



The State of Alaska Department of Commerce, Community, and
Economic Development

Community Development Block Grant – Disaster Recovery
Program Wide

Residential Anti-Displacement and Relocation Assistance Plan

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INTRODUCTION

The U.S. Department of Housing and Urban Development (HUD) requires the State of Alaska Department of Commerce, Community, and Economic Development (DCCED) to certify that it has in effect and is following a Residential Anti-displacement and Relocation Assistance Plan (RARAP) as required by the regulations found at 24 CFR Part 42, “Displacement, Relocation Assistance, and Real Property Acquisition for HUD and HUD-Assisted Programs,” as amended. This RARAP conforms with Section 104(d) of the Housing and Community Development Act of 1974 (HCDA), as amended; HUD regulations at 24 CFR 42.325; and applicable waivers for activities funded by the Community Development Block Grant—Disaster Recovery (CDBG-DR) and Community Development Block Grant—Mitigation (CDBG-MIT) program.

PURPOSE

The purpose of this RARAP is to ensure DCCED and its subrecipients carry out HUD-assisted projects in a manner that minimizes residential displacement. When displacement is necessary for a project, this RARAP outlines the broad steps that DCCED will take to minimize the impacts of temporary or permanent displacement upon households and individuals in compliance with applicable relocation and housing replacement requirements. DCCED and its subrecipients will serve this purpose by undertaking the following:

- Identify the reasonable steps to be taken to minimize the displacement of persons from their homes because of a HUD-assisted project.
- Provide relocation assistance to all households and individuals displaced as a direct result of a HUD-assisted project or the rehabilitation or demolition of any housing for a project.

Additional details on the applicability and implementation of this Plan can be found in the DCCED Uniform Relocation and Acquisition Policy Manual, as well as within the guidelines of DCCED programs supported by HUD assistance.

APPLICABLE CDBG-DR and CDBG-MIT FEDERAL REGISTER NOTICES

This RARAP has been developed to comply with CDBG-DR and CDBG-MIT waivers and alternative requirements related to relocation planning, relocation assistance, and lower-income housing replacement found in the following Federal Register Notices issued by HUD governing CDBG-DR and CDBG-MIT funding allocated to the State of Alaska:

- For CDBG-DR 2018 Cook Inlet Earthquake: 85 FR 4686-8, 1/27/2020, IV.B.5. and IV.C.1-2.
- For CDBG-MIT 2018 Cook Inlet Earthquake: 84 CFR 45859-60, 8/30/2019, V.A.22.
- For CDBG-DR 2022 Typhoon Merbok: 88 FR 32046, 5/18/2023.
 - Subject to HUD Consolidated Notice: 87 FR 6364, 2/3/2022 (as amended by 88 FR 32046, Appendix B)
- For CDBG-DR 2023/2024 Floods: 90 FR 4759, 1/16/2025
 - Subject to the updated Universal Notice: 90 FR 1754, 4/5/2025m as well as Memoranda 2025-02 and 2025-03

STEPS TO MINIMIZE DISPLACEMENT

DCCED recognizes the substantial challenges experienced by displaced individuals, households, businesses, farms, and non-profit organizations. Accordingly, DCCED will take the steps below to develop solutions when planning programs or projects to minimize displacement or adverse impact, especially among vulnerable populations. DCCED will seek to minimize displacement consistent with the goals and objectives for the activities assisted under the HCDA. In addition, DCCED will coordinate with boroughs, municipalities, regional housing authorities, and other local-level authorities to minimize the direct and indirect displacement of persons from their homes and communities because of assisted activities.

DCCED will minimize the displacement of households and individuals from their homes and communities, as well as minimize the impacts upon displaced persons, due to CDBG-DR and CDBG-MIT funded activities by taking the following steps consistent with other goals and objectives of programs covered by 24 CFR Part 570:

- Prior to committing CDBG-DR and/or CDBG-MIT funding to a project, DCCED and/or its subrecipients will collect information on project site occupants to assess the potential impact of the proposed project upon occupants.
- If any temporary or permanent relocation is contemplated for a project, DCCED and/or its subrecipients will require the project sponsor to submit a detailed relocation plan that describes the entire relocation process, responsible parties, and replacement housing.
- If current tenants must move as part of a housing rehabilitation project, DCCED and/or its subrecipients will encourage sponsors to provide those who are eligible with an opportunity to rent a unit in the rehabilitated property upon its completion.
- If DCCED commits CDBG-DR and CDBG-MIT funds to a project, DCCED and/or its subrecipients will require that all occupants are provided with appropriate advisory services and relocation assistance as required by Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (“URA”), and Section 104(d) of the HCDA unless waived by HUD.
- For rehabilitation or other projects that require the temporary relocation of residential tenants, DCCED and/or its subrecipients will encourage project sponsors to minimize the amount of time that tenants are required to relocate from their unit. To the extent feasible, construction should be phased to allow tenants to stay in their units as long as possible.
- DCCED and/or its subrecipients will evaluate housing codes, rehabilitation standards, and code enforcement in communities to prevent undue financial burden on established owners and tenants.
- DCCED and/or its subrecipients will ensure that persons who are temporarily relocated are able to return to their original unit at a similar rental rate for at least one (1) year after project completion.
- DCCED and/or its subrecipients will adopt policies to identify and mitigate potential displacement resulting from intensive public investment in communities.
- DCCED and/or its subrecipients will establish counseling centers to provide homeowners and tenants with information on assistance available to help them remain in their community.
- Where feasible, DCCED and/or its subrecipients will give priority to projects that expand the

available stock of affordable housing, as opposed to demolition of housing.

- If feasible, DCCED and/or its subrecipients will only demolish dwelling units that are not occupied or vacant occupiable dwelling units (especially those units which are “lower-income dwelling units” (as defined in 24 CFR 42.305).
- DCCED and/or its subrecipients will target only those properties deemed essential to the need or success of the project.

RELOCATION ASSISTANCE FOR DISPLACED PERSONS

DCCED and/or its subrecipients will offer relocation assistance in accordance with its Uniform Relocation and Acquisition Policy Manual. Lower-income tenants who, in connection with an activity assisted under CDBG-DR and/or CDBG-MIT, are required to move permanently or move personal property from real property as a direct result of the acquisition, rehabilitation or demolition of any dwelling unit of a lower-income dwelling unit will receive relocation assistance in accordance with the requirements of URA or Section 104(d), as applicable. A displaced person who is not a lower-income tenant will be offered relocation assistance in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and implementing regulations at 49 CFR Part 24.

In the provision of relocation assistance, relocation advisory services will be provided to support displaced persons in securing replacement housing and receiving relocation payments. Appropriate accommodations will be provided to meet the needs of members of vulnerable populations, including but not limited to accounting for accessibility needs of persons with disabilities and providing translation or interpretation services for persons of Limited English Proficiency in accordance with the DCCED Language Access Plan.

Replacement housing assistance payments for permanent relocation will be made on a monthly basis. Lump sum payments may be made to cover moving expenses, a down payment on the purchase of replacement housing, or related incidental expenses.

DCCED and/or its subrecipients may choose to offer Optional Relocation Assistance (ORA) as allowed for by HUD under 24 CFR 570.606(d) to program participants and other persons displaced by federally funded activities who do not meet the URA definition of “displaced person” and would therefore not be eligible for URA relocation assistance. DCCED and/or its subrecipients may establish ORA policies and procedures for programs with activities that may require such assistance on a limited basis to CDBG-DR and CDBG-MIT program participants whose voluntary participation may require relocation. Such assistance will be provided in accordance with this RARAP.

Subrecipients shall be required to provide relocation assistance in accordance with URA and Section 104(d), as applicable, in connection with their CDBG-DR and/or CDBG-MIT funded activities. DCCED will provide technical assistance to subrecipients of CDBG-DR and/or CDBG-MIT funds regarding compliance with relocation requirements and delivery of relocation payments and assistance. Additionally, subrecipients are required to adopt the DCCED Residential Anti-Displacement and Relocation Assistance Plan.

Waivers Related to Relocation Assistance

All waivers related to relocation are identical across all Federal Register Notices applicable to Alaska

DCCED except One-for-One Replacement of Lower Income Dwelling Units. The differences in notices for One-for-One Replacement are described in that section.

Optional Relocation Assistance by Subrecipients

Subrecipients may adopt their own optional relocation assistance (ORA) policy with permission from DCCED. When an entity decides to adopt its own policy, it must be provided to DCCED for review. The final ORA policy must be approved by DCCED and made available to the public, HUD, and other agencies as applicable. In the event of displacement because of a federally funded award, DCCED requires subrecipients to comply with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, (42 U.S.C. 4601 et seq.) ["URA"], for any household, regardless of income, which is involuntarily and permanently displaced, and to comply with Section 104(d). DCCED is aware that any demolition or disposition of public housing is subject to Section 18 of United States Housing Act of 1937, as amended, and 24 CFR part 970.

Section 104(d) Relocation Assistance for Activities funded with CDBG-DR and/or CDBG-MIT

The relocation assistance requirements at section 104(d)(2)(A)(iii) and (B) of the HCDA and 24 CFR 42.350, are waived by HUD to the extent that an eligible displaced person, as defined under 24 CFR 42.305 of the section 104(d) implementing regulations, may choose to receive either assistance under the URA and implementing regulations at 49 CFR part 24, or assistance under section 104(d) and implementing regulations at 24 CFR 42.350. This waiver does not impact a person's eligibility as a displaced person under section 104(d); it merely limits the amounts and types of relocation assistance that a section 104(d) eligible displaced person is eligible to receive to that required under URA. A section 104(d) eligible displaced person is eligible to receive 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 for activities related to disaster recovery. Without this waiver, disparities exist in relocation assistance associated with activities typically funded by HUD and FEMA (e.g.; buyouts and relocation).

URA Replacement Housing Payments for Tenants when Using CDBG-DR and/or CDBG-MIT

The requirements of sections 204 and 205 of the URA (42 U.S.C. 4624 and 42 U.S.C. 4625), and 49 CFR 24.2(a)(6)(vii), 24.2(a)(6)(ix), and 24.402(b) are waived by HUD to the extent necessary to permit a grantee to meet all or a portion of a grantee's replacement housing payment obligation to a displaced tenant by offering rental housing through a rental housing program subsidy (to include, but not limited to, a housing choice voucher), provided that comparable replacement dwellings are made available to the tenant in accordance with 49 CFR 24.204(a) where the owner is willing to participate in the program and the period of authorized assistance is at least 42 months.

This waiver and alternative requirement are subject to the following: If assistance is provided through a HUD program, it is subject to the applicable HUD program requirements, including the requirement that the tenant must be eligible for the rental housing program. Failure to grant this waiver would impede disaster recovery whenever rental program subsidies are available but funds for cash replacement housing payments are limited and such payments are required by the URA to be based on a 42-month term.

Waiver of Section 414 of the Stafford Act for CDBG-DR and/or CDBG-MIT Funded Projects

Section 414 of the Stafford Act (42 U.S.C. 5181) provides that "Notwithstanding any other provision of law, no person otherwise eligible for any kind of replacement housing payment under the Uniform

Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Pub. L. 91–646) [42 U.S.C. 4601 et.seq.] [“URA”] shall be denied such eligibility as a result of his being unable, because of a major disaster as determined by the President, to meet the occupancy requirements set by [the URA].”

Section 414 of the Stafford Act and its implementing regulation at 49 CFR 24.403(d)(1) are waived by HUD to the extent that they would apply to real property acquisition, rehabilitation, or demolition of real property for a CDBG–DR and/or CDBG-MIT funded project commencing more than one year after the date of the latest applicable Presidentially declared disaster undertaken by the grantees, or subrecipients, provided that the project was not planned, approved, or otherwise underway before the disaster.

For purposes of this waiver, which will apply to projects commencing more than one year after the date of the applicable disaster, a CDBG–DR and/or CDBG-MIT funded project shall be determined to have commenced on the earliest of the following dates, which all pertain to the Environmental Review completed for each project pursuant to 24 CFR 58: (1) The date of an approved Request for Release of Funds and certification; (2) the date of completion of the site-specific review when a program utilizes Tiering; or (3) the date of sign-off by the approving official when a project converts to exempt under 24 CFR 58.34(a)(12).

ONE-FOR-ONE REPLACEMENT OF LOWER-INCOME DWELLING UNITS

DCCED and its subrecipients will ensure that all projects comply with the requirements of 24 CFR Part 42.375 for the one-for-one replacement of all occupied and vacant occupiable lower-income dwelling units that are demolished with a CDBG-DR and/or CDBG-MIT assisted activity except as waived by HUD.

Tenant occupied and vacant occupiable lower-income dwelling units demolished with CDBG–DR and/or CDBG-MIT assisted activities are generally subject to one-for-one replacement requirements at 24 CFR 42.375.

There are two (2) different waivers and alternative requirements provided by HUD for CDBG-DR and/or CDBG-MIT funds allocated to the State of Alaska. DCCED will ensure that the appropriate waiver and requirement are followed based on the Federal Register Notice governing the allocation.

Section 104(d) One-For-One Replacement Waiver for CDBG-DR

This waiver to the one-for-one requirement applies to all CDBG-DR funds allocated to the State of Alaska except for those subject to the Universal Notice. For activities funded with CDBG-DR and subject to the Universal Notice, DCCED will use the waiver described in the next section, below.

HUD is waiving the section 104(d) one-for-one replacement requirement for owner-occupied lower-income dwelling units that are damaged by the disaster and not suitable for rehabilitation because the one-for-one replacement requirements do not account for the large, sudden changes that a major disaster may cause to the local housing stock, population, or economy. Disaster-damaged housing structures that are not suitable for rehabilitation can pose a threat to public health and safety and to economic revitalization.

“Not Suitable for Rehabilitation” Definition

DCCED defines a residential property as “not suitable for rehabilitation” if any of these conditions apply:

- The property is declared a total loss by its insurer or by a building code enforcement official.
- Repairs would exceed 50% of the cost of reconstruction.
- Repairs exceed \$200,000.
- Homes cannot be rehabilitated or reconstructed in place under existing agency policies and award caps due to legal, engineering, or environmental constraints, such as permitting, extraordinary site conditions, or historic preservation.

DCCED may provide exceptions to award maximums on a case-by-case basis and will include procedures within program guidelines on how DCCED or its subrecipients will analyze the circumstances under which an exception is needed, and the amount of assistance that is necessary and reasonable.

One-For-One Implementation

If CDBG-DR funds are used for any activity that will directly result in the demolition of lower-income dwelling units, DCCED will require the CDBG-DR subrecipient to make public and submit to the responsible DCCED agency, in writing, the following information:

1. A description of the proposed activity.
2. The location on a map and number of dwelling units by size (number of bedrooms) that will be demolished as a direct result of the assisted activity.
3. A time schedule for the commencement and completion of the demolition.
4. The location on a map and the number of dwelling units by size (number of bedrooms) that will be provided as replacement dwelling units. If such data is not available at the time of the general submission, the submission shall identify the general location on an area map and the approximate number of dwelling units by size, and information identifying the specific dwelling units by size shall be submitted and disclosed to the public as soon as it is available.
5. The source of funding and a time schedule for the provision of replacement dwelling units.
6. The basis for concluding that the replacement housing will remain a lower-income dwelling unit for at least 10 years from the date of initial occupancy.
7. Information demonstrating that any proposed replacement of dwelling units with smaller dwelling units (e.g., a 2-bedroom unit with two 1-bedroom units) is consistent with the needs assessment contained in the DCCED Consolidated Plan. A regional housing authority funded by the State must also make public information demonstrating that the proposed replacement is consistent with the housing needs of lower-income households in the jurisdiction.

To the extent that the specific location of the replacement dwelling units and other data in items 4 through 7 above are not available at the time of the general replacement plan submission, DCCED will identify the general location of such dwelling units on a map and complete the disclosure and submission requirements as soon as the specific data is available.

The above information shall be submitted before funds are committed by DCCED and its subrecipients for CDBG-DR activities. Subrecipients shall follow their regular local practice for public notice. DCCED will forward information submitted by subrecipients to the applicable HUD representative(s).

Replacement not Required Based on Unit Availability

Under 24 CFR §42.375(d)(1), DCCED may submit to HUD for consideration a determination request that the one-for-one replacement requirement does not apply based on objective data that there is an adequate supply of vacant lower-income dwelling units in standard condition available on a non-discriminatory basis within the area.

Section 104(d) One-For-One Replacement Waiver for CDBG-DR—UNIVERSAL NOTICE

This waiver to the one-for-one requirement applies only to CDBG-DR funds allocated to the State of Alaska that are subject to the Universal Notice. This includes funds allocated for the 2023 and 2024 floods.

DCCED may request a waiver of section 104(d) one-for-one replacement requirement and its regulations at section 104(d)(2)(A)(i) and (ii) and 104(d)(3) of the HCDA and 24 CFR 42.375. To request a waiver, a grantee must submit a good cause justification that includes a data-driven analysis that indicates that there is an adequate supply of vacant lower-income dwelling units in standard condition that will be available to meet the housing needs of LMI owners and tenants in the MID areas or surrounding communities. Any waiver request must be accompanied by the information under the One-For-One Implementation section above. Project sponsors with a project seeking this waiver will be responsible for producing information items 1-7, and to work with DCCED to fulfill the waiver requirements.

Complaints and Appeals

All tenants will have an opportunity to file an appeal in accordance with the URA regulations at 49 CFR 24.10 and the DCCED Appeals Policy. Information on how to submit an appeal will be included in the required URA written notifications. For tenants with potential communication barriers, including limited English proficiency, or who otherwise require reasonable accommodation in preparing an appeal, the DCCED program shall provide such assistance directly or through an appropriate third party at no cost to the tenant. Tenants will be provided with a copy of the DCCED Appeal Procedures during their intake interview. DCCED Appeal Procedures will also be mailed to tenants as an enclosure to any appealable determination. Complaints and appeals will be handled sensitively and fairly. The public may submit complaints and/or appeals related to CDBG-DR funded activities through any of the following means:

- Email: ombudsman@akleg.gov
- Online: [File a Complaint | Alaska Ombudsman](#)
- Mail: Alaska Ombudsman, 1500 W. Benson Blvd, Anchorage, AK 99503

- Telephone: (907) 269-5290

Certification

DCCED certifies that they have in effect and are following this Residential Anti-Displacement and Relocation Assistance Plan (RARAP) as required by section 104(d)(1) and (2) of the HCDA, 24 CFR 42.325, and the aforementioned HUD Notices applicable to its allocations of CDBG-DR funds.

Authorized Signature

Date