

**CITY OF COSTA MESA, CALIFORNIA**

**RESIDENTIAL ANTI-DISPLACEMENT AND  
RELOCATION ASSISTANCE PLAN FOR  
HOUSING AND COMMUNITY DEVELOPMENT PROGRAMS**

## I. PURPOSE

This Residential Anti-Displacement and Relocation Assistance Plan (“Plan”) is prepared by the City of Costa Mesa, California (“City”) in connection with its application for and participation in the federal Neighborhood Stabilization Program (NSP) and in compliance with Section 104(d) of the Housing and Community Development Act of 1974, as amended, 42 USC 5301 *et seq* (“HCD Act 1974”). The Plan’s objective is to ensure that eligible persons who may be displaced or are displaced as a result of the City’s Housing & Community Development programs and projects (“Housing and Community Development Programs”) receive relocation advisory assistance and benefits pursuant to and as mandated by federal laws, including the Uniform Relocation Assistance and Real Property Acquisition Policies Act, 49 CFR 24 (“Uniform Relocation Act” or “URA”) and Section 104(d) of the HCD Act 1974. Housing and Community Development Programs include any activity assisted with funds provided by the Department of Housing and Urban Development (HUD) under the National Affordable Housing Act and the HCD Act 1974. Section 42 U.S.C. §5304(d), requires one-for-one replacement of all low and moderate income dwelling units housing the same number of occupants as could have been housed in the units demolished or converted to another use as a result of CDBG (including NSP) assistance. The HCD Act 1974, Section 104(k), 42 U.S.C. § 5304(k), requires that reasonable relocation assistance be provided to persons displaced as a result of the use of CDBG (including NSP) assistance to acquire or substantially rehabilitate property.

## II. POLICY

- (a) Minimizing Permanent Displacement: The City of Costa Mesa (“City”) will take all reasonable efforts to minimize displacement of families and individuals from their homes and neighborhoods as a result of activities undertaken that are funded or otherwise assisted with monies provided by HUD. The City will replace all occupied and vacant lower income housing demolished or converted to a use other than lower income housing under the HCD Act 1974. Lower income housing is defined as housing with a market rent (including utility costs) that does not exceed the Orange County regional Fair Market Rent (FMR) as determined and revised each year by HUD.

All replacement housing will be provided within three years after commencement of the demolition or conversion, as required by applicable federal laws. Before entering into a contract committing the City to provide funds for a project that will directly result in demolition or conversion, the City will make it known, through the Public Noticing process, that a project description is available at the City for review and submit to HUD, as required, the following information in writing:

1. Description of the proposed assisted activity or project;
2. Address, number of bedrooms and map of location of lower income housing that will be lost as direct result of the assisted activity or project;
3. Time schedule for commencement and completion of the demolition or conversion;

4. To the extent known, address, number of bedrooms, and map of location of replacement housing that has or will be provided. If such information is not available at the time of general submission, the City 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. Source of funding and time schedule for provision of replacement housing;
6. Basis for concluding replacement housing will remain lower income housing for at least 10 years from date of initial occupancy; and
7. Information demonstrating that any proposed replacement of housing units, that are different in size from those units destroyed or converted, is appropriate and consistent with housing needs and priorities identified in the City's approved Consolidated Plan.

The City is responsible for tracking the replacement of lower income housing and ensuring that it is provided within the required period. Relocation payments and other relocation assistance, to any lower income person displaced by demolition or conversion of lower income housing to another use will be provided by the sub-recipient of HUD funds for the assisted activity or project. No waiver for relocation assistance will occur or be accepted.

(b) Temporary Relocation: The following policies cover residential tenants who will not be required to move permanently who must relocate temporarily for the program or project. Such tenants must at a minimum 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 temporary housing and any increase in monthly rent/utility costs at such temporary housing.
2. Appropriate advisory services, including reasonable advance written notice of (i) the date and approximately duration of the temporary relocation; (ii) the address of the suitable, decent, safe and sanitary dwelling to be made available for the temporary period; (iii) 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 program or project; and (iv) the provisions in the Notice of Non-displacement in which persons who are not to be displaced must be provided a notice explaining the reasonable terms and conditions under which they may continue to lease and occupy the property upon the completion of the acquisition or rehabilitation. This notice shall be provided as soon as possible. In addition, the City will offer all residential displaced persons transportation to temporary replacement housing.

(c) Steps to minimize displacement: Consistent with the goals and objectives of activities assisted with funds from HUD, the City, at a minimum will take the following steps to minimize direct and indirect displacement of persons from their homes:

1. Stage rehabilitation of apartment units, where possible, to allow tenants to remain in the building/complex during and after rehabilitation, working with empty units first;
2. Arrange for facilities to house persons who must be relocated temporarily during rehabilitation;
3. Arrange for acceptable replacement units;
4. Arrange for appropriate advisory services at the levels described in the URA, including advanced written notice of date and approximate duration of temporary relocation, location of suitable, decent, safe and sanitary dwelling to be made available for the temporary period. Arrange for the terms and conditions under which a tenant may lease and occupy a suitable, decent, safe and sanitary dwelling in the building/complex upon completion of the program or project. In addition, the City will offer all residential displaced person transportation to temporary replacement housing; and
5. Adopt an appeals process for those persons who disagree with the determination concerning whether they qualify as a displaced person, or the amount of relocation assistance or benefits for which they may be eligible, including the opportunity to file a written appeal of that determination with the City. A low income person who is dissatisfied with the City's determination of his or her appeal may submit a written request for review of that determination to the HUD field office.

### III. DEFINITIONS

Displaced Person: Any person that moves from real property, or moves his or her own personal property from real property as described in the URA.

Lower-Income Dwelling Unit: A dwelling unit with a market rent (including reasonable utility allowance/costs) that does not exceed the applicable Fair Market Rent (FMR) for Section 8 existing housing established under Section 8 of the U.S. Housing Act of 1937 and the implementing regulations set forth at 24 CFR Part 888 ("Section 8"). However, the term does not include any unit that is owned and occupied by the same person before and after the assisted rehabilitation.

Lower and Moderate Income Person: A 'low and moderate income person' as that term is defined in 24 CFR part 570.3 - means a member of a family having an income equal to or less than the Section 8 low income limit established by HUD.

Vacant Occupiable Dwelling Unit: A dwelling unit that is in standard condition; a vacant dwelling unit that is in substandard condition, but is suitable for rehabilitation; or a dwelling unit in any condition that has been occupied (except by a squatter) at any time within the period beginning three (3) months before the date of execution of the agreement by the City covering the rehabilitation or demolition.