

Council Member _____ introduced the following resolution and moved for its adoption:

Resolution 2010 - 06

Residential Antidisplacement and Relocation Assistance Plan
under Section 104(d) of the Housing and Community Development Act of 1974
as Amended for the City of Wells

- A. The City of Wells will replace all occupied and vacant occupiable low to moderate income dwelling units demolished or converted to a use other than as low to moderate income housing in connection with an activity assisted with funds provided under the Housing and Community Act of 1974, as amended, as described in 24 CFR 570.488(c) (1).

All replacement housing will be provided within three (3) years after the commencement of

the demolition or conversion. Before entering into a contract committing the City of Wells to provide funds for an activity that will directly result in such demolition or conversion, the City of Wells will make public and submit to the Minnesota Department of Trade and Economic Development the following information in writing:

1. A description of the proposed assisted activity;
2. 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 low to moderate income dwelling units as a direct result of the assisted activity;
3. A time schedule for the commencement and completion of the demolition or conversions;
4. The location on a map and the number of dwelling units by size (number of bedrooms) that will be provided as replacement dwelling units. If such data is not available at the time of the general submission, the City of Wells will identify the general location on an area map and the approximate number of dwelling units by size and provide information identifying the specific location and number of dwelling units by size as soon as it is available;
5. The source of funding and a time schedule for the provision of replacement dwelling units;

6. The basis for concluding that each replacement dwelling unit will remain a low to moderate income dwelling unit for at least ten (10) years from the date of initial occupancy;
7. Information demonstrating that any proposed replacement of dwelling units with smaller dwelling units (e.g. a 2-bedroom unit with two 1-bedroom units) is consistent with the housing needs of low and moderate income households in the City of Wells.

The City of Wells may request the Minnesota Department of Trade and Economic Development to recommend that the U.S. Department of Housing and Urban Development approve an exception to require replacement housing if there is an adequate local supply of vacant low to moderate income dwelling units in standard condition. Exception will be reviewed on a case by case basis as described in 24 CFR 570.488 (c) (1)(B).

- B. The City of Wells will provide relocation assistance, as described in 24 CFR, Part 570.488(c) (2), to any lower income person displaced by the demolition of any dwelling unit or the conversion of a low to moderate income dwelling unit to another use in connection with assisted activities.
- C. Consistent with the goals and objectives of activities assisted under the Act, the City of Wells will take the steps specified below to minimize the displacement of persons from their home or business:

In cases of temporary displacement, the following actions may be taken:

1. Planning utility shut-offs for times most convenient to residents and business owners.
2. Providing information and referral services to individuals whom must temporarily leave his/her homes or businesses.
3. Informing landlords of the need to minimize displacement and to inform tenants of the intent to minimize displacement.
4. Requiring landlords to pay tenant out of pocket expenses for the period of time in which a unit is not habitable.

5. Scheduling lead reduction work to occur when the residents are not in the structure and promptly completing the compliance testing for owner re-occupancy of the structure.

In case of permanent displacement, the following actions may be taken.

1. Informing tenants that they may be entitled to relocation payments and other assistance under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (URA).
2. Informing tenants that they may be entitled to additional payments above the URA payments in compliance with requirements of section 104 (d) of the Housing and Community Development Act of 1974, as amended. If rehabilitation activities raise the market rent (including utility costs) above the applicable fair market rent established by HUD's Section 8 existing housing program, then the unit must be replaced and low or moderate income tenants are entitled to additional payments in compliance with section 104 (d).

D. Definitions for the purposes of this plan are as follow:

A "low to moderate income dwelling unit" is a unit with a market rental, including utility costs, that does not exceed the applicable fair market rent for existing housing and moderate rehabilitation, as established under the Section 8 existing housing program.

A "vacant occupiable dwelling unit" is a vacant unit that is in standard condition; or in substandard condition, suitable for rehabilitation; or in dilapidated condition and occupied less than a year from the date of the grantee agreement.

An "occupiable dwelling unit" is a unit that is in standard condition or has been raised to a standard condition from a substandard condition, suitable for rehabilitation.

"Permanent Displacement" means any person(s) (family, individual, business, non-profit organization or farm) that moves from real property or moves personal property from real property as a direct result of rehabilitation, demolition or acquisition for a Small Cities Development Program project.

A "standard condition dwelling unit" is a well built unit with adequate space for persons living there. There are no major defects in the structure and only minor maintenance is required. Such dwelling will have the following characteristics reliable roofs; sound walls and foundations; adequate and stable floors, walls and

ceilings; surfaces and woodwork that are not seriously damaged nor have paint deterioration; sound windows and doors; adequate heating, plumbing and electrical systems which do not present safety hazards; adequate insulation for local climatic conditions; and is in compliance with local building and housing codes.

A "substandard condition dwelling unit, suitable for rehabilitation" will show a lot of deferred maintenance with permanent damage to structural items. Conditions contributing to substandard dwelling, include but are not limited to sagging, cracked, rotting or leaking roofs, walls, foundations, ceilings, floors, doors and windows; deteriorated surfaces and woodwork; unreliable heating, plumbing or electrical systems which present safety hazards or inadequate insulation. The cost of rehabilitating the unit to a standard condition should not exceed the market value of the dwelling.

"Temporary Displacement" occurs when people move out of their dwelling, business or property for a short period of time due to activities of the Small Cities Development Program. Temporary displacement most frequently occurs with housing and commercial rehabilitation projects.

Resolution of Adoption of Residential Antidisplacement and Relocation Assistance Plan

Be It Resolved the City Council of Wells hereby adopts the Residential Antidisplacement and Relocation Plan for the City of Wells.

The motion for adoption of the foregoing resolution was duly seconded by Council Member _____ and upon the vote being taken thereon, the following voted in favor:

And the following voted against the same:

Whereupon the said resolution was declared duly passed and adopted the City Council of the City of Wells on February __, 2010

I certify that the above resolution was adopted by the City Council of the City of Wells on February ___, 2010.

SIGNED:

WITNESSED:

(Signature)

(Signature)

(Title) (Date)

(Title) (Date)