

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7

- (1) **BUSINESS REESTABLISHMENT PAYMENT** means a payment intended to cover reasonable and necessary costs actually incurred by a small business, farm, or non-profit organization in reestablishing at a replacement location.
- (2) **COMPARABLE REPLACEMENT DWELLING** means a dwelling that is (i) decent, safe, and sanitary; (ii) adequate in size to accommodate the occupants; (iii) within the financial means of the displaced person; (iv) functionally equivalent to the displaced person's current dwelling; (v) in an area not subject to unreasonable adverse environmental conditions; (vi) in a location not within the 100-year floodplain; and (vii) in a location generally not less desirable with respect to public utilities, facilities, services, and the location of the displaced person's place of employment.
- (3) **DECENT, SAFE, AND SANITARY DWELLING** means a dwelling which meets local housing and occupancy codes and related requirements.
- (4) **DISPLACED PERSON** means:
  - (a) an individual, family, business concern, farm or ranch operation, or non-profit organization that is required to move as a result of the use of eminent domain or the threat of eminent domain; or
  - (b) a person who moves from a dwelling, moves personal property, or moves or discontinues the person's business as a direct result of a flood risk reduction or erosion control buyout, rehabilitation, or a demolition program.

- 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 (C) Relocation advisory services will include such measures, facilities, or  
118 services as may be necessary or appropriate in order to:  
119  
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  
158  
159  
160  
161  
162  
163  
164  
165  
166  
167  
168  
169  
170  
171  
172  
173  
174  
175  
176  
177  
178  
179  
180  
181  
182  
183  
184  
185  
186  
187  
188  
189  
190  
191  
192  
193  
194  
195
- (C) The City will provide notice to late occupants as follows:
- (1) at the time that the City has actual knowledge of the late occupant that is occupying the property;
  - (2) with notice of the date the City began the negotiations;
  - (3) with information about the relocation assistance program; and
  - (4) with information that informs the late occupant that the late occupant must continue occupancy until the City takes possession of the property in order to qualify for relocation assistance under this chapter.
- (D) The City's notice of a replacement payment may be incorporated in the initial notice to vacate. The notice will inform each displaced person of:
- (1) the cost and location of specific comparable replacement dwellings;
  - (2) the maximum amount of any relocation assistance payment; and
  - (3) the basis for the maximum payment calculation.
- (E) The City will provide an initial notice to vacate after negotiations have begun but no later than 90 days before the date the City wants the property vacated and will inform the displaced person that:
- (1) negotiations to acquire the property are ongoing;
  - (2) the displaced person will not be required to move from the dwelling before the end of the 90 days from the date of the notice;
  - (3) the displaced person will be provided a final notice, in writing, specifying the date by which the property must be vacated; and
  - (4) if continued occupancy of the property would constitute a substantial danger to health and safety, the city manager may waive the requirements of this section.

- 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;

- (3) is evicted after the initiation of negotiations for serious or repeated violation of material terms of the lease or occupancy agreement; or
- (4) occupied the dwelling for the purpose of obtaining assistance under this regulation. A person is presumed to occupy a dwelling for the purpose of obtaining assistance under this regulation if the person begins occupancy after notice of displacement has been provided to any occupant of the displacement dwelling.
- (D) The City may reimburse a displaced person for reasonable and necessary moving expenses for a single move of 50 or fewer miles from the displacement property. The City may waive one or more of these limitations if the city manager declares it in the public interest to do so. At the discretion of the city manager, reimbursement may be determined by the following methods:
- (1) actual, reasonable costs verified by receipts and preapproved by City staff; or
- (2) fixed moving schedule provided by Federal Highway Administration; or
- (3) any combination of methods (1) and (2) above.
- (E) The City may provide a financial supplement to a person displaced from a dwelling when the comparable replacement dwelling is more expensive than the displacement dwelling. This supplement shall not exceed \$7,200. Only one payment can be made for each dwelling unit acquired. A person eligible for a homeowner supplement under Section 14-3-5(F) is not eligible for this payment.
- (1) In addition to the eligibility requirements in Sections 14-3-5(C) and 14-3-5(E)(2), to qualify for a replacement dwelling supplement, the displaced person must:
- (a) occupy the displacement dwelling for not less than 90 days prior to the initiation of negotiations; and
- (b) purchase or lease a decent, safe and sanitary dwelling no later 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:

- 357 (a) the amount the probable cost of a replacement dwelling exceeds  
358 the acquisition cost of the displacement dwelling, as determined  
359 by the City;  
360  
361 (b) any increased interest and other debt service costs incurred in  
362 connection with the mortgage(s) on the replacement dwelling as  
363 determined by the City; and  
364  
365 (c) reasonable expenses incidental to the purchase of the  
366 replacement dwelling.  
367

- 368 (3) Last resort housing shall be used only when suitable decent, safe, and  
369 sanitary housing is not available to displaced tenants and owners. As  
370 determined by the City, whenever a project cannot proceed on a  
371 timely basis because comparable replacement dwellings are not  
372 available within the monetary limits for owners or tenants, the City  
373 may provide additional or alternative assistance, which may exceed  
374 the limits under Section 14-3-5(F).  
375

- 376 (G) The City may pay to businesses, farm or ranch operations, or non-profit  
377 organizations a payment not to exceed \$25,000 for expenses actually  
378 incurred in relocating and reestablishing operations at a suitable replacement  
379 location. Only expenses that are reasonable and necessary as determined by  
380 the City are eligible for reimbursement.  
381

- 382 (1) The City may also pay to eligible displaced businesses, farm or ranch  
383 operations, or non-profit organizations searching expenses related to  
384 finding a suitable replacement site for their business.  
385

- 386 (2) The City may also pay to eligible displaced businesses, farm or ranch  
387 operations, or non-profit organizations moving expenses related to  
388 moving all personal property to storage or replacement site.  
389

### 390 **§14-3-6 PROCEDURES.**

- 391 (A) The City may develop claims procedures as set forth in this chapter and all  
392 necessary form(s) for use by displaced persons in submitting claims, provide  
393 the necessary forms and guidelines to all displaced persons, and provide  
394 reasonable assistance necessary to complete and file claims authorized under  
395 this chapter.  
396

- 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 18<sup>th</sup> 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 18<sup>th</sup> 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

(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.

SSS

Kirk Watson  
Mayor

**ATTEST:** \_\_\_\_\_

Myrna Rios  
City Clerk