

- 38 (5) DISPLACEMENT DWELLING or DISPLACEMENT PROPERTY means
39 the dwelling or property from which a person is displaced as a result of the
40 City's acquisition in connection with eminent domain, a flood risk reduction
41 or erosion control buyout, rehabilitation, or a demolition program.
42
- 43 (6) INITIATION OF NEGOTIATIONS means the earlier of:
44
45 (a) delivery of the initial written offer of compensation to the landowner
46 or the landowner's representative to purchase the displacement
47 dwelling or property; or
48
49 (b) delivery of written notice to the landowner or the landowner's
50 representative of intent to purchase the displacement dwelling or
51 property.
52
- 53 (7) LATE OCCUPANT means a displaced person who begins occupying the
54 displacement dwelling or property after initiation of negotiations for the
55 displacement dwelling or property.
56
- 57 (8) RELOCATION ADVISORY SERVICE means the act of informing
58 displaced persons of relocation benefits, determining the needs and
59 preferences of these persons, providing information concerning the price and
60 availability of comparable replacement locations, and administering the
61 relocation assistance program.
62
- 63 (9) RELOCATION ASSISTANCE PROGRAM means a defined process for
64 providing relocation benefits to eligible displaced persons.
65
- 66 (10) RELOCATION BENEFITS means payment for expenses incurred due to
67 relocation including those related to moving, renting, replacing housing, and
68 transferring real property.
69
- 70 (11) RENTAL ASSISTANCE PAYMENT means a payment intended to cover
71 the increased rent of a comparable replacement dwelling for a specified
72 period of time available to persons displaced from residential dwellings.
73
- 74 (12) REPLACEMENT DWELLING means a decent, safe, and sanitary dwelling
75 to which a displaced person moves.

76 **§14-3-2 GENERAL PROVISIONS.**

- 77 (A) This chapter authorizes the payment of relocation benefits to a person who is
78 displaced because of the City's acquisition of real property.
79
- 80 (B) This chapter applies when a person, family, business concern, farming or
81 ranching operation, or non-profit organization is required to relocate in
82 connection with the City's acquisition of real property:
83
- 84 (1) under eminent domain or the threat of eminent domain; or
 - 85
 - 86 (2) involving a grant, loan, or contribution by the state or federal
87 government requiring payment of relocation benefits; or
 - 88
 - 89 (3) in connection with a flood risk reduction or erosion control buyout,
90 rehabilitation, or demolition program.
91
- 92 (C) The City shall follow the Federal Uniform Relocation Assistance and Real
93 Property Acquisition Policies Act of 1970 and related federal regulations for
94 the acquisition of real property or displacement of a property owner
95 involving:
96
- 97 (1) a grant, loan, or contribution by the state or federal government
98 requiring compliance with the Federal Uniform Relocation Assistance
99 and Real Property Acquisition Policies Act of 1970 and related federal
100 regulations; or
 - 101
 - 102 (2) the City's use of eminent domain or the threat of eminent domain.
103

104 **§14-3-3 RELOCATION ADVISORY SERVICE.**

- 105 (A) The City shall provide relocation advisory services that are reasonably
106 comparable to those outlined in the Federal Relocation Assistance Act and
107 Real Property Acquisition Policies Act of 1970. The City may provide these
108 services directly or through an agent of the City.
109
- 110 (B) Displaced persons who are lawfully occupying property on the date the
111 City initiates negotiations to acquire the property are eligible for relocation
112 advisory services. These services also may be provided to persons occupying
113 property immediately adjacent to the property being acquired if the City
114 determines that such persons will suffer substantial economic injury as a
115 result of the property acquisition.

- 116
117
118 (C) Relocation advisory services will include such measures, facilities, or
119 services as may be necessary or appropriate in order to:
- 120 (1) Determine and make timely recommendations concerning the needs
121 and preferences, if any, of displaced persons for relocation assistance;
122
 - 123 (2) Provide current and continuing information concerning the
124 availability, sales prices, and rental charges of comparable
125 replacement dwellings for displaced homeowners and tenants; and
126 suitable locations for businesses, farm and ranch operations, and
127 nonprofit organizations;
128
 - 129 (3) Inform displaced persons they will not be required to move from a
130 dwelling unless they have been provided a 90-day notice to vacate and
131 notice of relocation eligibility, except when emergency situations
132 impacting health or safety dictate otherwise;
133
 - 134 (4) Assist owners of a displaced business, non-profit, or farm or ranch
135 operation locate and become established in a suitable replacement by
136 providing current and continuing information on available
137 replacements, purchase prices, and rental costs;
138
 - 139 (5) Provide information about other assistance programs and technical
140 assistance in applying for assistance programs; and
141
 - 142 (6) Make available, at the City's discretion, other services to minimize
143 hardships related to adjusting to a different location by providing
144 counseling, information on other sources of assistance that may be
145 available, and other help as appropriate.
146

147 **§14-3-4 NOTICE.**

- 148 (A) The City will notify displaced persons of the benefits and services described
149 above in writing at the time set out in this regulation.
150
- 151 (B) The City will provide notice of displacement within a reasonable time after
152 negotiations have begun. If a displaced person owns the property, the City
153 will make a reasonable effort to notify the person when the City initiates
154 negotiations. If a person is a tenant, the City should provide this notice as
155 soon as feasible after the City initiates the negotiations.

- 156
- 157 (C) The City will provide notice to late occupants as follows:
- 158
- 159 (1) at the time that the City has actual knowledge of the late occupant that
- 160 is occupying the property;
- 161
- 162 (2) with notice of the date the City began the negotiations;
- 163
- 164 (3) with information about the relocation assistance program; and
- 165
- 166 (4) with information that informs the late occupant that the late occupant
- 167 must continue occupancy until the City takes possession of the
- 168 property in order to qualify for relocation assistance under this
- 169 chapter.
- 170
- 171 (D) The City's notice of a replacement payment may be incorporated in the
- 172 initial notice to vacate. The notice will inform each displaced person of:
- 173
- 174 (1) the cost and location of specific comparable replacement dwellings;
- 175
- 176 (2) the maximum amount of any relocation assistance payment; and
- 177
- 178 (3) the basis for the maximum payment calculation.
- 179
- 180 (E) The City will provide an initial notice to vacate after negotiations have
- 181 begun but no later than 90 days before the date the City wants the property
- 182 vacated and will inform the displaced person that:
- 183
- 184 (1) negotiations to acquire the property are ongoing;
- 185
- 186 (2) the displaced person will not be required to move from the dwelling
- 187 before the end of the 90 days from the date of the notice;
- 188
- 189 (3) the displaced person will be provided a final notice, in writing,
- 190 specifying the date by which the property must be vacated; and
- 191
- 192 (4) if continued occupancy of the property would constitute a substantial
- 193 danger to health and safety, the city manager may waive the
- 194 requirements of this section.
- 195

- 196 (F) The City will provide a final notice to vacate informing displaced persons of
197 the specific date by which the property must be vacated no later than 30 days
198 before the vacation date.
- 199
- 200 (G) Each notice required under this section shall:
- 201
- 202 (1) be written in plain, understandable language;
- 203
- 204 (2) be personally served or sent by certified mail, return receipt
205 requested;
- 206
- 207 (3) contain the name and phone number of a person who can provide
208 relocation advisory services; and
- 209
- 210 (4) include information for translation assistance.
- 211

212 **§14-3-5 RELOCATION ASSISTANCE.**

- 213 (A) The City may provide financial assistance to a person, family, business,
214 farming or ranching operation, or a non-profit organization displaced in
215 connection with an acquisition of real property. This assistance may include
216 moving expenses, replacement dwelling supplements, homeowner
217 supplements, and incidental expenses. The nature and amount of assistance a
218 displaced person may receive shall depend on whether the person owns or
219 leases the property, how long the person lawfully occupied that property
220 prior to the commencement of negotiations, and whether the person is an
221 individual or a business entity.
- 222
- 223 (B) Before any services are provided under this regulation, the city manager or a
224 designee shall verify that federal financial assistance is not received or made
225 available for the project related to the acquired property.
- 226
- 227 (C) A displaced person who has maintained lawful physical occupancy in a
228 dwelling and who meets the criteria for the specific benefit as set forth in
229 this regulation is eligible for relocation benefits. Relocation benefits will not
230 be provided if the City determines the person:
- 231
- 232 (1) is ineligible to receive public benefits from the City for any reason;
- 233
- 234 (2) received an eviction notice prior to the initiation of negotiations and is
235 later evicted pursuant to the notice;

- 236
- 237 (3) is evicted after the initiation of negotiations for serious or repeated
- 238 violation of material terms of the lease or occupancy agreement; or
- 239
- 240 (4) occupied the dwelling for the purpose of obtaining assistance under
- 241 this regulation. A person is presumed to occupy a dwelling for the
- 242 purpose of obtaining assistance under this regulation if the person
- 243 begins occupancy after notice of displacement has been provided to
- 244 any occupant of the displacement dwelling.
- 245

246 (D) The City may reimburse a displaced person for reasonable and necessary

247 moving expenses for a single move of 50 or fewer miles from the

248 displacement property. The City may waive one or more of these limitations

249 if the city manager declares it in the public interest to do so. At the

250 discretion of the city manager, reimbursement may be determined by the

251 following methods:

252

- 253 (1) actual, reasonable costs verified by receipts and preapproved by City
- 254 staff; or
- 255
- 256 (2) fixed moving schedule provided by Federal Highway Administration;
- 257 or
- 258
- 259 (3) any combination of methods (1) and (2) above.
- 260

261 (E) The City may provide a financial supplement to a person displaced from a

262 dwelling when the comparable replacement dwelling is more expensive than

263 the displacement dwelling. This supplement shall not exceed \$7,200. Only

264 one payment can be made for each dwelling unit acquired. A person eligible

265 for a homeowner supplement under Section 14-3-5(F) is not eligible for this

266 payment.

267

- 268 (1) In addition to the eligibility requirements in Sections 14-3-5(C) and
- 269 14-3-5(E)(2), to qualify for a replacement dwelling supplement, the
- 270 displaced person must:
- 271
- 272 (a) occupy the displacement dwelling for not less than 90 days
- 273 prior to the initiation of negotiations; and
- 274
- 275 (b) purchase or lease a decent, safe and sanitary dwelling no later
- 276 than one year from the date of displacement.

- 277
- 278 (2) A late occupant must continue occupancy until the City takes
- 279 possession of the displacement dwelling or property to qualify for
- 280 relocation assistance under this section.
- 281
- 282 (3) The payment made under this section shall not exceed 42 times the
- 283 difference between the current rent, including utilities, and the
- 284 comparable replacement rent paid by the displaced person.
- 285
- 286 (a) The city manager will determine the number of months used to
- 287 calculate the payment based on the circumstances of each
- 288 acquisition or displaced person.
- 289
- 290 (b) The City will use the fair market rent of the displacement
- 291 dwelling in lieu of the current rent when:
- 292
- 293 (i) the displaced person is an owner-occupant;
- 294
- 295 (ii) the displaced person pays less than 50 percent of fair
- 296 market rent; or
- 297
- 298 (iii) the displaced person is a dependent. Individuals living in
- 299 the displaced dwelling who are enrolled full time in an
- 300 institution of higher education at the time of initiation of
- 301 negotiations are presumed to be dependents.
- 302
- 303 (c) If the tenant occupants of a displacement dwelling or property
- 304 are a household whose total income over the past 12 months is
- 305 at or below 80 percent MFI as defined in Section 25-1-701(4)
- 306 of the City Code, the City will use 30 percent of the gross
- 307 income of all tenant occupants in lieu of current rent when the
- 308 average monthly income is less than the current monthly rent.
- 309
- 310 (4) A person meeting the eligibility requirements of this section may elect
- 311 to rent or purchase a comparable dwelling.
- 312
- 313 (5) A person eligible for a payment under this section may not receive a
- 314 payment that exceeds:
- 315
- 316 (a) the purchase price of the replacement dwelling, including
- 317 incidental expenses; or

(b) the payment the owner-occupant would have received had the owner-occupant been eligible for a homeowner supplement under Section 14-3-5(F).

(6) When more than one eligible individual or family is displaced from a single displacement dwelling, the replacement dwelling supplement shall be divided among the occupants as determined by the City.

(7) The city manager may waive the limitations set forth in this section when waiver is necessary to provide comparable housing to a tenant or owner-occupant of a dwelling.

(8) Last resort housing shall be used only when suitable decent, safe, and sanitary housing is not available to displaced tenants and owners. As determined by the City, whenever a project cannot proceed on a timely basis because comparable replacement dwellings are not available within the monetary limits for owners or tenants, the City may provide additional or alternative assistance, which may exceed the limits under Section 14-3-5(E).

(F) The City may provide financial assistance to acquire replacement housing to a person displaced from a dwelling owned and occupied by the person when the comparable replacement dwelling is more expensive than the acquisition cost of the displacement dwelling. This payment shall not exceed \$31,000, calculated as set forth in this Section 14-3-5(F).

(1) In addition to the eligibility requirements in Section 14-3-5(C), to qualify for a homeowner supplement the displaced person must:

(a) have owned and occupied the displacement dwelling for not less than 90 days prior to the initiation of negotiations; and

(b) purchase and occupy a decent, safe, and sanitary replacement dwelling within one year from the date of displacement.

(2) The payment made under this section shall not exceed an amount equal to the sum of:

- (a) the amount the probable cost of a replacement dwelling exceeds the acquisition cost of the displacement dwelling, as determined by the City;
- (b) any increased interest and other debt service costs incurred in connection with the mortgage(s) on the replacement dwelling as determined by the City; and
- (c) reasonable expenses incidental to the purchase of the replacement dwelling.

(3) Last resort housing shall be used only when suitable decent, safe, and sanitary housing is not available to displaced tenants and owners. As determined by the City, whenever a project cannot proceed on a timely basis because comparable replacement dwellings are not available within the monetary limits for owners or tenants, the City may provide additional or alternative assistance, which may exceed the limits under Section 14-3-5(F).

(G) The City may pay to businesses, farm or ranch operations, or non-profit organizations a payment not to exceed \$25,000 for expenses actually incurred in relocating and reestablishing operations at a suitable replacement location. Only expenses that are reasonable and necessary as determined by the City are eligible for reimbursement.

(1) The City may also pay to eligible displaced businesses, farm or ranch operations, or non-profit organizations searching expenses related to finding a suitable replacement site for their business.

(2) The City may also pay to eligible displaced businesses, farm or ranch operations, or non-profit organizations moving expenses related to moving all personal property to storage or replacement site.

§14-3-6 PROCEDURES.

(A) The City may develop claims procedures as set forth in this chapter and all necessary form(s) for use by displaced persons in submitting claims, provide the necessary forms and guidelines to all displaced persons, and provide reasonable assistance necessary to complete and file claims authorized under this chapter.

- 397 (B) A claim for a business reestablishment payment or relocation benefits must
398 be supported by documentation of expenses incurred, such as bills, receipts,
399 certified prices, and appraisals.
400
- 401 (C) A claim must be submitted to the City in a timely manner.
402
- 403 (1) Tenants must file all claims for business reestablishment payments or
404 relocation benefits no later than the last day of the 18th month after the
405 date of displacement.
406
- 407 (2) Owners must file all claims for business reestablishment payments or
408 relocation benefits no later than the last day of the 18th month after (i)
409 the date of displacement; or (ii) the date final payment is made for the
410 acquired property, whichever is later.
411
- 412 (3) The city manager may waive these deadlines when waiver is in the
413 public interest.
414
- 415 (D) If all or part of a claim is denied for any reason, including due to late filing,
416 the City will notify the displaced person of the reason(s) for the denial and
417 the procedures for requesting review of the decision. The notice will be
418 made in writing and as soon as practicable.
419
- 420 (E) A displaced person whose claim for assistance under this regulation is
421 denied in full or in part may seek review of the decision.
422
- 423 (1) The displaced person must make the request for review within 60 days
424 of the date of the notice informing the person of the decision to deny
425 the claim.
426
- 427 (2) The request must:
428
- 429 (a) be made in writing;
430
- 431 (b) state the reason(s) the displaced person believes an error was
432 made in determining the person's eligibility for assistance;
433
- 434 (c) state the amount(s) the person believes the person should
435 receive under this regulation; and
436

(d) include all documentation, calculations, or other information supporting the amount(s) the person believes the person should receive.

(3) The city manager will review all claims submitted in accordance with this regulation and notify the displaced person of the decision within 60 days after receipt of the request for review. The decision by the city manager is final.

PASSED AND APPROVED

_____, 2023 §
 §
 § _____
 Kirk Watson
 Mayor

APPROVED: _____ **ATTEST:** _____
Anne L. Morgan Myrna Rios
City Attorney City Clerk