

RESOLUTION NO. 13-1411

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EULESS, TEXAS, ADOPTING A POLICY FOR THE ESTABLISHMENT OF A RELOCATION ASSISTANCE PROGRAM RELATED TO ENFORCEMENT OF THE CITY'S MINIMUM HOUSING CODE, AND RELATED TO AMORTIZATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the administration and implementation of effective Code Compliance Programs, that benefit the public as a whole, is an essential local function of the City of Eules; and

WHEREAS, the goal of the City's Code Compliance Programs before citations are issued is to provide the property owner with every practical and reasonable opportunity to voluntarily meet minimum code standards; and

WHEREAS, in some circumstances in which the owner has chosen not to bring their property into code compliance, it might be necessary for an individual, family, or business to be displaced in conjunction with the enforcement of the City's Minimum Housing Code; and

WHEREAS, the City may be involved in other programs that may result in the displacement of persons, families, or businesses; and

WHEREAS, the City Council deems it appropriate to provide a policy to assist persons with finding a suitable replacement dwelling or property.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EULESS, TEXAS:

SECTION 1.

The Relocation Assistance Program attached hereto as Exhibit "A" is hereby adopted as a guideline for providing relocation advisory service and additional relocation assistance in appropriate cases in connection with the implementation of the Minimum Housing Code and amortization programs within the City. The City Council hereby finds and determines that this Relocation Assistance Program is compatible with the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, as required by Section 21.046 of the Texas Property Code.

SECTION 2.

EFFECTIVE DATE. This resolution shall be in full force and effect from and after its passage.

PRESENTED AND PASSED at a regular meeting of the Eules City Council on June 11, 2013, by a vote of ____ayes, ____nays, and ____abstentions.

APPROVED:

Mary Lib Saleh, Mayor

ATTEST:

Kim Sutter, TRMC, City Secretary

APPROVED AS TO FORM:

Wayne K. Olson, City Attorney

City of Euless Relocation Assistance Program

Purpose:

- (a) To provide rules for a relocation advisory service for an individual, a family, a business concern, a farming or ranching operating, or a nonprofit organization that is compatible with the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, in accordance with Section 21.046 of the Texas Property Code.
- (b) To provide rules for additional relocation assistance to be made available in appropriate circumstances. The types and amounts of such assistance will be determined by the City Manager or his designee on a case-by-case basis based upon the specific circumstances of relocation.

Relocation Advisory Service:

The City shall provide a relocation advisory service which shall include such measures, facilities, or services as may be necessary or appropriate in order to:

- (a) determine, and make timely recommendations on, the needs and preferences, if any, of displaced persons for relocation assistance;
- (b) provide current and continuing information on the availability, sales prices, and rental charges of comparable replacement dwellings for displaced homeowners and tenants and suitable locations for businesses, farm operations, and nonprofit organizations;
- (c) assure that a person shall not be required to move from a dwelling unless the person has had a reasonable opportunity to relocate to a comparable replacement dwelling, except in the case of:
 - (1) a major disaster as defined in 42 U.S.C. 5122(2);
 - (2) a national emergency declared by the President; or
 - (3) any other emergency which requires the person to move immediately from the dwelling because continued occupancy of such dwelling by such person constitutes a substantial danger to the health or safety of such person;
- (d) assist a person displaced from a business, farm operation, or nonprofit organization in locating a suitable replacement location;
- (e) supply (A) information concerning other Federal and State programs which may be of assistance to displaced persons; and (B) technical assistance to such persons in applying for assistance under such programs; and

- (f) provide other advisory services to displaced persons in order to minimize hardships to such persons in adjusting to relocation.

Additional Relocation Assistance:

- (a) On an annual or a project basis, the City Council may adopt a budget which allocates funding for additional relocation assistance based upon the anticipated number of upcoming projects that may require such assistance.

- (b) Types of Additional Relocation Assistance

- (1) To the extent that funding is available, and in those circumstances in which the City Manager or his designee determine such assistance is appropriate, the City shall pay moving expenses and rental supplements, make relocation payments, provide financial assistance to acquire replacement housing, and compensate for expenses incidental to the transfer of the property or provide other assistance that would reasonably assist in finding other suitable housing.

- (2) For each project that results in the mandatory displacement from property, the City may hold one (1) or more public informational meetings regarding relocation assistance if the number of persons potentially eligible is sufficient to necessitate such service.

- (3) The City may also provide a "tenant info line" available for the public to call to receive information regarding relocation assistance if the number of persons potentially eligible is sufficient to necessitate such service.

- (c) Eligibility

- (1) The City Manager or his designee shall determine eligibility for additional relocation assistance. A person may be eligible for such assistance if he/she meets the following requirements:

- (A) Housing Code Enforcement

- (i) the person is "displaced," which means that the person moves from real property as a direct result of the City's enforcement of its Minimum Housing Code ordinance, provided that displacement is permanent; and

- (ii) the person is legally and actually occupying the property on the date the City provides notice that the property must be vacated by a future date certain, and

- (iii) the person is legally and actually occupying the property on the date the City orders that the property be vacated; and

- (iv) after receiving notice from the City regarding how to apply for assistance, the person files the required application with the City requesting such assistance.
- (B) Amortization
- (i) the person is "displaced," which means that the person moves from real property as a direct result of amortization; and
 - (ii) the person is legally and actually occupying the property on the date the City issues an order setting a date by which the nonconforming use must cease operating; and
 - (iii) the person continues to legally and actually occupy the property on the date that the City orders that the property be vacated; and
 - (iv) after receiving notice from the City regarding how to apply for assistance, the person files the required application with the City requesting such assistance.
- (2) Once eligibility is determined, the City Manager or his designee will determine the types and amount of assistance that will be provided based on the circumstances. Payments may be made on a lump sum basis, by services rendered, or by any other reasonable method as determined by the City Manager or his designee.

Approved by the City Council on the 11th day of June, 2013.