

ADMINISTRATIVE CODE
BOARD OF COUNTY COMMISSIONERS

CATEGORY:

CODE NUMBER:

Human Services

AC-15-4

TITLE:

Lee County Local Residential
Antidisplacement and Relocation
Assistance Plan

ADOPTED:

8/29/90

AMENDED:

4/28/93

ORIGINATING DEPARTMENT:

Human Services

PURPOSE/SCOPE:

The purpose is to meet the requirements of the HUD Community Development Block Grant Entitlement, HOME, and Rental Rehabilitation programs by the development and implementation of a required Local Residential Antidisplacement and Relocation Assistance Plan.

POLICY/PROCEDURE:

Lea County will undertake housing and community development activities under the CDBG, HOME, and Rental Rehabilitation programs in accordance with federal antidisplacement and relocation assistance policies and procedures. These include the requirements of 49 CFR Part 24.24, 24 CFR Part 506, 24 CFR Part 95.35, 24 CFR Part 511.14, and Handbook 1378, Change 1, issued July 27, 1992. These requirements state that recipients of the above funds must adopt, make public, and certify that it is following a residential antidisplacement and relocation assistance plan providing for one-on-one replacement housing units and relocation assistance.

Section I - Definitions

- A. CDBG - Community Development Block Grant Program as established by the Housing and Community Development Act of 1974 and amendments thereto in 24 CFR, 570.
- B. CFR - Code of Federal Regulations
- C. HOME - The HOME Program as established by the Cranston-Gonzalez National Affordable Act on November 28, 1990.
- D. HUD Assisted Project - Funding received from the Department of Housing and Urban Development.

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- E. Relocation Assistance - Monetary and advisory assistance provided to any person (including a tenant of residential property) family, business, non-profit; or farm that is permanently or temporarily displaced as a result of rehabilitation, conversion, demolition, or acquisition for a HUD assisted project. All permanent, involuntary, displaced persons shall be provided assistance in accordance with the URA at 49 CFR Part 24. Very-low to low-income households which are permanently displaced shall have a choice of receiving benefits in accordance with the URA or benefits in accordance with 24 CFR 570.606 for the CDBG program and 92.353 for the HOME program.
- F. Rental Rehabilitation - The rehabilitation of affordable rental housing authorized by Section 17 of the United States Housing Act of 1937, as amended by the Housing and Community Development Act of 1984, 1987, and 1988.
- G. Sections 24 CFR Parts 570.605 and 92.353 - The HUD regulations which require compliance with the URA end sets forth additional requirements for one-for-one replacement dwellings and relocation benefits in addition to the URA which must be offered to lower income households permanently displaced as a result of a HUD-assisted project.
- a. Permanent Displacement - Displacement shall occur if 'any person, family, business, non-profit organization, or farm is forced to move "permanently and involuntarily" from a real property as a direct result of rehabilitation, conversion, demolition, or acquisition for a HUD assisted project.

A "displaced person" is a person that is required to move "permanently and involuntarily" and includes a residential tenant who moves from the real property if:

1. The tenant has, not been provided with a reasonable opportunity to lease and occupy a suitable, decent, safe, and sanitary dwelling in the same building or in a nearby building on the real property, following the completion of the assisted activity, at a monthly rent and estimated average cost for utilities that does not exceed the greater or:
 - (i) 30 percent of the tenant household's average monthly gross income: or
 - (ii) The tenant's monthly rent and average cost for utilities before:
 - a. The date that the owner submits a request to the grantee for financial assistance that is later approved for the requested activity. (This applies to dwelling units owned by a person other than a Federal or State agency, as defined under the URA); or

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- b. The date of the initial submission of a final statement or application under the applicable HUD program. (This applies to dwelling units owned by a Federal or State agency as defined under the URA); or
2. The tenant is required to move to another dwelling in the real property but is not reimbursed for all actual reasonable out-of-pocket costs incurred in connection with the move; or
 3. The tenant is required to relocate temporarily and:
 - a. Is not reimbursed for all reasonable out-of-pocket expenses incurred in connection with the temporary relocation, including moving costs and any increased rent and utility costs; or
 - b. Other conditions of the temporary relocation are not reasonable.

URA - Uniform Relocation Assistance and Real Property Acquisition Act as defined in 49 CFR, Part 24 which establishes rules and procedures which must be followed when permanent, involuntary displacement occurs as a result of a BUD assisted program.

- I. Temporary Displacement - Temporary displacement may be necessary in conjunction with the rehabilitation of units with CDBG HOME, or Rental Rehabilitation funds in order to eliminate safety hazards during construction and minimize hardship to occupants in dwellings undergoing rehabilitation.
- J. Vacant Occupiable Dwelling Unit - A vacant dwelling unit in standard condition; or a vacant dwelling unit that is in substandard condition but is suitable for rehabilitation (structurally) and economically feasible. This will be determined on a case-by-case basis. Also, a dwelling unit in any condition that has been occupied (except by a squatter) at any time within one year before the execution of an agreement allowing for rehabilitation or demolition.
- K. Very-Low to Low-Income Dwelling Units - A unit with a market rental including utility costs that does not exceed the applicable Fair-Market Rent (FMR) for existing housing and moderate rehabilitation as established under the Section 6 existing program.
- L. Very-Low to Low-Income Households - A household where income does not exceed 80% of the median income adjusted according to family size as established under the guidelines of the Section 8 Existing Housing Assistance Program, which is adjusted by HUD periodically.

Section II - Compliance with 49 CFR Part 24

All persons, families., businesses, non-profit organizations, and farms displaced (forced to move permanently and involuntarily) as a direct result of rehabilitation, demolition; or acquisition (privately undertaken or public) for a HUD-assisted project will be provided with relocation assistance and other compensation as authorized under the Uniform Relocation Act (URA) of 1970 as amended in 49 CFR Part 24. Procedures and forms utilized shall be in accordance with the HUD Relocation Handbook 1378, Change-1, July 27, 1992.

Section III - Compliance with 24 CFR 570.605. Provisions Concerning Replacement Residential Dwelling Units..

Lee County shall to the maximum extent possible, replace or cause to be replaced all occupied and vacant, occupiable "very low income dwelling units" as a direct result of a HUD-assisted activity. The term "vacant occupiable dwelling unit" means a vacant dwelling unit in standard condition; or a vacant dwelling unit that is in substandard condition but is suitable for rehabilitation (structurally), and is economically feasible (this will be determined on a case-by-case basis); or a dwelling unit in any condition that has been occupied (except by a squatter) at any time within one year before the execution of an agreement allowing for rehabilitation or demolition. "Very-low income dwelling unit" is defined as a unit with a market rental, including utility cost, that does not exceed the applicable Fair Market Rent (FMR) for existing housing as established under the Section 8 Existing Rousing Program: "us, if assisted rehabilitation raises the rent of such "very iow income unit" to a rent above the FMR, the unit must be replaced.

Lee County does not currently plan to undertake actions to demolish occupied or vacant, occupiable units with CDBG and HOME funds. In the event that such action should become necessary in the future, Lee County will comply wrth the following provisions to the maximum extent possible:

- A. Pursuant to Section 104(d) of the Rousing and Community Redevelopment Act of 1974 as amended, all replacement housing will be provided within three (3) years of the commencement of the demolition or activity relating to conversion. Before obligating or expending funds that will directly result in such demolition or conversion, Lee County, Florida will make public and submit to the HUD Field Office the following information in writing:
 - a. A description of the proposed assisted activity;
 - b. The location on a map and number of dwelling units by size (number of bedrooms) that will be demolished or converted to a use other than as very-low or low-income dwelling units as a direct result of the assisted activity;

- c. A time schedule for the commencement and completion of the demolition or conversion;
- d. The location on a map and number of dwelling units by size (number of bedrooms) that will be provided as replacement dwelling units. If such data are not available at the time of general submission, the submission shall identify the general location on an area map, and the approximate number of dwelling units by size. Specific information shall be submitted and disclosed to the public as soon as it is available;
- e. The source of funding and a time schedule, for the provision of replacement dwelling units;
- f. The basis for concluding that each replacement dwelling unit will be designed to remain a very low or low income dwelling unit for at least ten (10) years from the date of initial occupancy; and
- g. Information demonstrating that replacement dwellings are consistent with the Comprehensive Rousing Affordability Strategy.

Section IV Compliance with 570.606(c)(2) - Relocation Assistance for Very-Low or Low-Income Households

Each very-low or low-income household that is "permanently and involuntarily" displaced by the demolition or conversion of a very low-income dwelling unit to another use as a direct result of a HUD assisted activity shall be provided relocation assistance. The very-low or low-income household may elect to receive relocation assistance in accordance with 49 CFR Part 24, the Uniform Relocation Act (URA) as specified in Section II of this Administrative Code or assistance in accordance with 24 CFR 570.606/92.353 or Section 104(d) of the Housing and Community Development Act of 1974, as amended (if applicable).

Section V - Efforts to Minimize Displacement as Required Under 24 CFR 570.606 and 92.353

Consistent with the goals and objectives of the Housing and Community Development and Cranston-Gonzalez Acts, Lee County, Florida will take the following steps to minimize the displacement of persons from their homes:

1. Direct program activities towards those which will minimize the displacement.
2. Provide relocation counseling and assistance to households which may be relocated; and
3. Request that displaced very-low and low-income households be given preference for assisted housing units which are available in the unincorporated areas of Lee County, Florida.
4. Assisting very-low and low-income households to obtain temporary housing when their displacement will be of short duration, so they can move back to their neighborhood after rehabilitation or new construction.

Section VI.- Local Policy for Dealing With "Temporary Relocation" Necessitated As A Result of Rehabilitation of Owner Occupied Units with CDBG and HOME Funds.

A. Extended Temporary Relocation - Owner Occupied Units.

Program activities shall be planned and carried out in a manner that minimizes hardship to occupants of houses being rehabilitated in accordance with the CDBG, HOME, and Rental Rehabilitation programs.

When a homeowner requests and receives a grant or loan for the purpose of rehabilitatina his home. he becomes eliaible for temporary relocation assistance providing the nature of the rehabilitation is such that the occupants could not continue to live in the dwelling during rehabilitation as determined by the contractor and the Neighborhood Rehabilitation Specialist and as approved by the Housing Coordinator, Community Improvement Division. Arrangements shall be made to provide temporary relocation assistance in accordance with the needs of those being temporarily displaced. Costs in connection with a temporary move may be approved in conjunction with the rehabilitation assistance.

Should a temporary move be necessary, the Lee County Community Improvement Division will contract with a mover to pack and move any household and personal possessions to storage. The mover shall be selected by receiving bids from local moving companies,.

Eligible families shall receive an additional payment in order to assist with rental expenses during the period they are required to vacate the unit. This payment shall be determined by family size as per HUE guidelines on this matter.

Family size will be determined by the approved housing rehabilitation application submitted by the family.

Families will not be required to vacate the unit until the contractor has received construction permits and scheduled a date to begin the work in order to minimize the amount of time the family must be away from the unit.

B. Temporary Relocation in Conjunction with Fumigation - Owner Occupied Units.

The actual rehabilitation construction may not necessitate any type of extended, temporary relocation. However, many structures require tenting for termites which required the occupants to vacate the structure for a two to three day period. If families do not have relatives they can stay with, they will be provided a payment of sufficient monies to rent a motel room until it is safe to return to their home. Family size as listed on the approved housing rehabilitation application will be considered in determining the amount of this payment.

Section VII - 'Local Policy for Dealing with Temporary Relocation Necessitated as a Result of Rehabilitation of Tenant Occupied Units with CDBG Funds.

Lee County does not currently anticipate utilizing CDBG, HOME, and Rental Rehabilitation funds for rehabilitation of rental units. However, should these funds be allocated for repair of rental property, Lee County will abide by the following rules:

A. Effort to Minimize Displacement in Conjunction with Rental Units Repaired with CDBG, HOME, and Rental Rehabilitation Funds.

1. Lee County will give priority to vacant units and/or units housing lower income families requiring rehabilitation work which would not necessitate temporary or permanent displacement due to the physical rehabilitation process, and/or overcrowded conditions.'
2. CDBG, HOME, and Rental Rehabilitation funds will not be used to rehabilitate a structure if the rehabilitation will cause the displacement of any very low or low income family by a family that is not of very low or low income.
3. When dealing with multi-unit projects that are partially vacant, the rehabilitation process will be phased whenever possible to allow work to be completed on vacant units first. Upon completion of vacant units, existing tenants can then be moved to the completed units in order to minimize inconvenience.

B. Assistance to be Provided to Tenants Required to Relocate Temporarily

If it is determined by the Neighborhood Rehabilitation Specialist in conjunction with the contractor that the physical rehabilitation activities are of the extent that it would be dangerous for the occupants to continue to reside in the unit during the course of construction, the tenant will be requested to temporarily vacate the unit. All requests for temporary relocation must be approved by the Housing Coordinator, Community Improvement Division. The Lee County Community Improvement Division shall work with property owner in order to provide temporary relocation assistance in accordance with the individual needs of those being temporarily relocated. Any temporary move will be performed at no cost to the tenant. The Lee County Community Improvement Division will work with the landlord to ensure that any expense in moving the tenant and/or, their possessions to and from a temporary housing unit, including another unit in the project, and any increased rent or utilities costs; deposits for accounts not previously established; disconnect or reconnect fees; etc., are not borne by the tenant. Landlords shall be requested to totally bear the expense of any temporary relocation.

The landlord will be required to pay increased rental or utility costs, if necessary, only for tenants who wish to return to the original unit or a unit in the project following rehabilitation. Tenants who move in with friends, relatives, etc., and do not have a private sleeping room, bath and kitchen will not be eligible to receive any assistance for increased rent²¹ costs.

The landlord shall bear all reasonable costs of moving expenses for tenants required to temporarily vacate units undergoing rehabilitation even if the tenant chooses to relocate to a new rental unit outside of the project, if the new unit is within a twenty-five (25) mile radius of the existing unit.

VI.11. Grievance Procedures

Any tenant who has a complaint regarding relocation or the form of assistance provided will have full access to the Housing and Community Development Committee in accordance with procedures outlined in Administrative Code 15-1.