

Resolution 2009-24

**A RESOLUTION OF THE COMMISSIONERS OF ST. MICHAELS
TO ADOPT A RESIDENTIAL ANTI-DISPLACEMENT
AND RELOCATION ASSISTANCE PLAN**

WHEREAS, the Town of St. Michaels, Maryland hereby agrees to comply with all requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 ("URA"), as amended, as described in 49 CFR Part 24; and with the Housing and Community Development Act of 1974 ("HCD Act of 1974"), as amended, as described in 24 CFR Part 42; and

WHEREAS, the Town of St. Michaels, Maryland will replace all occupied, and vacant occupiable, low/moderate-income dwelling units demolished or converted to a use other than as low/moderate-income housing in connection with activities assisted with funds provided under the HCD Act of 1974, as amended; and

WHEREAS, all replaced housing will be provided within three (3) years of the commencement of the demolition or rehabilitation relating to conversion. Before obligating or expending funds that will directly result in such demolition or conversion, the Town of St. Michaels, Maryland will make public and submit to the Maryland CDBG 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 use other than as low/moderate-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 general location on a map and approximate number of dwelling units by size (number of bedrooms) that will be provided as replacement dwelling units;
- 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 remain a low/moderate-income dwelling for at least ten (10) years from the date of initial occupancy; and

WHEREAS, the Town of St. Michaels will provide relocation assistance, as described in 24 CFR 42.350, to each low/moderate-income household displaced by the acquisition or demolition of housing or by the conversion or rehabilitation of low/moderate-income dwelling to another use as a direct result of assisted activities; and

NOW THEREFORE BE IT RESOLVED, that this Resolution shall become effective immediately upon the affirmative vote by a majority of the Commissioners.

SECTION 1.

In addition, in consideration of the financial assistance received from the Maryland CDBG Program, particularly when such assistance is used for acquisition, rehabilitation, demolition, or conversion which results in displacement not covered by the URA, the Town of St. Michaels, Maryland accepts the following as the anti-displacement and relocation standards by which the local CDBG project will be administered, including determination of entitlement to and payment of relocation benefits:

1. Definitions

- A. The term "tenant" includes any family, individual, business, nonprofit organization or farm that is a renter. It also includes any owner-occupant displaced as a direct result of non-URA acquisition by the Town of St. Michaels with the power of eminent domain, and any displaced owner-occupant of a mobile home who rents the site.
- B. The term "displaced" refers to a tenant who moves from his or her dwelling if:
 - i. The tenant has not been provided a decent, safe and sanitary dwelling unit on the property following the completion of the assisted activity, at a monthly cost for rent and utilities that does not exceed the greater of:
 - a. The tenant's cost for rent and utilities at the time that the Town of St. Michaels lets a contract for assistance with the owner; or
 - b. Thirty (30) percent of the tenant household's gross income; or
 - ii. If temporary relocation is required, the tenant is not reimbursed for all reasonable out-of-pocket expenses incurred in connection with the temporary relocation.

2. Eligibility Criteria for Benefits

- A. Any tenant legally occupying the property at the time that the Town of St. Michaels enters into a contract to provide assistance for the acquisition or rehabilitation; and
- B. Any tenant who legally moves into the property between such event and the actual acquisition, conversion, demolition, or rehabilitation without receiving prior written notice of his or her possible displacement as a result of the planned acquisition, conversion, demolition, or rehabilitation.

3. Benefits

Any tenant who is to be displaced as a result of CDBG financed rehabilitation, acquisition, conversion, or demolition, but whose displacement is not subject to the URA, will be provided with relocation assistance, including at a minimum;

- A. Reasonable moving expenses;
- B. Advisory services needed to help in relocating;
- C. Interim living costs;
- D. Security deposits and credit checks; and

- E. For a displaced residential tenant:
 - i. Referral to at least one suitable, decent, safe, and sanitary replacement dwelling unit. The Town of St. Michaels shall advise tenants of their rights under the Federal Fair Housing Act, 42 U.S.C. §§ 3601-3619, and of replacement housing opportunities in such a manner that, wherever feasible, they will have a choice between relocation within their neighborhood and other neighborhoods; and
 - ii. each person must be offered rental assistance equal to 60 times the amount necessary to reduce the monthly rent and estimated average monthly cost of utilities for a replacement dwelling (comparable replacement dwelling or decent, safe, and sanitary replacement dwelling to which the person relocates, whichever costs less) to the "Total Tenant Payment", as determined under 24 CFR Part 813. All or a portion of this assistance may be offered through a certificate or voucher for rental assistance (if available) provided under Section 8 of the United States Housing Act of 1937, 42 U.S.C. § 1437f.

4. General Policies

- A. The Town of St. Michaels will assure compliance with the provisions of benefits to displace residential tenants. However, the Town of St. Michaels may enter into a written agreement with the sub-recipient, or the owner of the assisted property, under which either may pay all or part of the cost of the required relocation assistance.
- B. The cost of relocation assistance and other benefits shall be paid from CDBG funds or such other funds as may be available from any source.
- C. If any owner or occupant of assisted property disagrees with the determination of the Town of St. Michaels that these requirements do not apply to an acquisition or displacement, the person may appeal that determination to:

Maryland CDBG Program
Department of Housing and Community Development
100 Community Place
Crownsville, MD 21032-2023

- D. Consistent with the goals and objectives of the CDBG Program, the Town of St. Michaels will take every preventable action to minimize the involuntary displacement of persons from their homes and neighborhoods. Examples of action which, among others, may be taken to minimize or prevent displacement include:
 - i. Stage rehabilitation of assisted housing to allow tenants to remain during and after rehabilitation, working with empty buildings or groups of empty units first, so they can be rehabilitated first, and tenants moved in before rehabilitation of occupied units or buildings is begun;
 - ii. Establish temporary relocation facilities in order to house families whose displacement will be of short duration, so they can move back to their neighborhoods after rehabilitation or new construction; and
 - iii. Provide counseling to assist homeowners and renters to understand the range of assistance that may be available to help them in staying in the area being revitalized.

SECTION 2.

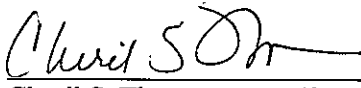
THIS RESOLUTION HAVING BEEN INTRODUCED AND PASSED by a yea or nay vote of the Commissioners of St. Michaels on this 28th day of October, 2009.

Brady	-	<u>yea</u>
Clark	-	<u>yea</u>
Dinkel	-	<u>yea</u>
Hunt	-	<u>yea</u>
Snyder	-	<u>yea by absentee ballot</u>

I HEREBY CERTIFY that the above Resolution was passed by a yea and nay vote of the Commissioners of St. Michaels on this 28th day of October, 2009. It is effective for a three-year period until the 28th day of October, 2012.

ATTEST:

THE COMMISSIONERS OF ST. MICHAELS


Cheril S. Thomas (SEAL)
Town Clerk/Manager

By: 
Michael W. Brady, President