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On August 29, 2021, Hurricane Ida reached the United States of America. The devastating Category 4 Atlantic hurricane became one of the deadliest storms the country has ever witnessed.

In New York City, the rain started around 6:30 p.m. The emergency alerts of storm and tornado warnings in New York City were relentless on my cell phone until early hours of the morning, making it impossible to fall asleep. As Ida's torrential downpour roared outside, I would periodically look out my window. It was raining so hard, I couldn't distinguish much of anything.

Flash flooding shut down the transit subway system, trapping riders in underground subway cars until they could be evacuated through darkened tunnels. Families and tenants living in basement apartments suffered because of limited egress. Worse, the metropolitan city's losses were only a fraction of the destruction that the hurricane was responsible for. Across the United States, Ida caused multiple power outages, transportation delays and over a hundred deaths.



HOW TO WEATHER THE STORM

Natural disaster relocation guidelines

Ida, however, was not the first hurricane to wreck the city. In October of 2012, Category 3 Hurricane Sandy devastated several countries including the United States. Chaos had ensued in New York: the “L” subway train Canarsie Tunnel completely flooded and shut down, the New York Stock Exchange closed for two days; fires erupted and destroyed many homes and businesses in some Queens neighborhoods; bridges, tunnels and airports were closed, which made it impossible for anyone to travel in or out of the city. Sandy desolated the coastline, destroying homes, businesses and livelihoods of millions of people.

The storm resulted in the deaths of 44 city residents and over 60,000 damaged residential units with thousands of New Yorkers temporarily displaced, according to NYC.gov.

Preparation of post-storm activities included evacuations in certain flood zones. A State of Emergency for every county was ordered by the governor. On October 28, 2012, President Barack Obama signed an emergency declaration for the State of New York.

After Superstorm Sandy, an “Action Plan” was formulated for New York State, and under the plan, many neighborhoods were eligible for a complete buyout. Disaster relocation assistance was provided and offered to those tenants occupying rental properties; however,

property owners within certain designated flood zones had to agree in the majority before the “buyout” plan could be instituted.

The following was taken from the New York State Action Plan as a response to the hurricane:

“In response to the damage caused by Superstorm Sandy and other natural disasters that occurred across the nation in 2011, 2012, and 2013, the U.S. Congress appropriated \$16 billion in Federal Fiscal Year 2013 funds for the Community Development Block Grant - Disaster Recovery (CDBG-DR) program through Public Law 113-2.

Enacted on January 29, 2013, this law stipulates that these funds be used for the following recovery efforts: “...necessary expenses related to disaster relief, long-term recovery, restoration of infrastructure and housing, and economic revitalization ... pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) due to Hurricane Sandy for activities authorized under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.)...”

Eligible:

“CDBG-DR funds from the HUD disaster appropriation may be used for eligible CDBG activities that meet the State CDBG program regulations as found at 24 CFR 570.482 or any activity for which HUD has issued a waiver. However, any appropriation covered by this Plan (Public Law 113-2) shall be reviewed for compliance with duplication of benefits guidelines at 42 U.S.C. 5155, which specifically prohibit the use of funds for activities reimbursable by, or for which funds have been made available by FEMA, the Small Business Administration (SBA), or other Federal or State sources.”

Identifying Project Needs

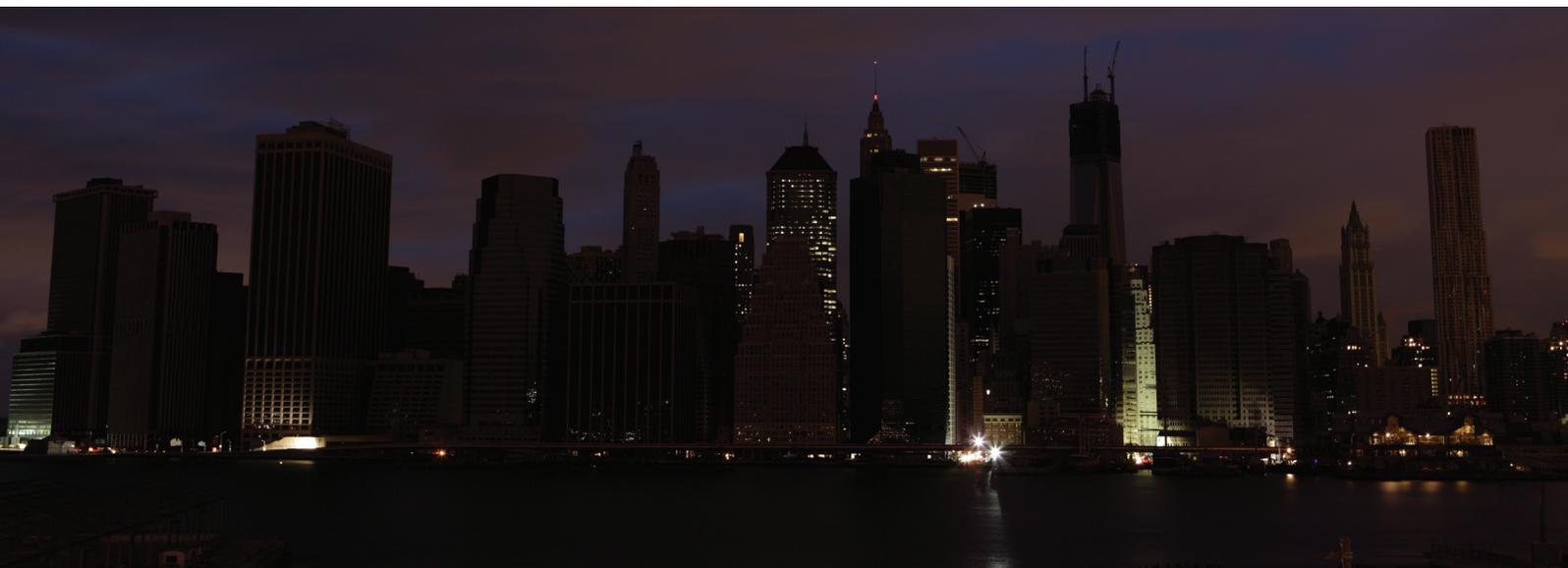
With so many natural disasters occurring around the country, federal agencies are beginning to address how these situations should be handled to treat persons affected equitably and fairly to replace what was lost or destroyed. According to the U.S. Department of Housing and Urban Development, Community Development Block Grant-Disaster Recovery (CDBG-DR) funds must be used for “...necessary expenses related to disaster relief, long-term recovery, housing and economic revitalization ... as outlined in the plan.”

Any agency embarking on mitigating results of a disaster must first develop an Action Plan. This plan would describe what guidelines the agency will follow and how it will carry out a project. It would be prudent to have a consultant on board to advise the client/agency of the guidelines required for the Action Plan.

Agencies sometimes are at a loss when approaching a flood disaster project since most residents and business owners may be difficult to track down or contact, thus making the process of providing relocation assistance time consuming and labor intensive. In these instances, it is advisable to have someone with prior flood disaster relocation expertise on the team to provide and assist in the outreach process.

The Stafford Act §414 Relocation Assistance (42 U.S.C. 54181) is a URA regulation providing relocation eligibility assistance to tenants displaced from a home that has been destroyed by a storm or nearly so. When tenants are displaced and not in occupancy, good faith efforts must be made to locate them, advise them of their rights and potential temporary or permanent relocation benefits. Tracking efforts must be documented in a Relocation Contact Log with results of the searches, and the investigation sources used to locate former tenants.

While overseeing the Storm Sandy relocations, we discovered that some tenants could not be traced or located after diligent efforts were used to find them. In those cases, the relocation files were thoroughly documented with proof of all outreach attempts and the tracking methods identified.





Many sources can be utilized to locate whereabouts of displaced tenants such as checking with landlords, neighbors, or relatives. Postal officials are not assured to provide forwarding addresses for displaced tenants, so a last resort should be used by placing classified ads in neighborhood circulars and newspapers.

Temporary Relocation Assistance under the Stafford Act

- **Relocation Advisory Services.** This includes counseling and other assistance in finding another home and help with move preparation.
- **Replacement Housing Payments to rent a temporary dwelling.** This payment is based on several factors including: (1) the monthly rent and cost of utility services for a comparable replacement dwelling, (2) the monthly rent and cost of utility services at the displaced dwelling.
- **Moving Expenses and Storage Payments.** A fixed schedule move cost payment based on the number of rooms of personal property in the permanent residence; or moving and storage

costs (where applicable) based on a commercial estimate to cover costs such as packing supplies, movers, truck rental, the disconnection/reconnection of utilities, storage unit, etc.

- **Security Deposit.** A refundable security deposit for temporary housing returnable by the temporary landlord directly to the program at the end of temporary tenancy.
- **Storage Costs (where applicable)**
- **Broker's fee (where applicable)**
- **Meal Allowance (where applicable).** This payment is only provided where kitchen access is not available during temporary relocation.

Other Options

In addition, specific notices outside of a “normal” URA relocation program is required for prospective tenants — namely, notices of non-displacement and move-in notices.

Complying with a project's need will determine if waivers and alternatives are required, or if waivers may be mandated by Housing & Urban Development (HUD). Additionally,

commonality between CDBG-DR and Uniform Relocation Act (URA) guidelines should be determined.

When tenants are temporarily relocated because of a storm disaster, they are expected to return to their residence. Temporary, decent, safe and sanitary replacement housing must be provided, and any reasonable out-of-pocket expenses incurred by the tenant will be reimbursed by the agency. Temporary relocation is commonplace for HUD programs; however, temporary relocation should not exceed 12 months. All temporary replacement housing must meet DS&S standards before any replacement housing payments are made.

There may be instances where tenants are displaced permanently and are unable to return to their previous residence. When this occurs, relocation assistance would be provided in addition to the temporary relocation costs already paid. Additionally, the project must ensure tenants are not relocated back into a designated flood zone to qualify for relocation benefits.

One should also consider instances where displacees may be separated from their pets or service animals, individuals with disabilities or the possibility of persons not lawfully present in the U.S.

Potential HUD/URA Findings

Failure to document all basic acquisition/relocation policies could result in potential HUD/URA findings including, but are not limited to, the following:

- Evidence of delivery for all URA required notices.
- General Information Notices.
- Notice of Relocation Eligibility.
- Incorrect calculations of Replacement Housing claims.
- Maintaining documented Tenant Contact Logs.
- Notice to Owner (as soon as site is identified for federal activity) Governing regulations for CDBG-DR and URA programs can be found in:
 - 49 CFR 24 – URA
 - 24 CFR 42 – 104(d)
 - 24 CFR 570 – CDBG
 - Section 414 of the Stafford Act

For further information on nationwide flood risk data, visit firststreet.org/flood-factor.

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There's also the potential for complete buyouts of damaged properties condemned as uninhabitable, which would require additional steps prior to executing a relocation program. Such steps could include the appraisal process, identifying suitable replacements outside a flood-prone area and perhaps the consideration of offering incentives to displaced residents to select replacement dwellings or sites within the same county. These combined issues are necessary during the planning stages and require adherence to the regulations.

Final Thoughts

Flood disaster relocation programs are successful when all the pieces are in place, and relationships with agencies (i.e., HUD, FEMA) are established to assist in the planning and eventual execution of program goals. My experience on the Superstorm Sandy project demonstrated there is no one-size-fits-all approach when working with tenants displaced by natural disasters. You may encounter various unique circumstances such as language barriers, where translation from family members can be helpful during the outreach process. In other cases, displacees

may be without the use of meal preparations, so relationships should be established with nearby hotels with cooking privileges that are willing to work with the relocation program. While Airbnb was not prevalent during Hurricane Sandy, these modern resources could now be a present, viable housing option. Lastly, we should also be cognizant of the current pandemic in the country that has its own set of circumstances in finding and providing suitable housing for those affected by storm disasters. The best strategy is to remain knowledgeable, be open to creative solutions and be prepared to weather the storm before it hits. ☘

For additional information on flood disaster information or finding flood zone designations visit [FEMA.gov](https://www.fema.gov) or the [firststreet.org](https://www.firststreet.org).



Delores J Singletary, R/W-RAC, is a project manager for O.R. Colan Associates and a member of IRWA Chapter 26. During her 30+ years in the right of way industry, she has managed numerous and varied projects across the country. She was instrumental in advancing relocation of temporary and permanently displaced tenants affected by the devastating Storm Sandy flooding in New York State.