided.
- (5) Identification of referrals to replacement properties, date of referral, rent/utility costs or sale price (if dwelling), date of availability, reason(s) person declined referral.
- (6) Copy of 90-day notice and vacate notice, if issued.
- (7) Identification of actual replacement property, rent/utility costs or sale price (if dwelling) and date of relocation.
- (8) Copy of replacement dwelling inspection report showing condition of unit and date of inspection.

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- (9) Copy of each approved claim form and related documentation, evidence that person received payment and, if applicable, Section 8 Certificate or Housing Voucher.
- (10) Copy of any appeal or complaint filed and grantee response.

Addendum
July 1992

Multnomah County

Residential Anti-displacement and Relocation
Assistance Plan under Section 104(d) of the
Housing and Community Development Act of
1974, as amended.

Multnomah County will replace all occupied and vacant occupiable low/moderate-income dwelling units demolished or converted to a use other than as low/moderate-income housing in connection with an activity assisted with funds provided under the Housing and Community Development Act of 1974, as amended, as described in 24 CFR 570.606(c)(1).

All replacement housing will be provided within three years after the commencement of the demolition or conversion. Before entering into a contract committing Multnomah County to provide funds for an activity that will directly result in demolition or conversion, the County will make public via a public hearing notice in THE OREGONIAN and submit to HUD the following information in writing:

1. A description of the proposed assisted activity;
2. The location on a map and number of dwelling units by the number of bedrooms that will be demolished or converted to a use other than as low/moderate-income dwelling units as a direct result of the assisted activities;
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 the 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 County will identify the general location on an area map and the approximate number of dwelling units by size and provide information identifying the specific location and number of dwelling units by size as soon as it is available;
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 will remain a low/moderate-income dwelling unit for at least 10 years from the date of initial occupancy;

7. Information demonstrating that any proposed replacement of dwelling units with smaller dwelling units (e.g., a 2-bedroom unit with two 1-bedroom units) is consistent with the housing needs of lower-income households in the jurisdiction and the Comprehensive Housing Affordability Strategy. Any request for a waiver must be approved by HUD prior to issuance of a contract.

Multnomah County (248-5000) is responsible for tracking the replacement of housing and ensuring that it is provided within the required period.

Multnomah County (248-5000) is responsible for ensuring requirements are met for notification and provision of relocation assistance, as described in 570.606(c)(2), to any lower-income person displaced by the demolition of any dwelling unit or the conversion of a low/moderate-income dwelling unit to another use in connection with an assisted activity.

Consistent with the goals and objectives of activities assisted under the Act, Multnomah County is taking the following steps to minimize displacement of persons from their homes and will:

1. Plan projects to minimize and/or prevent the adverse impacts of displacement.
2. Encourage projects which do not cause displacement by establishing ranking criteria which lower overall scores on ranking of housing applications.
3. Stage rehabilitation of apartment units to allow tenants to remain during and after rehabilitation by working with empty units or buildings first.
4. Identify and/or establish facilities to house persons who must be relocated temporarily during rehabilitation.
5. Provide advisory services which will include such measures, facilities and services necessary to determine relocation needs, preferences, or other assistance for which the person may be eligible.