



URA, Section 104(d), and related CDBG Program Requirements

CDBG-DR funding is subject to the URA, section 104(d), and to the CDBG program regulatory requirements at 24 CFR 570.606. Some of those federal requirements are subject to waivers and alternative requirements for disaster recovery purposes. See Consolidated Notice Section IV. F for URA, section 104(d), and CDBG related program requirements.

What is the URA?

The URA refers to a federal law called the “Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970,” as amended. The URA establishes minimum Federal requirements for the acquisition of real property and the displacement of persons from their homes, businesses, or farms as a direct result of acquisition, rehabilitation, or demolition for Federally-assisted programs and projects.

Key Objective: Uniform, fair, and equitable treatment of people whose property is acquired or who must move for a Federally funded project. URA regulations: 49 CFR part 24

What is Section 104(d)?

Section 104(d) refers to a section of a Federal law called the “Housing and Community Development Act of 1974,” as amended. Section 104(d) applies to the demolition or conversion of lower-income dwelling units in connection with a CDBG- or HOME-assisted activity.

Section 104(d) Key Objectives:

- Minimize displacement,
- Provide relocation assistance to displaced lower-income persons, and
- Replace lower-income housing demolished or converted.

Section 104(d) regulations: 24 CFR part 42

CDBG-DR Action Plan Requirement: Minimize Displacement

The CDBG-DR Action Plan must include a description of how grantees plan to minimize displacement. The description must include:

1. Plans to minimize displacement of persons and entities;
2. Plans to assist any persons or entities displaced;
3. Plans ensure accessibility needs of displaced persons with disabilities are considered; and
4. Planning and budget for relocation activities.

Grantees must also indicate whether they will be amending an existing RARAP or creating a new RARAP specific to CDBG-DR (see Section III.C.1.f for full waiver text).

Related Waivers and Alternative Requirements

HUD is waiving or providing alternative requirements for the purpose of promoting the availability of decent, safe, and sanitary housing with respect to the use of CDBG-DR funds governed by the Consolidated Notice.

The Residential Anti-Displacement and Relocation Assistance Plan (RARAP) Section 104(d)

Grantees must either: (1) amend their existing RARAP; or (2) create a separate RARAP for CDBG-DR purposes. The RARAP requirements for CDBG-DR include:

- Grantee must describe how it plans to minimize displacement of persons (individuals, farms, businesses and non-profits) from homes and neighborhoods (e.g. housing rehabilitation) and how it plans to minimize adverse effects of displacement where minimizing displacement is not reasonable, feasible or cost efficient and would not prevent future loss (e.g. buyouts).
- Descriptions must be scoped to the complexity of anticipated displacing activities and focused on planning and budgeting, with special considerations to the challenges displaced persons and vulnerable population experience.
- HUD defines vulnerable populations as a group or community whose circumstances present barriers to obtaining or understanding information or accessing resources.

(See Section IV.F.7 for full waiver text)

104(d) One-For-One Replacement of Lower-Income Dwelling Units

One-for-one replacement requirements are waived for owner-occupied lower-income dwelling units that are damaged by the disaster and not suitable for rehabilitation. This waiver does not apply to 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, which are generally subject to one-for-one replacement requirements (see Section IV.F.1. for full waiver text).

Section 104(d) Relocation Assistance

Section 104(d) eligible displaced persons may choose either section 104(d) relocation assistance or URA relocation assistance. This waiver eliminates the persons' choice and limits the available relocation assistance to 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 (see Section IV.F.2. for full waiver text).

Other URA, 104(d), and CDBG related requirements, waivers, and alternative requirements:

- URA Replacement Housing Payments for Tenants;
- URA Voluntary Acquisition – Homebuyer Primary Residence Purchase;
- Optional Relocation Assistance; and
- Stafford Act Section 414.

For URA, 104(d), and CDBG related resources and training visit the [HUD Exchange](#).