APPENDIX D: RESIDENTIAL ANTI-DISPLACEMENT AND RELOCATION ASSISTANCE (RARAP)

South Carolina Office of Resilience

Hurricane Helene CDBG-DR and Mitigation Set-Aside Programs

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Program(s): Hurricane Helene Community Development Block Grant – Disaster Recovery (CDBG-DR) and Mitigation Set-Aside

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1. Purpose

This Residential Anti-Displacement and Relocation Assistance Plan (RARAP) establishes the South Carolina Office of Resilience's policy for minimizing residential displacement and providing relocation assistance, when required, in connection with activities funded under the Hurricane Helene Community Development Block Grant – Disaster Recovery (CDBG-DR) Mitigation Set-Aside Programs.

SCOR will take all reasonable steps to minimize the displacement of families, individuals, businesses, farms, nonprofit organizations, and other occupants as a result of federally assisted activities. When displacement cannot be avoided, SCOR and its subrecipients will provide required notices, advisory services, relocation assistance, and other benefits in accordance with applicable federal requirements.

This RARAP applies to all SCOR-administered Hurricane Helene CDBG-DR Mitigation Set-Aside activities that involve acquisition, demolition, rehabilitation, conversion, temporary relocation, permanent displacement, or other real property actions that may trigger requirements under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (URA), Section 104(d) of the Housing and Community Development Act of 1974, HUD regulations, applicable Federal Register notices, and related HUD guidance.

This RARAP is not intended to limit SCOR's ability to conduct eligible voluntary buyouts, acquire disaster-damaged or high-risk properties, or implement mitigation activities that reduce future risk to life and property.

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2. Program Applicability

This RARAP applies to Hurricane Helene CDBG-DR and Mitigation Set-Aside activities administered by SCOR or carried out by SCOR subrecipients, contractors, developers, units of general local government, councils of government, state agencies, or other project partners using SCOR-administered CDBG-DR funds.

The Hurricane Helene CDBG-DR Mitigation Set-Aside includes the following program areas:

1. **Stormwater Infrastructure** – Public infrastructure projects to reduce future surface and riverine flood risks.
2. **Voluntary Residential Buyouts** – Voluntary acquisition of eligible residential properties to remove residents from harm's way and return acquired parcels to uses compatible with open space, recreation, natural floodplain function, wetlands management, ecosystem restoration, or other HUD-eligible open space uses.
3. **Federal Funds Match** – Matching funds for eligible federally funded mitigation grant programs, including FEMA Hazard Mitigation Grant Program (HMGP), Flood Mitigation Assistance (FMA), and other eligible mitigation opportunities focused on flood reduction.
4. **Plans and Studies** – Development or updating of hazard mitigation plans, flood reduction studies, project identification studies, and design activities that support future infrastructure, buyout, or other mitigation projects.

Mitigation Set-Aside funds are available only for eligible activities located in or benefitting the HUD-identified Most Impacted and Distressed (MID) counties for Hurricane Helene, as identified in SCOR's HUD-approved Action Plan and program materials.

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3. Governing Authorities

SCOR and its subrecipients will comply with all applicable federal and state requirements, including but not limited to:

- Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, 42 U.S.C. Chapter 61;
- URA implementing regulations at 49 CFR Part 24;
- Section 104(d) of the Housing and Community Development Act of 1974, as amended, 42 U.S.C. 5304(d);
- Section 104(d) implementing regulations at 24 CFR Part 42, Subpart C;
- CDBG state program regulations, including 24 CFR 570.488 and 24 CFR 570.606;
- Consolidated Plan certification requirements at 24 CFR Part 91, as applicable;
- Applicable CDBG-DR Federal Register notices, waivers, alternative requirements, and HUD guidance;

- HUD Handbook 1378, Tenant Assistance, Relocation and Real Property Acquisition;
- Fair Housing Act, 42 U.S.C. 3601 et seq.;
- Section 504 of the Rehabilitation Act of 1973;
- Title VI of the Civil Rights Act of 1964;
- Americans with Disabilities Act, as applicable;
- SCOR's HUD-approved Hurricane Helene CDBG-DR Action Plan, as amended;
- SCOR program policies, manuals, grant agreements, and subrecipient agreements.

Where requirements differ, SCOR will apply the most protective applicable requirement unless HUD has granted a waiver or alternative requirement that supersedes the otherwise applicable rule.

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4. Definitions

For purposes of this RARAP, the following definitions apply. If a term is not defined here, the definitions in 49 CFR Part 24, 24 CFR Part 42, 24 CFR Part 570, applicable Federal Register notices, and HUD guidance apply.

CDBG-DR Assisted Activity means any activity funded in whole or in part with SCOR-administered Hurricane Helene CDBG-DR Mitigation Set-Aside funds.

Displaced Person means a person who moves permanently from real property or moves personal property from real property as a direct result of acquisition, rehabilitation, demolition, conversion, or other CDBG-DR assisted activity, as defined by applicable URA, Section 104(d), and CDBG regulations.

Lower-Income Dwelling Unit means a dwelling unit with a market rent, including utilities, that does not exceed the applicable Fair Market Rent for existing housing under 24 CFR Part 888, or as otherwise defined by applicable HUD requirements.

Vacant Occupiable Dwelling Unit means a vacant dwelling unit that is in standard condition or substandard condition suitable for rehabilitation and is available for residential occupancy.

Standard Condition means housing that is decent, safe, sanitary, and in compliance with applicable housing quality standards, local codes, state codes, and other applicable requirements.

Substandard Suitable for Rehabilitation means a dwelling unit where deficiencies can reasonably be corrected and the cost of rehabilitation does not exceed the threshold established by SCOR or the applicable program, unless an exception is approved and documented.

Substandard Not Suitable for Rehabilitation means a dwelling unit where repair or rehabilitation is not feasible or cost-effective under SCOR program standards, or where the unit is unsafe, substantially damaged, or otherwise unsuitable for rehabilitation.

Voluntary Buyout means an eligible acquisition activity in which the property owner voluntarily elects to sell property for an eligible mitigation purpose. Voluntary buyouts are intended to reduce future disaster risk and permanently restrict future use of the property in accordance with HUD, FEMA, deed restriction, and program requirements.

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5. Policy to Minimize Displacement

SCOR will take all reasonable steps to minimize displacement resulting from Hurricane Helene CDBG-DR or Mitigation Set-Aside activities. SCOR will require subrecipients and project partners to evaluate displacement impacts early in project design and to document steps taken to avoid or reduce displacement.

SCOR and its subrecipients will, where feasible and consistent with program objectives:

1. Design projects to avoid occupied residential structures when alternatives are feasible.
2. Prioritize voluntary, owner-initiated, or risk-reduction activities that reduce future hazard exposure without requiring involuntary displacement.
3. Conduct voluntary buyouts in a manner that clearly informs property owners that participation is voluntary and that SCOR or the subrecipient will not acquire the property through eminent domain if negotiations fail, unless a specific activity is not voluntary and is separately approved under applicable requirements.
4. Limit acquisition, demolition, or conversion to properties necessary for the project's mitigation purpose.
5. Coordinate project design to avoid unnecessary temporary or permanent relocation.
6. Stage construction, rehabilitation, or infrastructure work to allow occupants to remain in place when safe and feasible.
7. Provide temporary relocation options when continued occupancy would present a substantial health or safety risk.
8. Avoid demolition or conversion of occupied or vacant occupiable lower-income dwelling units unless required for an eligible mitigation purpose and after all applicable replacement, notice, and relocation requirements are addressed.
9. Encourage the use of vacant, non-residential, publicly owned, or otherwise non-displacing sites when feasible.
10. Provide clear, timely, and accessible notices to occupants, tenants, homeowners, landlords, and other affected parties.

11. Ensure meaningful access for persons with limited English proficiency and effective communication for persons with disabilities.
12. Coordinate with local governments, housing providers, social service agencies, and other partners to identify comparable, decent, safe, sanitary, and affordable replacement housing when relocation is required.
13. Evaluate whether proposed public investments could indirectly increase displacement pressure in low- and moderate-income neighborhoods and incorporate mitigation measures where feasible.
14. Maintain records documenting project alternatives considered, displacement impacts, notices issued, assistance provided, and compliance determinations.

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6. Voluntary Residential Buyouts

SCOR's Voluntary Residential Buyout Program is intended to reduce future risk to residents and properties by acquiring eligible residential properties located in flood-prone or high-risk areas and converting the acquired land to eligible open space or other compatible uses.

Because buyouts involve acquisition of real property, SCOR and its subrecipients will evaluate each buyout activity for URA applicability. Voluntary buyouts must include appropriate voluntary acquisition notices and disclosures before purchase offers are made.

For voluntary acquisitions, the acquiring entity must notify the property owner in writing that:

1. The acquisition is voluntary;
2. The property will not be acquired through eminent domain if negotiations do not result in an agreement;
3. The owner may decline the offer;
4. The acquiring entity's estimate of fair market value or other program-determined valuation basis will be disclosed as required by applicable rules;
5. Any tenants occupying the property may have relocation rights if they are displaced as a direct result of the acquisition.

Voluntary buyouts must not be structured or communicated in a manner that misleads property owners or tenants about their rights. SCOR will require subrecipients to maintain documentation of all voluntary acquisition notices, valuation information, owner communications, tenant occupancy status, and relocation determinations.

Properties acquired through the Voluntary Residential Buyout Program must be maintained in accordance with applicable open space, deed restriction, land-use, environmental, and program requirements.

7. Real Property Acquisition Requirements

SCOR and its subrecipients will comply with applicable URA real property acquisition requirements at 49 CFR Part 24, Subpart B, unless a HUD waiver or alternative requirement applies.

For acquisitions that are not voluntary under applicable URA standards, the acquiring entity must comply with applicable appraisal, review appraisal, just compensation, written offer, negotiation, settlement, and possession requirements.

No person lawfully occupying real property may be required to move unless the acquiring entity has provided required notices and made available any applicable relocation assistance.

Subrecipients must consult SCOR before undertaking any acquisition that may involve eminent domain, involuntary acquisition, tenant displacement, demolition, or conversion of residential property.

8. Relocation Assistance

When a person is displaced as a direct result of a CDBG-DR assisted activity, SCOR or its subrecipient will provide relocation assistance in accordance with applicable URA, Section 104(d), CDBG, CDBG-DR, and HUD requirements.

Relocation assistance may include, as applicable:

1. **Advisory Services** – Information about relocation rights, available assistance, comparable replacement dwellings, fair housing rights, and assistance with filing claims.
2. **Moving Expenses** – Payment for eligible moving and related expenses in accordance with 49 CFR Part 24, Subpart D.
3. **Replacement Housing Payments** – Payments for eligible homeowners or tenants in accordance with 49 CFR Part 24, Subpart E and applicable HUD requirements.
4. **Security Deposits and Credit Checks** – Payment of reasonable and necessary costs required to rent or purchase replacement housing when eligible.
5. **Interim Living Costs** – Reimbursement of actual, reasonable, out-of-pocket costs incurred when temporary relocation is required due to health or safety risks or other qualifying circumstances.
6. **Comparable Replacement Housing Referrals** – Referrals to decent, safe, sanitary, functionally equivalent, accessible, and affordable replacement housing.

7. **Fair Housing Assistance** – Information and referrals to support nondiscriminatory housing choice and avoid steering displaced persons into areas of minority or poverty concentration when feasible alternatives exist.

No displaced person will be required to move permanently unless at least one comparable replacement dwelling has been made available, as required by the URA and applicable HUD requirements.

A person who is not eligible as a “displaced person” under the URA or Section 104(d) may be eligible for optional relocation assistance only if authorized by SCOR policy, program manual, grant agreement, or written SCOR approval.

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9. Temporary Relocation

Temporary relocation may be required when a CDBG-DR assisted activity makes continued occupancy unsafe, infeasible, or inconsistent with project requirements for a limited period.

When temporary relocation is necessary, SCOR and its subrecipients will:

1. Provide advance written notice to affected occupants;
2. Identify safe, decent, sanitary, accessible, and suitable temporary housing when required;
3. Reimburse eligible out-of-pocket expenses related to the temporary move;
4. Minimize the duration and disruption of temporary relocation;
5. Provide information regarding the occupant’s right to return, if applicable;
6. Maintain documentation of temporary relocation determinations, notices, costs, and assistance provided.

Temporary relocation must not be used to avoid permanent relocation obligations when the facts demonstrate that the displacement is permanent.

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10. Section 104(d) One-for-One Replacement

SCOR will ensure compliance with Section 104(d) one-for-one replacement requirements when a CDBG-DR assisted activity directly results in the demolition of occupied or vacant occupiable lower-income dwelling units or the conversion of such units to a use other than lower-income housing, unless a HUD waiver or exception applies.

Before SCOR or a subrecipient enters into a binding agreement committing CDBG-DR funds for an activity that will directly result in demolition or conversion of lower-income dwelling units, the subrecipient must prepare and publish a One-for-One Replacement Plan, submit the plan to SCOR, and obtain SCOR approval.

The One-for-One Replacement Plan must include:

1. A description of the proposed assisted activity;
2. The location on a map and the number of lower-income dwelling units, by bedroom size, that will be demolished or converted;
3. A schedule for commencement and completion of demolition or conversion;
4. The location on a map and the number of replacement lower-income dwelling units, by bedroom size, that will be provided;
5. If specific replacement locations are not yet known, the general location and approximate number and size of replacement units, with specific information submitted and disclosed when available;
6. The source of funding for replacement units;
7. A schedule for providing replacement units;
8. The basis for concluding that each replacement unit will remain a lower-income dwelling unit for at least 10 years from the date of initial occupancy;
9. Documentation showing that any replacement with smaller units or different unit types is consistent with housing needs identified in the applicable consolidated plan, local housing needs assessment, or other SCOR-approved analysis;
10. Evidence of public notice, public availability, and consideration of comments, if required by SCOR or applicable law.

Replacement units must be sufficient in number and size to house at least the number of occupants who could have been housed in the units demolished or converted. Replacement units must be decent, safe, sanitary, and available to lower-income households.

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11. Exceptions to One-for-One Replacement

One-for-one replacement is not required where SCOR determines, based on objective data and applicable HUD requirements, that the requirement does not apply. Examples may include:

1. Units that are not occupied or vacant occupiable lower-income dwelling units;
2. Units that are substandard and not suitable for rehabilitation;
3. Units that are disaster-damaged and not suitable for rehabilitation, when a HUD CDBG-DR waiver applies;

4. Circumstances where HUD determines that there is an adequate supply of vacant lower-income dwelling units in standard condition available on a nondiscriminatory basis within the area;
5. Other circumstances authorized by HUD waiver, Federal Register notice, or written HUD guidance.

Subrecipients must provide documentation supporting any request for a determination that one-for-one replacement is not required. SCOR will review the documentation and, when required, submit information to HUD before approving the exception.

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12. CDBG-DR Waivers and Alternative Requirements

SCOR will apply CDBG-DR waivers and alternative requirements only to the extent authorized by HUD and only when applicable to the Hurricane Helene CDBG-DR allocation and activity.

Potentially applicable waivers or alternative requirements may address:

1. Alignment of Section 104(d) relocation assistance with URA assistance;
2. Lump-sum rental assistance payments to displaced residential tenants;
3. Voluntary acquisition requirements for homebuyer or buyout activities;
4. Section 414 of the Stafford Act occupancy requirements when displacement is related to the qualifying disaster and the project was not planned, approved, or underway before the disaster;
5. One-for-one replacement for disaster-damaged lower-income dwelling units that are not suitable for rehabilitation;
6. Optional relocation policies for persons who do not meet the definition of “displaced person.”

SCOR will maintain documentation supporting the use of any waiver or alternative requirement and will incorporate applicable waiver provisions into program manuals, subrecipient agreements, and project files as appropriate.

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13. Notices

SCOR and its subrecipients will provide all required notices in a timely and understandable manner. Notices may include, as applicable:

1. General Information Notice;

2. Notice of Eligibility for Relocation Assistance;
3. Notice of Non-Displacement;
4. Ninety-Day Notice to Vacate;
5. Voluntary Acquisition Notice;
6. Notice of Intent to Acquire;
7. Move notice or temporary relocation notice;
8. Claim forms and benefit determination notices;
9. Appeal rights and procedures.

Notices must be provided in writing and retained in the project file. Notices must be accessible to persons with disabilities and available in languages necessary to provide meaningful access to persons with limited English proficiency.

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14. Subrecipient Responsibilities

Subrecipients carrying out Hurricane Helene CDBG-DR and Mitigation Set-Aside activities must comply with this RARAP, applicable federal requirements, SCOR program manuals, grant agreements, and written SCOR guidance.

Subrecipients are responsible for:

1. Identifying potential acquisition, relocation, demolition, conversion, and displacement impacts during project planning;
2. Consulting SCOR before initiating acquisition, issuing notices, making offers, beginning demolition, or requiring any occupant to move;
3. Providing required notices and advisory services;
4. Maintaining acquisition and relocation files;
5. Preparing One-for-One Replacement Plans when required;
6. Ensuring contractors and project partners comply with applicable requirements;
7. Reporting displacement, relocation, acquisition, and replacement housing data to SCOR;
8. Cooperating with SCOR monitoring and corrective action requirements.

A subrecipient may adopt this RARAP or develop its own project-specific RARAP for SCOR review and approval. Any subrecipient-specific plan must be consistent with applicable federal requirements and must be publicly available once approved.

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15. Fair Housing, Civil Rights, and Accessibility

SCOR and its subrecipients will administer this RARAP in a manner consistent with fair housing, civil rights, nondiscrimination, and accessibility requirements.

Relocation referrals and replacement housing assistance must not discriminate on the basis of race, color, national origin, religion, sex, familial status, disability, age, or any other protected class under applicable law.

When a displaced person has a disability, comparable replacement housing must be accessible or made accessible as required by law. SCOR and its subrecipients will provide reasonable accommodations and effective communication when required.

SCOR and its subrecipients will take reasonable steps to provide meaningful access to limited English proficient persons.

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16. Duplication of Benefits

SCOR will evaluate relocation assistance, housing assistance, and other payments for potential duplication of benefits in accordance with the Stafford Act, CDBG-DR requirements, HUD guidance, and SCOR program policy.

Assistance received from FEMA, insurance, SBA, other federal programs, state programs, local programs, nonprofit sources, or other sources may be considered when determining eligible assistance if the assistance was provided for the same purpose and same need.

SCOR will not reduce required URA or Section 104(d) benefits unless authorized by applicable law, regulation, waiver, or HUD guidance.

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17. Appeals

Any person who believes that SCOR or a subrecipient has failed to properly determine eligibility for acquisition or relocation assistance, calculate benefits, provide required assistance, or comply with applicable relocation requirements may file a written appeal.

Appeals must be submitted within 60 days of the written determination being appealed, unless a longer period is allowed by SCOR policy or applicable law.

SCOR or the appropriate subrecipient will promptly review the appeal and provide a written decision explaining the basis for the determination. The appeal process will comply with 49 CFR 24.10 and applicable CDBG and Section 104(d) requirements.

A low- or moderate-income household displaced from a dwelling may also request review by HUD, as allowed by applicable regulations.

Appeals may be submitted to:

South Carolina Office of Resilience
Attn: [Insert Program Manager or Appeals Contact]
632 Rosewood Drive
Columbia, South Carolina 29201
Email: [Insert Email]
Phone: [Insert Phone Number]

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18. Recordkeeping and Tracking

SCOR and its subrecipients will maintain records sufficient to demonstrate compliance with the URA, Section 104(d), CDBG-DR requirements, and this RARAP.

Records may include:

1. Project descriptions and maps;
2. Environmental review records and project approval dates;
3. Acquisition files, appraisals, review appraisals, valuation documents, written offers, purchase agreements, and settlement statements;
4. Voluntary acquisition notices and owner acknowledgments;
5. Occupancy records and tenant status documentation;
6. General Information Notices and other required notices;
7. Relocation eligibility determinations;
8. Comparable replacement housing referrals;
9. Relocation claim forms, payment calculations, and payment documentation;
10. Temporary relocation records;
11. One-for-One Replacement Plans and supporting documentation;
12. Public notices, comments, and approvals;
13. Appeal records and written decisions;
14. Monitoring reports and corrective action documentation;
15. Records demonstrating compliance with fair housing, accessibility, and limited English proficiency requirements.

SCOR will monitor subrecipient compliance and may require corrective action when deficiencies are identified.

19. Monitoring and Compliance

SCOR will monitor Hurricane Helene CDBG-DR Mitigation Set-Aside activities for compliance with this RARAP and applicable acquisition, relocation, displacement, civil rights, and recordkeeping requirements.

Monitoring may include desk reviews, onsite reviews, file reviews, payment reviews, interviews, technical assistance, and corrective action plans.

SCOR may withhold funds, require repayment, impose special conditions, suspend activity, or take other remedies allowed by law or grant agreement if a subrecipient fails to comply with applicable requirements.

20. Updates to this RARAP

SCOR may amend this RARAP as needed to reflect changes in federal law, HUD requirements, Federal Register notices, SCOR's HUD-approved Action Plan, program design, or administrative procedures.

The current version of this RARAP will be maintained by SCOR and made publicly available as required.

21. References

- Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, 42 U.S.C. Chapter 61
- 49 CFR Part 24
- Section 104(d) of the Housing and Community Development Act of 1974, 42 U.S.C. 5304(d)
- 24 CFR Part 42, Subpart C
- 24 CFR 570.488
- 24 CFR 570.606
- 24 CFR Part 91
- HUD Handbook 1378
- Applicable CDBG-DR Federal Register notices, waivers, and alternative requirements
- SCOR Hurricane Helene CDBG-DR Action Plan, as amended
- SCOR Hurricane Helene CDBG-DR Mitigation Set-Aside Program materials

RARAP Project Review Checklist

Before committing CDBG-DR funds to a Mitigation Set-Aside project, SCOR or the subrecipient should document the following:

1. Does the project involve acquisition of real property?
2. Is the acquisition voluntary or involuntary under URA standards?
3. Are there tenants, occupants, businesses, farms, or nonprofit organizations on the property?
4. Will any person or entity be required to move permanently or temporarily?
5. Will the project demolish or convert any dwelling unit?
6. Are any dwelling units occupied or vacant occupiable lower-income dwelling units?
7. Is one-for-one replacement required?
8. Does a HUD waiver or alternative requirement apply?
9. Have all required notices been issued?
10. Has comparable replacement housing been identified, if required?
11. Have fair housing, accessibility, and language access needs been evaluated?
12. Has SCOR reviewed and approved the acquisition and relocation approach before funds are committed or physical work begins?

Required File Documentation

Each project file should include, as applicable:

- RARAP applicability review;
- Site map and property list;
- Occupancy verification;
- Voluntary acquisition documentation;
- Appraisal or valuation documentation;
- Notices and acknowledgments;
- Relocation eligibility determinations;
- Replacement housing referrals;
- Payment calculations;
- Proof of payment;
- One-for-One Replacement Plan;
- Public notice documentation;
- Appeal records;

- SCOR approvals;
- Monitoring documentation.