Residential Anti-Displacement and Relocation Assistance Plan

All Grantees must commit to minimizing project-related displacement and the hardships it imposes. The statutory and regulatory requirements of this commitment assure that individuals who are displaced or relocated because of project activity are fairly and fully compensated, and LMI dwelling units demolished or converted to non-LMI dwelling uses are replaced. Prior to signing a contract with DHCD, the Grantee must formally adopt, make public, and certify to DHCD that it is following a Residential Anti-Displacement and Relocation Assistance Plan. The Grantee must also certify that it will minimize displacement of persons as a result of assisted activities.

1. Regardless of whether displacement or conversion to non-LMI residential use is planned as part of the project, the plan must include, at a minimum, the following:

    a. Provision for one-for-one replacement of any LMI dwelling units demolished or converted to any other use as a result of this project;

    b. Provision for relocation benefits to any households displaced as a result of this project;

    c. A description of the proposed assisted activity;

    d. Steps the jurisdiction will take to minimize the displacement of persons from their homes;

    e. The complaint and appeals process; and

    f. An adopted housing standard defining an unoccupiable or uninhabitable house as a dwelling unit that does not meet local building codes and cannot be rehabilitated to meet code for $25,000 or less.

2. Projects including displacement, relocation, conversion or demolition must include all information listed above, as well as the following elements in their Anti-Displacement and Relocation Assistance Plan:

    a. The location (mapped) and size (by number of bedrooms) of each dwelling unit that will be demolished or converted to a use other than as an LMI dwelling unit as a direct result of the assisted activity;

    b. A time schedule for the commencement and completion of the demolition or conversion;

    c. The location (mapped) and size of units (by number of bedrooms) that will be provided as replacement dwelling units;

d. The source of funding and a time schedule for the provision of replacement dwelling units;

e. The policy that any fixed moving expense and dislocation allowance will be based upon the current Federal Home Administration payment schedule;

f. The basis for concluding that each replacement dwelling unit will remain an LMI dwelling unit for at least 10 years from the date of initial occupancy; and

g. Information demonstrating that any proposed replacement of dwelling units with smaller dwelling units is consistent with the housing needs of LMI households in the jurisdiction.

One-For-One Replacement Rule

Projects including housing demolition or conversion must adhere to the "one-for-one replacement" rule: All occupied and vacant occupiable LMI dwelling units demolished or converted to *any use* other than as LMI dwelling units as a result of an assisted project activity must be replaced with LMI dwelling units. This is not required if Grantee can document that there are available units available to LMI in the community.

The key elements of this rule are:

1. Replacement LMI units may be provided by any government agency or private developer.

2. Replacement units must be located within the Grantee's jurisdiction, and to the extent feasible and consistent with other statutory priorities, the units shall be located in the same neighborhoods as the units replaced.

3. Replacement units must be comparable in size and number to those units demolished or converted so that at least the same number of individuals can be housed in the replacement units. Replacement units must not be smaller than those they replace, e.g., demolition of one 2-bedroom unit and construction of two 1-bedroom units.

4. Replacement units must be in standard condition.

5. Replacement units may include vacant units that have been raised to standard condition provided that:

    a. No person was displaced from the unit as a result of an assisted project activity, and

    b. The unit was vacant for at least three (3) months before execution of the agreement between the Grantee and the property owner.

6. Replacement units must initially be made available for occupancy during the period beginning one (1) year prior to the Grantee's completion and submission of a Residential Anti-Displacement and Relocation Assistance Plan to DHCD and DHCD's approval of such a Plan and ending three (3) years after the commencement of the demolition or conversion.

7. Replacement units must be designed to remain as LMI dwelling units for at least ten (10) years from the date of initial occupancy. Replacement units may include public housing or existing housing receiving Section 8 assistance under the *Housing Act of 1937*.

Under certain narrowly defined circumstances, a Grantee may request and be granted a waiver, by HUD, of the one-for-one replacement rule. For more information on waiver requirements, contact your DHCD Community Development Specialist.

These elements point to the necessity of having complete information on the current housing stock and market in the locality. This information must be available for use and incorporated in drafting the Plan, prior to contracting with DHCD.

RESIDENTIAL ANTI-DISPLACEMENT AND RELOCATION ASSISTANCE PLAN CERTIFICATION

Montgomery 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 dwelling unit as a direct result of activities assisted with funds provided under the *Housing and Community Development Act of 1974*, as amended. All replacement housing will be provided within three (3) years of the commencement of the demolition or rehabilitation relating to conversion.

Before obligating or expending funds that will directly result in such demolition or conversion, Montgomery County will make public and advise the state that it is undertaking such an activity and will submit to the state, in writing, information that identifies:

1. A description of the proposed assisted activity;

2. The general location on a map and approximate number of dwelling units by size (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 activity;

3. A time schedule for the commencement and completion of the demolition or conversion;

4. The general location on a map and approximate number of dwelling units by size (number of bedrooms) that will be provided as replacement dwelling units;

5. The source of funding and a time schedule for the provision of 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; and

7. Information demonstrating that any proposed replacement of dwelling units with smaller dwelling units is consistent with the housing needs of low- and moderate-income households in the jurisdiction.

Montgomery County will provide relocation assistance to each low/moderate – income household displace by the demolition of housing or by the direct result of assisted activities. Such assistance shall be that provided under Section 104 (d) of the *Housing and Community Development Act of 1974*, as amended, or the *Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970*, as amended.

Montgomery County FY 16 project includes the following activities:

- Design and construction of commercial incubator kitchen, farm to table restaurant, and local craft brewery
- Design and implementation of a business competition and support services
- Design and construction of retail market for local food entrepreneurs to sell product
- Exterior, parking lot, and landscape improvements to site
- Construction of 16 new rental units for a mix of incomes

The activities as planned will not cause any displacement from or conversion of occupiable structures. As planned, the project calls for the use of existing right-of-way or easements to be purchased or the acquisition of tracts of land that do not contain housing. Montgomery County will work with the grant management staff, engineers, project area residents, and the Department of Housing and Community Development to insure that any changes in project activities do not cause any displacement from or conversion of occupiable structures.

In all cases, an occupiable structure will be defined as a dwelling that meets local building codes or a dwelling that can be rehabilitated to meet code for $25,000 or less.

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Craig Meadows, Montgomery County Administrator

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Date

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Prices Fork Comprehensive Community Revitalization Project
Section 3 Local Business and Employment Plan

1. The Montgomery County Board of Supervisors designates as its Section 3 Business and Employment Project Area the County of Montgomery.

2. The Montgomery County Board of Supervisors, its contractors, and designated third parties shall in utilizing Community Development Block Grant (CDBG) funds utilize businesses and lower income residents of the County in carrying out all activities, to the greatest extent feasible.

3. In awarding contracts for construction, non-construction, materials, and supplies the Montgomery County, its contractors, and designated third parties shall take the following steps to utilize businesses which are located in or owned in substantial part by persons residing in the County:

   (a) The Montgomery County Board of Supervisors shall identify the contracts required to conduct the CDBG activities.

   (b) The Montgomery County Board of Supervisors shall identify through various and appropriate sources including:

   The Roanoke Times and *The Burgs*

   the business concerns within the County which are likely to provide construction contracts, non-construction contracts, materials, and services which will be utilized in the activities funded through the CDBG.

   (c) The identified contractors and suppliers shall be included on bid lists used to obtain bids, quotes or proposals for work or procurement contracts which utilize CDBG funds.

   (d) To the greatest extent feasible the identified business and any other project area business concerns shall be utilized in activities which are funded with CDBG funds.

4. The Montgomery County Board of Supervisors and its contractors and subcontractors shall take the following steps to encourage the hiring of lower income persons residing in the County:

   (a) The Montgomery County Board of Supervisors in consultation with its contractors (including design professionals) shall ascertain the types and number of positions for both trainees and employees which are likely to be used to conduct CDBG activities.

   (b) The Montgomery County Board of Supervisors shall advertise through the following sources

   The Roanoke Times and *The Burgs*

the availability of such positions with the information on how to apply.

(c) The Montgomery County Board of Supervisors, its contractors, and subcontractors shall be required to maintain a record of inquiries and applications by project area residents who respond to advertisements, and shall maintain a record of the status of such inquires and applications.

(d) To the greatest extent feasible, the Montgomery County Board of Supervisors, its contractors, and subcontractors shall hire lower income project area residents in filling training and employment positions necessary for implementing activities funded by the Community Development Block Grant (CDBG).

5. In order to document compliance with the above affirmative actions and Section 3 of the *Housing and Community Development Act of 1974, as amended*, the Montgomery County Board of Supervisors shall keep, and obtain from its contractors and subcontractors, *Registers of Contractors, Subcontractors and Suppliers* and *Registers of Assigned Employees* for all activities funded by the CDBG. Such listings shall be completed and shall be verified by site visits and employee interviews, crosschecking of payroll reports and invoices, and through audits if necessary.

Duly adopted at the regular meeting of the Montgomery County Board of Supervisors on December 19, 2016.

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Craig Meadows, Montgomery County Administrator

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Date

Section 504 Grievance Procedure

Montgomery County has adopted an internal grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by the Department of Housing and Urban Development's (HUD) (24 CFR 8.53(b) implementing Section 504 of the Rehabilitation Act of 1973, as amended (29 USC 794). Section 504 states, in part, that "no otherwise qualified handicapped individual . . . shall solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. . .."

Complaints should be addressed to: *F. Craig Meadows, County Administrator, 755 Roanoke Street, Suite 2E, Christiansburg, VA, 24073, 540-382-6954)*, who has been designated to coordinate Section 504 compliance efforts.

1. A complaint should be filed in writing or verbally contain the name and address of the person filing it, and briefly describe the alleged violation of the regulations.

2. A complaint should be filed within seven (7) after the complainant becomes aware of the alleged violation. (Processing of allegations of discrimination occurring before this grievance procedure was in place will be considered on a case-by-case basis.)

3. An investigation, as may be appropriate, shall follow a filing of a complaint. The investigation will be conducted by *Craig Meadows*. These rules contemplate informal but thorough investigations, affording all interested persons and their representatives, if any, an opportunity to submit evidence relevant to a complaint. Under 24 CFR 8.53(b), Montgomery County need not process complaints from applicants for employment or from applicants for admission to housing.

4. A written determination as to the validity of the complaint and description of resolution, if any, shall be issued by *Craig Meadows* and a copy forwarded to the complainant no later than fourteen (14) days after its filing.

5. The Section 504 coordinator shall maintain the files and records of Montgomery County relating to the complaints filed.

6. The complainant can request a reconsideration of the case in instances where he or she is dissatisfied with the resolution. The request for reconsideration should be made within seven (7) days to *Craig Meadows.*

7. The right of a person to a prompt and equitable resolution of the complaint filed hereunder shall not be impaired by the person's pursuit of other remedies such as the filing of a Section 504 complaint with the Department of Housing and Urban Development. Utilization of this grievance procedure is not a prerequisite to the pursuit of other remedies.

8. These rules shall be construed to protect the substantive rights of interested persons, to meet appropriate due process standards and to assure that Montgomery County complies with Section 504 and the HUD regulations.

Duly adopted at the regular meeting of the Board of Supervisors on December 19, 2016.

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Craig Meadows, Montgomery County Administrator

Fair Housing Certification

Compliance with Title VIII of the Civil Rights Act of 1968

WHEREAS**,** Montgomery County has been offered and intends to accept federal funds authorized under the Housing and Community Development Act of 1974, as amended, and

WHEREAS**,** recipients of funding under the Act are required to take action to affirmatively further fair housing;

THEREFORE**,** Montgomery County agrees to take at least one action to affirmatively further fair housing each grant year, during the life of its project funded with Community Development Block Grant funds. The action taken will be selected from a list provided by the Virginia Department of Housing and Community Development.

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Craig Meadows, Montgomery County Administrator

_____

Date

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Prices Fork Comprehensive Community Revitalization Project
Non-Discrimination Policy

Montgomery County or any employee thereof will not discriminate against an employee or applicant for employment because of race, age, color, religion, sex, national origin, disability or status as a protected veteran. Administrative and Personnel officials will take affirmative action to ensure that this policy shall include, but not be limited, to the following: employment, upgrading, demotion or transfer; rates of pay or other forms of compensation; and selection for training.

Duly adopted at the regular meeting of the Board of Supervisors on December 19, 2016.

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Craig Meadows, Montgomery County Administrator

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