COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)

ANTI-DISPLACEMENT

AND

RELOCATION PLAN

FOR THE

CITY OF ALACHUA, FLORIDA

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CDBG ANTIDISPLACEMENT AND RELOCATION PLAN

I. Displacement Avoidance Policy

The local government is committed to a policy to make all reasonable efforts to ensure that activities undertaken through the use of CDBG funds will not cause unnecessary displacement or relocation. The CDBG program will be administered in such a manner that careful consideration is given during the planning phase with regard to avoiding displacement. The local government will also provide information to and keep citizens involved in the process regarding pending zoning and rezoning actions that threaten the preservation of residential areas. Involuntary displacement shall be reserved as a last resort action necessitated only when no other alternative is available and when the activity is determined necessary in order to carry out a specific goal or objective that is of benefit to the public. In this case, community development and housing programs will be planned in a manner, which avoids displacement of households or businesses. However, voluntary temporary or permanent displacement may be necessary in order to achieve a benefit to a household or business (such as rehabilitation or replacement of the building). Such benefits shall be identified and requested by the displacees. Voluntary displacement may also occur when a property owner voluntarily offers his home or business property for sale to the local government. In these cases, the seller may be required to waive rights as a condition of sale of the property, and the Uniform Relocation Act provisions will govern actions of the local government and/or its representative. 24 CFR Part 570 is a governing document on displacement and is incorporated by reference. 49 CFR Part 24 provides Uniform Relocation Act information and is incorporated by reference.

II. Definitions of "Standard" and "Non-Standard Suitable for Rehabilitation" Dwelling Unit Condition

In the absence of federal and state provided definitions, the following is provided to establish a frame of reference and context when dealing with matters of displacement and/or relocation as defined in 24 CFR Part 570 and 49 CFR Part 24.

A. Standard Condition

A dwelling unit is considered standard if it has no major defects or only slight defects, which are correctable through the course of regular maintenance. It must be in total compliance with applicable local housing and occupancy codes; be structurally sound, watertight and in good repair; be adequate in size with respect to number of rooms and area of living space and contain the following:

1. A safe electrical wiring system adequate for lighting and other normal electrical devices.
2. A heating system capable of sustaining a healthful temperature (consistent with normal, year round climatic conditions).
3. A separate, well-lighted and ventilated bathroom that provides user privacy and contains a sink, commode, and bathtub or shower stall.
4. An appropriate, sanitary and approved source of hot and cold potable water.

5. An appropriate, sanitary and approved sewage drainage system.
6. A fully usable sink in the kitchen.
7. Adequate space and service connections for a refrigerator that will not hinder functionality.
8. An unobstructed egress to a safe, open area at ground level.
9. Be free of any barriers, which would preclude ingress or egress if the occupant is handicapped.

Failure to meet any of these criteria automatically causes a dwelling to not be considered "standard."

B. Substandard Condition Suitable for Rehabilitation

A dwelling unit is considered substandard if it does not fully comply with the standard criteria, or has minor defects which require a certain amount of correction but can still provide safe and adequate shelter or has major defects requiring a great deal of correction and will be safe and adequate once repairs are made.

To be suitable for rehabilitation, a trained housing specialist must carefully inspect the dwelling and prepare a work write-up of repairs necessary to bring it up to standard condition. A cost estimate of repairs will be prepared based on the needs identified in the work write-up. Rehabilitation requires that at least 20% of the original structure remain after construction, based upon the following formula. Three (3) major components of the house are considered, with each component weighted to total 100% of the structural value of the house. These components and ratios are: roof – 20%; exterior walls – 60%; and flooring system –20%.

This criteria is arbitrary, however, and the local governing body may authorize deviations based on the unique aspects of each dwelling, owner, tenant, etc., on a case-by-case basis. Each deviation so approved must be thoroughly documented.

DISPLACEMENT POLICY AND PROCEDURES

III. PERMANENT, INVOLUNTARY DISPLACEMENT

The local government will provide reasonable relocation assistance to persons (families, individuals, businesses, nonprofit organizations, or farms) displaced (moved permanently and involuntarily) as a result of the use of CDBG assistance to acquire or substantially rehabilitate property. Assistance to displaced persons may include:

1. Payment for actual moving and relocation expenses documented by receipts and/or vouchers from service providers and utility companies. The documents shall be submitted prior to the disbursement of payment.

2. Advisory services necessary to help in relocating.

3. Financial assistance sufficient to enable the displaced person to lease and occupy a suitable, decent, safe and sanitary replacement dwelling where the cost of rent and utilities does not exceed 30 percent of the household gross income of a family earning 80 percent of the median income for the jurisdiction.

A. Provisions for One-for-One Replacement

The local government will replace all occupied and vacant occupiable low/moderate income (LMI) dwelling units demolished or converted to a use other than as LMI housing as a direct result of activities assisted with funds provided under the Housing and Community Development Act of 1974, as amended, and as described in 24 CFR Part 570. Replacement LMI units may include public housing or existing housing receiving Section 8 project based assistance.
All replacement housing will be provided within three years of the commencement of the demolition or rehabilitation relating to conversion and will meet the following requirements.

1. The units will be located within the local jurisdiction.

2. The units will meet all applicable local housing, building, and zoning ordinances and will be in standard, or better, condition.

3. The units will be designed to remain LMI dwelling units for at least 10 years from the date of initial occupancy (applies to initial tenant only).

4. The units will be sufficient in size and number (functionally equivalent) to house at least the number of occupants who could have been housed in the units that are demolished or converted.

Before obligating or expending CDBG funds that will directly result in such demolition or conversion, the local government will make public and submit to the Florida Department of Community Affairs the following information in writing:

1. A description of the proposed assisted activity.
2. The general location on an area map including approximate number of dwelling units by size (number of bedrooms) that will be demolished or converted to a use other than LMI dwelling units.
3. A time schedule for commencement and completion of the demolition or conversion.
4. The general location on a service area map and approximate number of dwelling units by size (number of bedrooms) that will be provided as replacement units.
5. Identification of the source of funding at the time of submittal and the timeframe, location and source for the replacement dwelling unit.
6. The basis for concluding that each replacement dwelling unit will be designed to remain a LMI dwelling unit for at least 10 years from the date of initial occupancy.
7. Information demonstrating that any proposed replacement of a unit with a smaller unit is consistent with the housing needs of LMI persons in the jurisdiction.

B. Provisions for Relocation Assistance for Residential Displacement

The local government will provide relocation assistance, as described in 24 CFR Part 570, to each LMI household involuntarily displaced by the demolition of housing or by the conversion of a LMI dwelling to another use as a direct result of CDBG-assisted activities.

Persons that are relocated are entitled to:

1. A choice between actual reasonable moving expenses or a fixed expense and dislocation allowance.
2. Advisory services.
3. Reimbursement for reasonable and necessary security deposits and credit checks.
4. Interim living costs.
5. Replacement housing assistance which may include a Section 8 housing voucher/certificate and referral to assisted units; cash rental assistance to reduce the rent and utility cost or lump sum payment equal to the present value of rental assistance installments to be used toward purchasing an interest in a housing cooperative or mutual housing association for a period up to 60 months (5 years).

C. Provisions for Non-Residential Relocation

Businesses, non-profit organizations, farms, etc., shall not be relocated unless the move is voluntary, essential to the project from the public view, and the owner waives his/her rights under the Uniform Act except for the following relocation assistance:

1. Actual moving and reasonable reestablishment expenses not less than $1,000 nor more than $20,000 equal to a pro-rata share for the period of interruption of operations of the average annual net earnings. Average annual net earnings are one half of the entity's net earnings before taxes during the two taxable years immediately prior to the taxable year it was displaced.

2. No other benefits will be provided and a signed waiver acknowledging this fact will be required.

IV. TEMPORARY, VOLUNTARY DISPLACEMENT AND RELOCATION

A. Persons occupying housing which is to be rehabilitated using CDBG funds must voluntarily agree to inclusion in the program and shall vacate the housing at the direction of the local government (or its CDBG Administrator), in order to facilitate the safe, timely and economical rehabilitation process.

B. A moving allowance of $750 will be provided each family unit so displaced. This advance allowance will be provided in one payment to the homeowner when he/she vacates the home.

C. The local government may provide a safe, decent and sanitary housing unit for use as temporary relocation housing. The unit shall be available free of charge to temporarily displaced households for the time period authorized by the CDBG Administrator, generally for the period of rehabilitation construction. Households who occupy the unit shall have a $75 refundable deposit withheld from their initial moving allowance payment. This deposit shall be refunded in full immediately after the

relocation unit is vacated in a clean and undamaged condition. The deposit refund shall be denied in full or in part for payment of damages to the owner/lessee due to the occupants' (a) failure to properly clean or maintain the unit, (b) physical damage to the unit, (c) loss of keys to the unit, or (d) need for any special condition such as fumigation. A $25 per day penalty may also be assessed for the household's failure to properly vacate the relocation unit when directed to do so by the CDBG Administrator.

D. A storage allowance of up to $150 will be provided each family unit displaced if storage is necessary and essential to the move. To be approved for this allowance, the homeowner must submit evidence that a storage unit was rented and essential to the move. Payment shall be in the form of reimbursement based upon receipts.

E. Insurance cost of up to $100 for the replacement value of the household property in connection with the move will be provided each family unit displaced if storage is necessary and essential to the move. Payment shall be in the form of reimbursement based upon receipts.

V. PERMANENT, VOLUNTARY DISPLACEMENT AND RELOCATION

If it is determined by the local government that occupants of a dwelling should be permanently relocated, and the occupants voluntarily consent, the government will assist in the relocation to a decent, safe and sanitary dwelling unit. Benefits, if provided, will be limited to increases in monthly housing costs incurred by the occupant in an amount equal to the lesser of 60 times the increase or 30 percent of the person's annual income. 24 CFR Part 570 must be consulted to determine specific limitations.

VI. TENANT ASSISTANCE POLICY/RENTAL REHABILITATION

A. It is not the local government's policy to displace families in rental units. Participating landlords will be required to warrant that the proposed rehabilitation will not cause any tenant to be permanently displaced unless the owner will be able to relocate the tenant displaced in accordance with HUD relocation criteria. Rental Rehab funds will not be used to rehabilitate the structures if the rehabilitation will cause the displacement of LMI families.

B. If it becomes necessary for an owner to move a tenant from a unit as a direct result of rehabilitation assisted through rental rehabilitation funds, the owners will assure that the tenant is offered a decent, safe and sanitary dwelling unit at an affordable rate as described in the applicable regulations. No tenant will be considered displaced if the owner has offered the tenant a decent, safe, sanitary and affordable unit and the tenant has declined the offer.

C. Should displacement become necessary for a LMI family as a result of the rental rehabilitation assistance, the owner will assure that tenants are provided the necessary financial assistance, information, counseling, referrals and housing location options regarding Federal Fair Housing rights, and other relocation services as needed without

regard to race, color, religion, sex, familial status, age, handicap or national origin, so as to enable the family to obtain decent, safe and sanitary housing at an affordable rent.

D. Compensation to obtain replacement housing shall not exceed $6,000 unless approved otherwise by the local governing body. Should the amount the tenant is entitled is expected to exceed this threshold, consideration shall be given to not performing the demolition which would cause the displacement.

VII. Displacement of Homeowners

Homeowners will have their homes demolished with CDBG funds only as a voluntary action, when rehabilitation of the dwelling is not feasible or cost effective.
Although homeowners have a right to assistance as previously discussed, CDBG funds available for relocation assistance are limited. Therefore, financial assistance shall not exceed that described in the following paragraphs.

A. Homeowners who meet CDBG income limits will receive a replacement housing payment not to exceed those limits set forth in the then adopted Housing Assistance Plan, Structural Requirements, Cost Feasibility Section (unless approved otherwise by the local governing body). The amount will be based upon the difference between the dwelling replacement price and the owner's ability to contribute to the replacement purchase price. Ability to contribute shall mean the household's borrowing capacity (determined by lending agencies, including RD) and liquid assets above $5,000 in value.

B. To the extent feasible, replacement units will be of comparable size and type as original units. Type shall mean single family detached, or attached. If the unit is attached (duplex, triplex) and the displaced owner also owns the other unit(s) as rental property, up to $10,000 per unit shall be granted for construction of attached replacement units, provided that zoning and other applicable regulations allow construction of an attached Unit(s) which will be rented for a period of five years to CDBG income eligible households at affordable rent levels. Affordable shall mean the average monthly cost for rent and utility charges (water, sewer, electricity, gas) and shall not exceed 30% of the tenant household's gross monthly income.

C. Homeowners will be encouraged to relocate onto the property from which they were displaced or onto other property which they own, in order to reduce the cost of the replacement unit. Land shall be included as an eligible replacement unit cost only when the existing site is unsuitable due to inadequate size (based upon zoning or other applicable regulations) or location in a wetland or 100 year floodplain. Existing housing that is in standard condition may also be approved as replacement housing. Payment shall be disbursed only upon the CDBG Administrator's approval of the replacement unit.

D. If space is available, displaced homeowners will be offered temporary replacement housing in one of the units provided by the CDBG program for housing rehabilitation displacees. Moving and storage allowances will be provided as annotated in Section V.

E. If a homeowner chooses to not purchase a replacement dwelling, compensation shall be determined in the same manner as for renters. Compensation shall not be less than $2,000.

VIII. APPEALS/COUNSELING

A. If a claim for assistance is denied by the local governing body, the claimant may appeal to the State and the decision of the State shall be final unless a court determines the decision was arbitrary and capricious.

B. Counseling will be provided to displacees in the areas of household finance, fair housing rights, real estate transactions, and locating and evaluating replacement housing options. Counseling shall be provided by the CDBG Administrator to permanently displaced households to ensure that:

- No person is discriminated against based upon age, race, color, religion, sex, handicap, familial status, national origin, or presence of children in the household.

- Displacees receive information concerning the full range of housing opportunities within the local housing market.

The Anti-Displacement and Relocation Plan is hereby adopted this 26th day of July 2004.

Jean B Calderwood

Jean B. Calderwood, Mayor

ATTEST:

Clovis Watson, Jr., MPA, City Manager

Adopted June 26, 1997
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