

## PART IV

## TENANT ASSISTANCE AND RELOCATION REQUIREMENTS

This Part provides guidelines on tenant assistance and relocation requirements for the Rental Rehabilitation Program. Chapter 12 discusses the planning process and the general requirements for a Tenant Assistance Policy. Chapter 13 discusses the relationship between the Rental Rehabilitation Program and the Section 8 Programs, and includes a discussion of the responsibilities of the grantee and the Public Housing Agency (PHA). Chapter 14 discusses the requirements for relocation assistance under the Rental Rehabilitation Program, the Uniform Relocation Assistance and Real Property Acquisition Policies Act (URA) and the Housing and Community Development Act of 1974 as well as related recordkeeping requirements. These three chapters should be used in conjunction with one another in order to develop and implement appropriate strategies for assisting tenants in rental rehabilitation projects.

## CHAPTER 12 DEVELOPING THE TENANT ASSISTANCE POLICY

12-1 PLANNING FOR TENANT ASSISTANCE. The RRP regulations at 24 CFR 511.14 lay out specific requirements for assisting tenants and providing for relocation assistance when required by the Rental Rehabilitation Program regulations, the URA or the Housing and Community Development Act of 1974. In planning for how to carry out their tenant assistance requirements, grantees need to review the requirements of the various statutes, regulations and handbooks on the subject (identified later in this Part), develop a strategy for how they will assist tenants, and identify the actors and resources available to them to do so. Simply establishing a policy that the grantee will not displace tenants is not sufficient. The grantee must prepare for the possibility of displacement--no matter how unlikely or undesirable--and the resultant need to provide relocation assistance. In addition to basic relocation policies, the RRP regulations at 24 CFR 511.14 specifically require:

- A. Limitation on Displacement of Very Low-Income Families. Grantees shall ensure that the rehabilitation will not cause the displacement of any very low income family by a family that is not a very low income family, as discussed in Paragraph 2-9.A of this Handbook.

- B. Minimize Displacement. Consistent with the other

goals and objectives of this part, grantees shall minimize displacement. To the extent feasible, residential occupants shall be provided a reasonable opportunity to lease and occupy a suitable, decent, safe, sanitary and affordable dwelling unit in the project.

- C. Nondiscrimination. Grantees shall administer all phases of the RRP, including the selection of units to be rehabilitated and the provision of notices, counseling, referrals, other advisory services and relocation payments, in a manner that does not result in discrimination because of race, color, religion, sex, age, handicap, familial status or national origin, as discussed in Paragraph 2-12.A.3 and Paragraph 3-1 of this Handbook.
- D. Tenant Assistance Policy (TAP). Grantees shall adopt and make public a written tenant assistance policy (TAP) that describes the assistance that will be provided to tenants who reside in the project and which includes a statement of nondiscrimination policy consistent with Subparagraph C above.

12-2 TENANT ASSISTANCE POLICY (TAP) REQUIREMENTS. The RRP regulations at 24 CFR 511.14(a)(4) require that each grantee adopt a written tenant assistance policy (TAP). This policy is the vehicle for grantees to state how they will assist tenants currently living in projects rehabilitated under their RRP. The policy must be consistent with RRP, URA and other regulations and must define the grantee's strategy for assisting tenants. The TAP shall describe:

- A. The relocation assistance available to persons displaced by the project. This may be accomplished by attaching the pertinent HUD information brochure. The brochure need not be provided to tenants who will not be displaced. The brochures are:
  - 1. "Relocation Assistance to Tenants Displaced from their Homes."
  - 2. "Relocation Assistance to Displaced Businesses, Nonprofit Organizations and Farms."
- B. The conditions of eligibility for assistance as a displaced person. This requires a description of a "displaced person," consistent with Paragraph 14-4 of this Handbook. The related conditions of eligibility

in Subparagraph A above.

- C. When and how tenants will be notified. (See Paragraph 14-2 of this Handbook.)
- D. What resources are available to assist tenants (public housing, Section 8, CDBG, etc.). (See Paragraph 12-3 below for more information.)
- E. Who will perform what functions, e.g., counseling, providing benefits (See Paragraph 12-4 below.)
- F. Under what circumstances Section 8 resources will be made available. This section of the TAP must be consistent with applicable statutory and regulatory requirements. (See Chapter 13 of this Handbook for more information.)
- G. Policies governing temporary relocation of persons not displaced. (See Paragraph 2-4 of the HUD Handbook 1378, Tenant Assistance, Relocation and Real Property Acquisition.)
- H. A statement of nondiscrimination in providing information, counseling, referrals or other relocation services to persons displaced by rental rehabilitation activities. The grantee shall follow practices and methods of administration that will not result in the displacement of persons because of their particular race, color, religion, sex, age, handicap, familial status or national origin.
- I. Information and counseling to familiarize tenants in projects to be rehabilitated with:
  - 1. Opportunities to select replacement dwellings from a full range of neighborhoods within the total housing market;
  - 2. Individual rights under the Federal Fair Housing law; and
  - 3. How to search for suitable replacement housing.

12-3 TENANT ASSISTANCE RESOURCES. In putting its TAP together, grantees should consider the resources available to provide assistance to tenants and how these will be used. The most common resources are:

- A. Section 8 housing vouchers and certificates. (The use of Section 8 resources is discussed in Chapter 13 of this Handbook.)

- B. CDBG Funds. CDBG funds may be used to provide relocation payments and/or to provide rental assistance to persons not displaced. If a grantee chooses to use CDBG funds to provide rental assistance payments to tenants not displaced, this must be done through a non-profit organization as specified in the CDBG rules at 24 CFR 570.204. Grantees should specify in their TAP the conditions under which CDBG assistance will be provided for relocation or other assistance so that all those eligible for such assistance will be aware of its availability.
- C. Owner Resources. Relocation payments are eligible costs under the Rental Rehabilitation Program and can be included in the rehabilitation costs which are to be financed under the program. Although this method of providing for relocations costs necessarily increases project costs, it is an option which grantees may wish to consider if other resources are not available. A consideration in this regard, of course, is the maximum subsidy allowed under the Rental Rehabilitation Program.
- D. Program Income. Grantees with program income may use such income to provide tenant subsidies or relocation payments (See Chapter 9 for additional information on the requirements for the use of program income for tenant subsidies). If grantees choose to use program income for this purpose, the policies concerning such use should be spelled out in the TAP.

12-4 WHO SHOULD PERFORM THE FUNCTIONS. In preparing the TAP, grantees should carefully consider the variety of factors who are available to assist in preparing and carrying out the policy and what functions each is expected to perform. For example, in most instances, the PHA will brief tenants on the Section 8 assistance that is available to them and on the rules of those programs. A particular grantee may, however, reach an agreement with the PHA that joint tenant briefing should be held with the grantee briefing tenants on the RRP and the PHA briefing tenants on the Section 8 programs. Conversely, in some programs, the PHA and the grantee may reach agreement that initial briefings on the Section 8 programs would be conducted by the grantee and that the PHA would only become involved when it is time to actually take applications and certify tenant eligibility.

Whatever decision is reached between those involved in the project--the grantee, the PHA, and the property owner--the responsibilities of each for providing notification,

counseling or other services to the tenants should be spelled out in the policy.

12-5 CERTIFICATIONS AND PUBLIC AVAILABILITY. The grantee must certify to HUD in its Program Description (application) that it has adopted a TAP and that it will comply with the URA. (See 24 CFR 511.20(c)(4)). It must also make its policy available to the public. While this does not mean that the grantee must have a public hearing on its policy it does mean that the policy will be provided to tenants in RRP projects and available to the public on request.