St. Louis City Ordinance 62481

FLOOR SUBSTITUTE
BOARD BILL NO. [91] 230
INTRODUCED BY ALDERMAN MARTIE ABOUSSIE

An ordinance adopting the City of St. Louis Relocation Policy attached hereto and incorporated herein as Exhibit A (the "Policy") as the official policy governing the relocation of persons displaced as a result of projects in the City of St. Louis (the "City") utilizing the power of eminent domain, tax abatement, tax increment financing, tax exempt revenue bonds issued by a public or quasi-public agency or a grant or loan from the City or any agency thereof, to the extent that such displacement is not governed by the provisions of the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. ►►4601 to 4605, inclusive, as amended (the "URA") or Section 104(d) of the Federal Housing and Community Development Act of 1974 (42 U.S.C. ►5304(d), as amended ("Section 104(d)"); finding that the Policy complies with Sections 523.200 and 523.205 of the Revised Statues of Missouri (1986); directing the St. Louis Development Corporation ("SLDC") to perform monitoring and oversight activities with respect to the Policy as set forth in the Policy; containing a severability clause and containing an emergency clause.

WHEREAS, the St. Louis Community Development Agency previously prepared a City of St. Louis Relocation Policy setting forth the financial and other assistance to be provided to persons displaced as a result of projects in the City of St. Louis receiving certain public benefits (the "Former Policy"); and

WHEREAS, the Missouri Legislature has recently amended Sections 523.200 and 523.205, R.S.Mo. (1986) (hereinafter, the "Amendments") to require the governing body of any city to adopt by ordinance or rule a relocation policy consistent with the requirements set forth in the Amendments prior to approving a plan, project or area for redevelopment under the operation of Chapter 99, Chapter 100 or Chapter 353, R.S.Mo.(1986); and

WHEREAS, the Former Policy does not comply with the Amendments in all respects, and further, contrary to the requirements of the Amendments, was never approved by ordinance; and

WHEREAS, in order to comply with the requirements of the Amendments, and to ensure that all persons displaced as a result of projects receiving public

assistance in the City of St. Louis are treated fairly, consistently and equitably, this Board wishes to adopt the Policy; and

WHEREAS, certain aspects of the Policy will require monitoring and oversight; and

WHEREAS, this Board believes that SLDC, as the entity responsible for providing staff to the Land Clearance for Redevelopment Authority of the City of St. Louis and the Planned Industrial Expansion Authority of the City of St. Louis and generally responsible for overseeing development activity in the City, is best suited for performing such monitoring and oversight activities.

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:

Section One. The City of St. Louis Relocation Policy, attached hereto and incorporated herein by reference as Exhibit A, is hereby adopted as the official policy of the City governing the relocation of persons displaced as a result of projects in the City utilizing the power of eminent domain, tax abatement, tax increment financing, tax exempt revenue bonds issued by a public or quasi-public agency or a grant or loan from the City or any agency thereof, to the extent that such displacement is not governed by the provisions of the URA or Section 104(d).

Section Two. It is hereby found that the Policy complies with the requirements of the Amendments.

Section Three. The SLDC is hereby directed to monitor compliance and to take corrective action to enforce the Policy and to oversee appeals of determinations made by Developers (as defined in the Policy) with respect to relocation payments and assistance, all as set forth in the Policy.

Section Four. The sections of this Ordinance shall be severable. In the event that any section of this Ordinance is found by a court of competent jurisdiction to be invalid, the remaining sections of this Ordinance are valid, unless the court finds the valid sections of the Ordinance are so essential and inseparably connected with and dependent upon the void section that Page 3 of 4 it cannot be presumed that the Aldermen would have enacted the valid sections without the void ones, or unless the court finds that the valid sections standing alone are incomplete and are incapable of being executed in accordance with the legislative intent.

Section Five. This ordinance, being necessary for the immediate preservation of public health, safety and general welfare, shall be and is hereby declared to be an emergency measure within the meaning of Article IV Section 20 of the Charter of the City of St. Louis, and as such shall take effect immediately upon its approval by the Mayor.

Form 12/10/91
EXHIBIT A

CITY OF ST. LOUIS
RELOCATION POLICY

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RELOCATION POLICY FOR THE

CITY OF ST. LOUIS

SUBPART A -- GENERAL

⍰24.1 PURPOSE

The purpose of this Relocation Policy for the City of St. Louis ("Policy"), is to ensure that all persons displaced as a result of projects which receive public assistance in the City of St. Louis are treated fairly, consistently and equitably and do not suffer disproportionate injuries as a result of such projects.

⍰24.2 DEFINITIONS

A. Business - The term "business" means any lawful activity that is conducted:

1. Primarily for the purchase, sale, lease and/or rental of personal and/or real property, and/or for the manufacture, processing, and/or marketing of products, commodities, and/or any other personal property; or

2. Primarily for the sale of services to the public.

B. Comparable Replacement Dwelling - The term "comparable replacement dwelling" means a dwelling which is:

1. Decent, safe and sanitary, as defined in subsection (e) of this section;

2. Located in an area generally not less desirable than the location of the displacement dwelling with respect to public utilities, commercial and public facilities and the person's place of employment; and

3. Available at a cost generally consistent with the market in the St. Louis Metropolitan Area for dwellings similar to the displacement dwelling.

C. Decent, Safe and Sanitary Dwelling - The term "decent, safe and sanitary dwelling" means a dwelling which meets applicable housing and occupancy codes and:

1. Is structurally sound, weathertight, and in good repair.

2. Contains a safe electrical wiring system adequate to service the reasonable electrical needs of the displaced person.

3. Contains a safe heating system capable of sustaining a healthful temperature for the displaced person.

4. Is adequate in size with respect to the number of rooms and area of living space needed to accommodate the displaced person.

5. For a handicapped person, is free of any barriers which would preclude reasonable ingress, egress, or use of the dwelling by such person.

D. Developer - The term "Developer" means the City of St. Louis (the "City") or any agency of the City or any public or quasi-public agency or corporation operating in the City, to the extent that the foregoing entities undertake a Project (as defined in Part K of this Section) on their own behalf, or a person, partnership or corporation which undertakes a Project.

E. Displaced Person - The term "displaced person" means any person (as defined in Part (J) of this Section) that voluntarily and permanently moves from real property, or voluntarily and permanently moves his or her personal property from such real property as a direct result of the acquisition, rehabilitation or demolition of, or the receipt of a written notice of intent to acquire (as described in Section 24.201(A)), such real property, in whole or in part, for a Project; excluding, however, any such person as has received a notice of termination of intent to acquire as described in Section 24.201(C) prior to moving from the real property .

The term "displaced person" does not include:

(a) a person who is evicted for cause from the real property, in accordance with applicable state and local law, if:

(i) The person received an eviction notice prior to the Initiation of Negotiations, and, as a result is later evicted; or

(ii) The person is evicted after the Initiation of Negotiations for serious or repeated violations of material terms of the lease or occupancy agreement; and

(iii) In either case (i) or (ii), the eviction was not undertaken for the purpose of evading the obligation to provide the relocation payments and assistance set forth in this Policy.

(b) a person who has no legal right to occupy the real property under state or local law;

(c) a person who occupies the real property for the purpose of obtaining relocation assistance;

(d) a person who is a tenant-occupant and moves onto the real property after the Initiation of Negotiations (as defined in subsection (I) of this Section), with knowledge of the possibility of displacement for a Project;

F. Displacement Dwelling - The term "displacement dwelling" means the dwelling (as defined in Part

(G) of this Section) from which a person is being displaced.

G. Dwelling - The term "dwelling" means the permanent or customary and usual residence of a person, according to local custom or law, including a single-family unit in a two-family, multi-family, or multi-purpose property; a unit of a condominium or cooperative housing project; or any other residential unit. "Dwelling" does not include the place of operation of a business or nonprofit organization.

H. Handicapped Person - The term "handicapped person" means any person who is deaf, legally blind or orthopedically disabled to the extent that acquisition of another residence presents a greater burden than other persons would encounter or to the extent that modifications to the replacement residence would be necessary.

I. Initiation of Negotiations - The term "Initiation of Negotiations" means the delivery of the initial written offer by the Developer to the owner of the real property to purchase such real property or the notice to a tenant that (s)he will be displaced by the Project (as defined in Part (K) of this Section).

J. Person - The term "person" means any individual, family, partnership, corporation or association.

K. Project - The term "Project" means the demolition, rehabilitation or construction of improvements on, or the redevelopment of, real property in the City of St. Louis which will result in the displacement of any person and which will utilize any one or more of the following:

1. Power of Eminent Domain

2. Tax Abatement

3. Tax Increment Financing

4. Tax-exempt revenue bonds issued by a public or quasi-public agency

5. A grant or below-market interest rate loan from the City or any agency thereof.

L. Public Agency - The term "Public Agency" means any agency of the City or any public or quasi-public agency or corporation operating in the City and providing to a Developer the assistance described in Part (K)(1) through (5) of this Section.

M. Reasonable Moving and Related Expenses - The term "reasonable moving and related expenses" means those expenses of moving, as described in Sections 24.301 or 24.302, as appropriate, from the displacement property to a comparable property in the St. Louis Metropolitan Area, to the extent that such expenses would customarily be incurred for such a move.

N. Tenant - The term "tenant" means a person who has the temporary use and occupancy of real property owned by another.

❓24.3 APPLICABILITY

Any person who is a displaced person (as defined in Section 24.2(E) of this Policy) as a result of a Project, the plans, projects or areas for redevelopment under the provisions of Chapters 99, 100 or 353, R.S.Mo. (1986) for which are approved or amended, or the issuance of tax exempt revenue bonds or the making of a grant or below market interest rate loan for which are approved by the City or the Public Agency on or after August 31, 1991, will be entitled to receive from the Developer the relocation payments and assistance set forth in this Policy, to the extent authorized in this Policy, unless (1) the provisions of the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. ❓4601 to 4655, inclusive, as amended) (the "URA") or Section 104(d) of the Federal Housing and Community Development Act of 1974 (42 U.S.C. ❓5304(d), as amended) are applicable to such displacement; or (2) the person is displaced as the result of the acquisition for a public purpose of real property in the City of St. Louis by the State of Missouri or any political subdivision or any branch, bureau or department thereof, or by any quasi-public corporation, and such real property is purchased solely through the expenditure of state or local funds, in which case the provisions of the URA shall apply.

❓24.4 MINIMUM STANDARDS

The requirements set out in this Policy shall be considered minimum standards. In reviewing any relocation plan proposed by a Developer under the operation of Chapter 99, R.S.Mo., Chapter 100, R.S.Mo., or Chapter 353, R.S.Mo., the Public Agency shall determine the adequacy of the proposed plan, and may, in its discretion, require additional assistance to be provided.

SUBPART B -- ADMINISTRATIVE MATTERS

24.101 ASSURANCES MONITORING AND CORRECTIVE ACTION

A. Assurances - Each Developer (except the City or any agency thereof or any public or quasi-public agency or corporation operating in the City, unless they are receiving from another such entity the assistance described in Section 24.2(K)) shall provide assurances in a contract with the entity providing the assistance described in Section 24.2(K) (i.e. the City or a Public Agency) that the Developer will comply with the provisions of this Policy. The City or Public Agency shall provide a copy of each contract containing such assurances to the St. Louis Development Corporation ("SLDC"), 330 North 15th Street, St. Louis, Missouri 63103, Attention: Relocation Section.

B. Monitoring and Corrective Action - SLDC shall monitor compliance with this Policy and may pursue any and all legal and equitable remedies to ensure compliance with this Policy and/or make recommendations to, and assist the City or Public Agency regarding corrective action, as it deems appropriate. The City or Public Agency may also independently apply sanctions and/or take corrective action in accordance with applicable program regulations and/or contracts with the Developer; provided, however, that prior to so doing, the City or Public Agency shall notify SLDC thereof.

Nothing contained herein shall be construed as imposing upon SLDC, the City or the Public Agency the obligation to provide the relocation payments and assistance to displaced persons unless such entities undertake a Project on their own behalf. Each Developer shall indemnify and defend the City and SLDC and, if applicable, the Public Agency, for any and all claims of any kind whatsoever arising out of the Developer's administration and/or implementation of the Policy and shall post a bond in an amount deemed satisfactory to such entities to secure the faithful performance of such obligation. A provision containing the foregoing requirements shall be contained in the contract described in Section 24.101(A).

C. Urban Redevelopment Corporations - A Developer which is an urban redevelopment corporation created pursuant to Chapter 353 R.S.Mo. ("Urban

Redevelopment Corporation") that fails to comply with the relocation requirements provided in this Policy, shall not be eligible for tax abatement as provided for in Chapter 353, R.S.Mo.

⍰24.102 RECORDKEEPING AND RECORDS AND REPORTS

A. Recordkeeping - The Developer shall maintain records and reports of its acquisition and displacement activities in sufficient detail to demonstrate compliance with this Policy, as further described in this Section. The Developer shall retain such records for at least three (3) years from the date that each owner of the real property and each person displaced from the real property receives the final payment to which (s)he is entitled under this Policy.

B. Records - The Developer shall maintain individual case files containing the following information:

1. Identification of the person's name, address and date of initial occupancy of the displacement dwelling. The Developer shall also make a good faith effort to identify, with respect to residential tenant-occupants, the age, sex, and income of all members of the household, and the monthly rent and average monthly utility costs at the displacement dwelling.

2. Evidence that the person received the Notice of Intent to Acquire complying with the requirements of Section 24.201(A) in a timely fashion.

3. Evidence that each displaced person received an Eligibility and Vacation Notice complying with requirements of Section 24.201(B) in a timely fashion.

4. Identification of relocation needs and preferences and dates of personal and other contacts and services provided.

5. Identification of referrals to replacement properties as required in Section 24.202 of this Policy, date of referral, rent or sale price of each referral dwelling and the utility costs thereat to the extent available to the Developer, date of availability of the referral property, and reason(s) given by the person for rejecting the referral property, if applicable.

6. Copy of the Vacate Notice(s), to the extent not provided pursuant to Part B(3) of this Section.

7. Identification, by address, of the replacement property, rent or sale price of the replacement dwelling and the estimated utility costs thereat to the extent available to the Developer and the date of relocation.

8. Copy of each approved claim form and related documentation, evidencing that the person received a relocation payment.

C. Reports

1. All Developers - The Developer shall provide to SLDC and to the Public Agency providing the assistance described in Section 24.2(K) (if applicable), the following:

(a) Notices of when relocation begins and when it has been completed.

(b) A copy of any written complaint received by the Developer from a displaced person regarding relocation payments or assistance.

(c) If requested, a copy of any one or more of the case files to be maintained by the Developer pursuant to the provisions of Part B of this Section.

2. Urban Redevelopment Corporations - In addition to providing the information described in Part (C)(1) of this Section, every Urban Redevelopment Corporation shall:

(a) Submit, as part of a "redevelopment plan" (as defined in Chapter 353 R.S.Mo.), a relocation plan complying with the provisions of this Policy; and

(b) Submit to SLDC the addresses of all occupied residential buildings and structures within the "redevelopment area" (as defined in Chapter 99, Chapter 100 and Chapter 353 R.S.Mo., as appropriate), the names and addresses of the persons displaced by the Urban Redevelopment Corporation, the specific relocation payments and assistance provided to each such displaced person and copies of the notices provided by such Developer to each displaced person.

◆24.103 ADMINISTRATION OF RELOCATION PAYMENTS

A. Expeditious Payments - The Developer shall review claims for relocation payments in an expeditious manner. The Developer shall promptly notify all displaced persons of any additional documentation that is required to support the claim. The Developer shall pay all claims for relocation payments as soon as possible following receipt of sufficient documentation to support the claim, but in no event later than thirty days following receipt of such documentation.

B. Advance Payments - If the Developer or SLDC determines that a displaced person should be provided with an advance relocation payment in order to avoid or reduce a hardship, the Developer shall issue the payment, subject to such safeguards as are appropriate to ensure that the objective of the payment is accomplished.

C. Time for Filing - Except to the extent extended by the Public Agency for good cause, all claims for relocation payments shall be filed with the Developer within six months after:

(a) In the case of tenants, the date of displacement;

(b) In the case of owners, the date of displacement or the final payment for the acquisition of the real property (except that in the case of property acquired pursuant to an installment sales contract, the date of payment of the initial regular installment), whichever is later.

D. Deductions From Relocation Payments - A Developer shall deduct the amount of any advance relocation payment from any subsequent relocation payment to which a displaced person is otherwise entitled. Similarly, a Developer may deduct from relocation payments any rent that the displaced person owes the Developer; provided, however, that no deduction shall be made if it would prevent the displaced person from obtaining a "decent, safe and sanitary" replacement dwelling. The Developer shall not withhold any part of a relocation payment to a displaced person to satisfy an obligation to any other creditor, except as otherwise may be required by law.

A. Initiation of an Appeal - A person may initiate an appeal by personally delivering or mailing a written notice of appeal to SLDC within sixty (60) calendar days after the person receives written notification of the Developer's determination on the person's claim for relocation payments and assistance. The person requesting the appeal shall also mail a copy of said notice of appeal to the Developer. SLDC shall accept written notices of appeals regardless of form. If a person does not file a notice of appeal within said sixty (60) day period, the person will be deemed to have waived his/her right to an appeal.

B. Review of Developer's Files By Appealing Person. The Developer shall permit the appealing person to inspect and copy all materials pertinent to his or her appeal, except records which may remain closed pursuant to the provisions of Section 610.021 R.S.Mo. The Developer may, however, impose reasonable

conditions on the person's right to inspect, and to obtain copies of materials, including imposing a reasonable charge for copies.

C. Statement of Appeal. Within thirty (30) calendar days after submitting a notice of appeal, the appealing party shall file with SLDC a written statement of appeal describing in detail the errors allegedly made by the Developer in determining the person's eligibility for relocation assistance or the amount or type of assistance to which such person is entitled. On or before the day the appealing party files the statement of appeal with SLDC, the appealing party shall mail a copy thereof to the Developer. The Developer may submit for SLDC's consideration a written response tot he statement of appeal by personally delivering or mailing same to SLDC within thirty (30) calendar days after the date the statement of appeal is filed. On or before the day the Developer files the response with SLDC, the Developer shall mail a copy thereof to the appealing party. All statements of appeal and responses thereto shall be confined to the factual and legal issues essential to the ultimate and just determination of the appeal. The statement of appeal and response shall not exceed ten (10) pages in length, excluding all documents attached thereto in support of the arguments contained in the statement of appeal or the response.

D. Review Committee. The Executive Director of SLDC shall appoint a committee of one or more persons to review appeals filed pursuant to this Policy (the "Review Committee").

E. Scope of Review. The decision of the Review Committee shall be made on the basis of the statement of appeal and response; provided, however, that the Review Committee shall have the option, in its sole discretion, to request that the parties appear at a hearing by notifying the parties thereof within ten (10) business days of the date of Developer's response to the statement of appeal is due. Said notice shall state the place and the time and date of the hearing which shall be at least twenty 920) calendar days from the date of said notice.

Neither party shall be permitted to submit new or additional documentation or information subsequent to the date of filing of such party's statement of appeal or response was due.

F. Right to Representation. A person and the Developer shall have the right to be represented by legal counsel in connection with an appeal, but solely at their own expense.

G. Determination and Notification. Within thirty (30) calendar days after the date the response to the statement of appeal is due or the date of the hearing on

an appeal, whichever is later, the Review Committee shall make a written determination on the appeal, including an explanation of the basis upon which the decision was made and shall furnish a copy thereof to the Developer, the Public Agency (if applicable) and the appealing party.

H. Waiver of Requirements - The Review Committee may, in its discretion, waive any of the requirements imposed by this Section on the appealing party or the Developer if it believes that doing so is in the interest of fairness and will not be prejudicial to either party.

SUBPART C -- RELOCATION NOTICES AND ASSISTANCE

24.201 NOTICES

A. Notice of Intent to Acquire - At least ninety (90) days prior to the date that the person will be required to vacate the real property, the Developer shall send a Notice of Intent to Acquire to each person that may be permanently displaced as a result of a Project. At a minimum, the notice shall do the following:

1. Explain that a Project has been proposed and that the Developer intends to acquire the real property therefor;

2. Caution the person not to move before the person receives a notice of eligibility for assistance;

3. Generally describe the relocation payments for which the person may be eligible, the basic conditions of eligibility and the procedures for obtaining the payments;

4. Generally describe the relocation assistance to which such person may be entitled, including referrals to replacement properties, help in filing payment claims and other necessary assistance to help the person successfully relocate and the procedures for the provision of such assistance;

5. Inform the person that (s)he will not be required to move without at least ninety (90) days advance written notice;

6. Provide the name, address and telephone number of the person who will be handling relocation for the Developer;

7. Inform the person of the requirements set forth in Section 24.303, to the extent applicable; and

8. Generally describe the appeals procedure as set forth in Section 24.104.

B. Eligibility and Vacation Notice

1. General - No displaced person shall be required to move unless he or she has received at least ninety (90) days advance written notice of: (a) the earliest date by which he or she may be required to vacate the real property; and (b) the person's eligibility for relocation payments and/or assistance.

2. Timing of Notice - The Eligibility and Vacation Notice shall not be given before, but may be given concurrently with, the Notice of Intent to Acquire described in Part A of this Section.

3. Content of Notice - The Eligibility and Vacation notice shall either:

(a) state the specific date by which the real property must be vacated; or (b) specify the earliest date by which the person may be required to move and indicate that the person will receive another notice indicating the specific date by which he or she must move, at least thirty (30) days prior to such date; such notice shall also state whether the person is eligible for relocation payments and/or assistance. The Developer shall include with each such notice a copy of SLDC's appeals procedures.

4. Additional Vacation Notice - If the Developer previously provided an Eligibility and Vacation Notice which did not state the specific date by which the real property must be vacated, the Developer shall provide an additional vacation notice stating the specific date by which the person will be required to vacate the real property at least thirty (30) days prior to such date.

5. Notice Not Required - The Eligibility and Vacation Notice and, if applicable, the Vacate Note described in Part (B)(4) of this Section need not be issued to a person if: (a) there is no occupied structure and no personal property on the real property; (b) the person makes an informed decision to relocate and vacates the real property prior to the time such notices are to be provided; (c) the person, with full knowledge of his or her right to receive such notices, enters into a negotiated agreement for delivering possession of the real property; or (d) the person does not qualify as a displaced person, as defined in Section 24.2(E) of this Policy.

C. Notice of Termination of Intent to Acquire - A Developer can terminate any further obligation to provide the relocation payments and assistance provided herein by providing to each person occupying the real property a notice that it

is terminating its intent to acquire such property; provided, however, that if the Developer shall re-initiate negotiations for such real property within one (1) year of such termination, the eligibility of all displaced persons who were eligible for payments and/or assistance at the time of such termination shall resume and the eligibility of any other displaced persons shall be determined with reference to this Policy; and, provided further, that the Developer shall be obligated to pay any documented actual reasonable moving and related expenses incurred by each such person prior to the date of the notice of termination, to the extent such expenses would be eligible for payment under the provisions of this Policy.

D. Manner of Notices - Each notice which the Developer is required to provide to a displaced person under this Policy shall be personally served or sent by certified or registered first-class mail, return receipt requested, and a copy thereof shall be kept in the Developer's files; if notice is sent by certified or registered first-class mail, the notice shall also be sent by first-class mail, postage prepaid. Proof that the notice was so sent shall be sufficient to satisfy the Developer's obligation hereunder, notwithstanding the displaced person's failure to accept the notice sent by certified or registered first-class mail. Each notice shall indicate the name and telephone number of a person who may be contacted for answers to questions or other needed help.

◆24.202 REFERRALS TO REPLACEMENT PROPERTIES BEFORE DISPLACEMENT

A. General - The Developer shall provide reasonable assistance in identifying replacement properties to all displaced persons, including a minimum of three decent, safe and sanitary dwelling referrals to all residential displaced persons, and three suitable replacement referrals to all displaced businesses. The Developer shall use its best efforts to cause the referrals provided to residential displaced persons to consist of comparable replacement dwellings.

B. Time for Referrals - The Developer shall provide the referrals called for herein concurrently with the Eligibility and Vacation Notice described in Section 24.201(B).

C. Transportation to Referral Sites - All residential displaced persons shall be offered transportation to inspect the dwellings to which they are referred.

SUBPART D -- PAYMENTS FOR MOVING AND RELATED EXPENSES

◆24.301 PAYMENT FOR RESIDENTIAL MOVES

Any displaced person who is an owner-occupant or tenant of a dwelling and occupied the real property for not less than ninety (90) days prior to: (a) the date the Notice of Intent to Acquire as described in Section 24.201(A) is sent; or (b) the Initiation of Negotiations (as defined in Section 24.2(I) of this Policy), is entitled to:

1. Payment of his or her actual reasonable moving and related expenses, including expenses for:

(a) Transportation of the displaced person and personal property.

(b) Packing, crating, unpacking, and uncrating of the personal property.

(c) Utility deposits.

(d) Key deposits.

(e) Storage of personal property up to one month, unless the Developer determines that a longer period is appropriate.

(f) Utility transfer and connection fees.

(g) Other initial rehousing deposits including, in the case of a displaced person who relocates to rental housing, first and last month's rent and security deposit to the extent required by the owner thereof.

(h) Other moving-related expenses that are not listed as ineligible as the Developer determines to be reasonable and necessary.

2. In lieu of actual moving and related expenses, a fixed payment in the amount of $500.00.

⍰24.302 PAYMENT FOR NONRESIDENTIAL MOVES

Any business or nonprofit organization which qualifies as a displaced person and has occupied the real property for not less than ninety (90) days prior to:

(a) the date the Notice of Intent to Acquire as described in Section 24.201(A) is sent; or (b) the Initiation of Negotiations (as defined in Section 24.2(I) of this Policy), is entitled to:

1. Payment for actual reasonable moving and related expenses, including expenses for:

(a) Transportation of personal property.

(b) Packing, crating, unpacking, and uncrating of the personal property.

(c) Disconnecting, dismantling, removing, reassembling, and reinstalling all relocated personal equipment. This includes connection to utilities available at the replacement site. It also includes modifications to the personal property necessary to adapt it to the replacement structure or the utilities at the replacement site. (Expenses for providing utilities from the "right-of-way" to the building or improvement are excluded.)

(d) Relettering signs and replacing stationery on hand at the time of displacement that are made obsolete as a result of the move.

(e) Any license, permit or certification required of the displaced person at the replacement location. However, the payment may be based on the remaining useful life of the existing license, permit, or certification.

(f) Other moving-related expenses that are not listed as ineligible as the Developer determines to be reasonable and necessary.

2. In lieu of actual moving and related expenses, a fixed payment in the amount of $1,500.00.

3. In lieu of the payments set forth in parts (1) and (2) of this Section, if the displaced person elects to take full responsibility for the move of the business, the Developer may make a payment for the person's moving expenses in an amount not to exceed the lower of two acceptable bids or estimates obtained by the Developer, less 15% for profit and overhead. At the Developer's discretion, a payment for a low cost or uncomplicated move may be based on a single bid or estimate.

⍰24.303 REQUIREMENTS FOR RECEIPT OF PAYMENTS FOR ACTUAL REASONABLE MOVING AND RELATED EXPENSES

The following requirements shall apply to claims for actual reasonable moving and related expenses (as provided in Section 24.301(1) and Section 24.302(1) and (3)):

(i) The displaced person shall provide such documentation as may be reasonably required by the Developer to establish the actual expenses incurred, such as invoices, receipts, certified prices, appraisals, or other evidence of such

expenses. The Developer must provide reasonable assistance necessary to enable all displaced persons to complete and file any required claim for payment.

(ii) The displaced person must provide the Developer with not less than ten (10) days advance written notice of the approximate date of the start of the move or disposition of the personal property and a list of the items to be moved.

(iii) The displaced person must permit the Developer to make reasonable and timely inspections of the personal property at both the displacement and replacement sites and to monitor the move.

⧫24.304 INELIGIBLE MOVING AND RELATED EXPENSES

A displaced person is not entitled to payment for:

(a) The cost of moving any structure or other real property improvement in which the displaced person reserves ownership; or

(b) Interest on a loan to cover moving expenses; or

(c) Loss of goodwill; or

(d) Loss of profits; or

(e) Loss of trained employees; or

(f) Any additional operating expenses of a business incurred because of operating in a new location; or

(g) Any legal fee or other cost for preparing a claim for a relocation payment or for representing the claimant before the Developer; or

(h) Physical changes to the real property at the replacement location.

⧫24.305 WAIVER OF BENEFITS

Any displaced person who is also the owner of the real property may waive relocation payments as part of the negotiations for acquisition of the interest held by such person. Such waiver shall be in writing, shall disclose the person's knowledge of the provisions of the Policy and his entitlement to payment and shall be filed with the Public Agency and SLDC.

Legislative History				
1ST READING	REF TO COMM	COMMITTEE	COMM SUB	COMM AMEND
10/11/91	10/11/91	HUDZ	10/18/91	
2ND READING	FLOOR AMEND	FLOOR SUB	PERFECTN	PASSAGE
12/13/91		12/17/91	12/17/91	12/20/91
ORDINANCE	VETOED		VETO OVR	
62481				