

10/24/17

ORDINANCE NO. 30694

An ordinance amending Chapter 39A, "Relocation Assistance - Eminent Domain," of the Dallas City Code, by amending Sections 39A-1, 39A-2, and 39A-3; repealing and reserving Sections 39A-4, 39A-5, and 39A-6; providing a purpose of the chapter; adopting the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act and additional provisions as the city's relocation assistance program; adding and deleting definitions; making certain other structural, grammatical, or clarifying changes; providing a penalty not to exceed \$500; providing a saving clause; providing a severability clause; and providing an effective date.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That Section 39A-1, "Scope of Chapter," of Chapter 39A, "Relocation Assistance - Eminent Domain," of the Dallas City Code is amended to read as follows:

"SEC. 39A-1. PURPOSE; SCOPE OF CHAPTER.

(a) The purpose of this chapter is to provide a relocation assistance program pursuant to Section 21.046 of the Texas Property Code, as amended. The city hereby adopts, as its relocation assistance program, the URA and the provisions in this chapter governing a code enforcement, rehabilitation, or demolition program.

(b) The provisions of this chapter shall apply only to city of Dallas projects and code enforcement, rehabilitation, or demolition programs. The provisions of this chapter shall be performed by the city manager [~~or such employees or agents of the city of Dallas as he shall from time to time designate~~]. All departments involved in land acquisition and a code enforcement, rehabilitation, or demolition program shall cooperate to the fullest extent to achieve the purposes of this chapter.

(~~c~~) Damages and costs within the purview of this chapter shall not be considered elements of market value or damage and shall not be recoverable in any eminent domain proceeding instituted by or against the city of Dallas.

(~~d~~) The city manager [~~or his designee~~] is hereby directed to comply with all regulations of any agency of the federal government, relating to land acquisition, relocation assistance, moving expenses, and replacement housing payments, when any such agency is rendering financial assistance to any city of Dallas project."

SECTION 2. That Section 39A-2, "Definitions," of Chapter 39A, "Relocation Assistance - Eminent Domain," of the Dallas City Code is amended to read as follows:

"SEC. 39A-2. DEFINITIONS.

The terms used in this chapter have the meanings ascribed to them in the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, or as defined [For the purposes of this chapter, the following words and phrases shall be defined as stated] below:

CITY MANAGER means the city manager or the city manager's designee.

CODE ENFORCEMENT, REHABILITATION, OR DEMOLITION PROGRAM means an official order issued by the fire marshal, building official, or the city's health officer, or their designees, and which, notwithstanding Section 21.046(e) of the Texas Property Code, as amended, is unrelated to real property title acquisition.

URA means the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and applicable regulations.

~~[BUSINESS. The term "business" means any lawful activity, excepting a farm operation, conducted primarily:~~

~~(a) for the purchase, sale, lease and rental of personal and real property, or for the manufacture, processing, or marketing of products, commodities or any other personal property;~~

~~(b) for the sale of services to the public;~~

~~(c) by a nonprofit organization; or~~

~~(d) for assisting in the purchase, sale, resale, manufacture, processing, or marketing of products, commodities, personal property, or services by the erection and maintenance of an outdoor advertising display or displays, whether or not such display or displays are located on the premises on which any of the above activities are conducted. [This activity is considered a "business" solely for the purpose of moving and related expenses under Section 39A-5(t)].~~

~~COMPARABLE REPLACEMENT DWELLING. A comparable replacement dwelling is one which is:~~

~~(a) decent, safe and sanitary as defined in Section 39A-3 below;~~

~~(b) functionally equivalent and substantially the same as the acquired dwelling with respect to:~~

~~(1) area of living space;~~

(2) type of construction;

(3) age; and

(4) state of repair.

(e) ~~fair housing—open to all persons regardless of race, color, religion, sex or national origin and consistent with the requirements of Title VIII of the Civil Rights Act of 1968;~~

(d) ~~located in areas not generally less desirable than the dwelling to be acquired with regard to:~~

(1) ~~public utilities; and~~

(2) ~~public and commercial facilities.~~

(e) ~~reasonably accessible to the relocatee's place of employment, without regard to relocatee's accessibility prior to taking;~~

(f) ~~adequate to accommodate the relocatee;~~

(g) ~~in an equal or better neighborhood;~~

(h) ~~available on the market to the displaced person; and~~

(i) ~~within the financial means of the displaced family or individual.~~

DISPLACED PERSON.

(a) ~~A person is displaced when:~~

(1) ~~the person is in occupancy at the time public notice is given that the property or a portion of the property will probably be included in the project area;~~

(2) ~~the person is in occupancy at the initiation of negotiations for the acquisition of the real property in whole or in part;~~

(3) ~~the person is in occupancy at the time of being given a written notice by the city of Dallas of its intent to acquire the property by a given date;~~

(4) ~~the person permanently moves from the real property or permanently moves personal property from the real property subsequent to the dates established in Paragraph (2) or (3); and~~

(5) ~~the real property is subsequently acquired, except that if the move occurs after a written order to vacate is issued, the occupant is eligible even though the property is not acquired.~~

~~(b) A person who permanently moves or discontinues a business, permanently moves other personal property, or permanently moves from a dwelling as a direct result of any city of Dallas code enforcement project not involving real property acquisition shall, for the purposes of this chapter, be deemed to have been displaced as the result of the acquisition of real property. To be considered "a direct result of any city of Dallas code enforcement project," the move must be made pursuant to an official order issued personally by the fire marshal, the building official, or the city health officer.~~

~~DWELLING. The term "dwelling" means any single family house, a single family unit in a multi-family building, a unit of a condominium or cooperative housing project, a mobile home, or any other residential unit.~~

~~EXISTING PATRONAGE. The term "existing patronage" is the annual average dollar volume of business transacted during the two taxable years immediately preceding the taxable year in which the business is relocated.~~

~~FAMILY. The term "family" means two or more individuals, one of whom is the head of a household, plus all other individuals regardless of blood or legal ties who live with and are considered a part of the family unit. Where two or more individuals occupy the same dwelling with no identifiable head of a household, they shall be treated as one family for replacement housing payment purposes.~~

~~FARM OPERATION. The term "farm operation" means any activity conducted solely or primarily for the production of one or more agricultural products or commodities, including timber, for sale or home use and customarily producing such products or commodities in sufficient quantity to be capable of contributing materially to the operator's support. The term "contributing materially" used in this definition means that the farm operation contributes at least one third of the operator's income, however, in instances where such operation is obviously a farm operation it need not contribute one third to the operator's income for him to be eligible for relocation payments.~~

~~FEDERAL FINANCIAL ASSISTANCE. The term "federal financial assistance" means a grant, loan, or contribution provided by the United States, except any federal guarantee or insurance.~~

~~INITIATION OF NEGOTIATIONS FOR THE PARCEL. The term "initiation of negotiations for a parcel" means the date the city of Dallas makes the first personal contact with the owner of the parcel or property to be acquired or his designated representative where price is discussed.~~

~~MORTGAGE. The term "mortgage" means such classes of liens as are commonly given to secure advances on, or the unpaid purchase price of, real property, under the laws of the State of Texas, together with the credit instruments, if any, secured thereby.~~

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~~NONPROFIT ORGANIZATION.~~ The term “nonprofit organization” means a corporation, partnership, individual or other public or private entity, engaged in a business, professional or instructional activity on a nonprofit basis, necessitating fixtures, equipment, stock in trade, or other tangible property for the carrying on of the business, profession or institutional activity on the premises.

~~OWNER.~~ The term “owner” means an individual (or individuals):

(a) ~~owning, legally or equitably, the fee simple estate, a life estate, a 99-year lease or other proprietary interest in the property.~~

(b) ~~the contract purchaser of any of the foregoing estates or interests; or~~

(c) ~~who has succeeded to any of the foregoing interests by devise, bequest, inheritance or operation of law. For the purpose of this chapter in the event of acquisition of ownership by any of the foregoing methods in this Subparagraph (c), the tenure of ownership, not occupancy, of the succeeding owner shall include the tenure of the preceding owner.~~

~~PERSON.~~ The term “person” means any individual, partnership, corporation or association.

~~RELOCATEE.~~ The term “relocatee” means any person who meets the definition of a displaced person].”

SECTION 3. That Section 39A-3, “Standards for Decent, Safe and Sanitary Housing,” of Chapter 39A, “Relocation Assistance - Eminent Domain,” of the Dallas City Code is amended to read as follows:

“SEC. 39A-3. **CODE ENFORCEMENT, REHABILITATION, OR DEMOLITION PROGRAM** [~~STANDARDS FOR DECENT, SAFE AND SANITARY HOUSING~~].

(a) A person is considered displaced when, as a direct result of a code enforcement, rehabilitation, or demolition program, the person permanently moves or discontinues a business, permanently moves personal property, or permanently moves from a dwelling.

(b) A person who is displaced under this section shall be treated as a displaced person under the URA.

(c) Whenever, due to a code enforcement, rehabilitation, or demolition program, a person is required to temporarily vacate or evacuate property, the occupant of the property may receive temporary housing payments, for a period not to exceed 72 hours, for housing and food expenses based on the U.S. General Services Administration’s per diem standard rate for Texas

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for the current year, whether or not they could qualify for permanent relocation benefits under this chapter.

(d) When a person is displaced pursuant to this section, the city may, in accordance with Section 214.001 of the Texas Local Government Code, as amended, place a lien on the property, unless it is a homestead protected by the Texas Constitution, to recover costs incurred by the city in relocating the displaced person.

~~[Decent, safe and sanitary housing is housing which meets all of the following minimum requirements:~~

~~(a) Conforms to local housing codes of the city of Dallas. Conforms with all applicable provisions for existing structures that have been established under city of Dallas building, plumbing, electrical, housing and occupancy codes and similar ordinances or regulations.~~

~~(b) Water. Has a continuing and adequate supply of potable safe water.~~

~~(c) Kitchen requirements. Has a kitchen or an area set aside for kitchen use which contains a sink in good working condition and connected to hot and cold water, and an adequate sewage system. A stove and refrigerator in good operating condition shall be provided if required by city of Dallas ordinances or custom. When these facilities are not so required by codes, ordinances or custom, the kitchen area or area set aside for such use shall have utility service connections and adequate space for the installation of such facilities.~~

~~(d) Heating requirements. Has adequate gas or electric connections available to maintain a minimum temperature of 70 \pm in the living area under local climatic conditions. Bedrooms are not included in the "living area" as referred to in this paragraph.~~

~~(e) Bathroom facilities. Has a bathroom, well lighted and ventilated and affording privacy to a person within it, containing a lavatory basin and a bathtub or stall shower, properly connected to an adequate supply of hot and cold running water, and a flush closet, all in good working order and properly connected to a sewage disposal system.~~

~~(f) Electric system. Has an adequate and safe wiring system for lighting and other electrical services.~~

~~(g) Structurally sound. Is structurally sound, weathertight, in good repair and adequately maintained.~~

~~(h) Egress. Each building used for dwelling purposes shall have a safe unobstructed means of egress leading to open space at ground level. Each dwelling unit in a multi dwelling building must have access either directly or through a common corridor to a means of egress to open space at ground level. In multi dwelling buildings of three stories or more, the common corridor on each story must have at least two means of egress.~~

(i) ~~Habitable floor space.~~ Has 150 square feet of habitable floor space for the first occupant in a standard living unit and at least 100 square feet (70 square feet for mobile homes) of habitable floor space for each additional occupant. The floor space is to be subdivided into sufficient rooms to be adequate for the family. All rooms must be adequately ventilated. Habitable floor space is defined as that space used for sleeping, living, cooking or dining purposes and excludes such enclosed places as closets, pantries, bath or toilet rooms, service rooms, connecting corridors, laundries and unfurnished attics, foyers, storage spaces, cellars, utility rooms and similar spaces.

(j) ~~Rental of sleeping rooms.~~ The standards for decent, safe and sanitary housing as applied to rental of sleeping rooms shall include the minimum requirements contained in Subsections (a), (d), (f), (g) and (h) of this Section 39A-3 as well as the following:

(1) ~~Habitable floor space.~~ At least 100 square feet of habitable floor space for the first occupant and 50 square feet of habitable floor space for each additional occupant.

(2) ~~Bathroom facilities.~~ Lavatory, bath and toilet facilities that provide privacy including a door that can be locked if such facilities are separate from the room.]”

SECTION 4. That Section 39A-4, “Relocation Assistance Program,” of Chapter 39A, “Relocation Assistance - Eminent Domain,” of the Dallas City Code is amended to read as follows:

“SEC. 39A-4. **RESERVED.** [RELOCATION ASSISTANCE PROGRAM.

(a) ~~Assurances of adequate relocation assistance program.~~

(1) ~~The city shall not proceed with any phase of any land acquisition project which will cause the relocation of any person until furnished satisfactory assurances from the city manager that:~~

(A) ~~relocation payments and services were or will be provided as set forth in this chapter;~~

(B) ~~the public was or will be adequately informed of the relocation payments and services which will be available as set forth in Section 39A-4(e); provided that where dislocation occurs without land acquisition the required information shall be presented on an individual basis rather than publicly; and~~

(C) ~~to the greatest extent practicable, no person lawfully occupying real property shall be required to move from his dwelling or to move his business or farm operation, without at least 90 days written notice from the city of the date by which such move is required.~~

(2) ~~The city of Dallas shall not proceed with land acquisition negotiations on any project which will cause the relocation of any person until the city manager or his designee finds that:~~

~~(A) Comparable replacement housing. Within a reasonable period of time prior to displacement, comparable replacement dwellings will be available or provided (built if necessary) for each displaced person. Such assurance shall be accompanied by an analysis of the relocation problems involved and a specific plan to resolve such problems as described in Section 39A-4(i)(2).~~

~~Where real property is acquired in hardship cases and/or for protective buying, the required assurance together with an analysis of the relocation problems involved and a specific plan to resolve such problems shall be provided for each parcel or for the project.~~

~~(B) Adequate relocation program. The city of Dallas relocation program is adequate to provide orderly, timely and efficient relocation of displaced persons as provided in this chapter.~~

~~(b) Eligibility for participation.~~

~~(1) Reimbursement requirement. Payment will be made only for the cost of relocating those persons in occupancy at the time public notice is given that the property or a portion thereof will probably be included in the project area, and to no subsequent occupants. Relocation payments to eligible persons will be made when all of the following conditions have been met:~~

~~(A) Person relocated. When in fact the person has been or will be relocated by the project or from the right of way approved for such project.~~

~~(2) Interest acquired. The type of interest acquired does not affect the eligibility of relocation costs for reimbursement provided the interest acquired is sufficient to cause displacement. In like manner, the terms under which a tenant is occupying property do not affect eligibility for participation provided the tenant is actually displaced by the project and the occupancy is lawful.~~

~~(3) Losses due to negligence. Losses due to negligence of the relocated person, his agent or employees are not eligible for payment or reimbursement.~~

~~(4) Refusal of assistance. A displaced person can refuse relocation services and still be eligible for payments. There is no requirement that he accept the services if he wants to relocate on his own. However, he must meet the decent, safe and sanitary requirements and make application within the time limits to qualify for replacement housing payments.~~

~~(c) Organization requirements for administration of relocation assistance programs.~~

~~(1) Organization and procedures. The city manager shall have an individual whose primary responsibility is the administration of the city's relocation assistance program. The organization and procedures of the relocation assistance program shall provide as a minimum that:~~

~~(A) Responsibility assigned on project basis. Each project, where relocations will occur, shall have assigned to it one or more individuals whose primary responsibility is to provide relocation assistance. These individuals may have responsibility for more than one project where reasonable.~~

~~(B) Local relocation office. A local relocation office shall be established which is reasonably convenient to public transportation or within walking distance of each project when the city determines that the volume of work or the needs of the displaced persons are sufficient to justify the establishment of such an office. The determination whether or not to establish a local relocation office shall be made on an individual project basis and if financial assistance on the project is being rendered by a federal agency, such decision shall be submitted to the head of such agency rendering financial assistance to the project in question for its approval or disapproval. These offices shall be opened during hours convenient to the persons to be relocated, including evening hours if necessary. Consideration should be given to the employment of people in the local relocation office who are familiar with the problems of the area.~~

~~(C) Information to be maintained on a project basis. The following shall be maintained and provided for each project:~~

~~i. current and continuing lists of replacement dwellings available to persons without regard to race, color, religion or national origin drawn from various sources, suitable in price, size and condition for displaced persons to the extent they are available;~~

~~ii. current and continuing lists of comparable commercial properties and locations for displaced businesses;~~

~~iii. current data for such costs and security deposits, closing costs, typical downpayments, interest rates and terms;~~

~~iv. maps showing the location of schools, parks, playgrounds, shopping and public transportation routes in the area where applicable;~~

~~v. schedules and costs of public transportation where applicable;~~

~~vi. copies of the brochure, prepared by the city manager or his designee, explaining its relocation program, city ordinances pertaining to housing, building codes, open housing, consumer education, literature on housing, shelter costs and family budgeting.~~

~~(D) Contact with and exchange of information with other agencies. Relocation officials shall maintain personal contact with and shall exchange information with other agencies providing services useful to persons who will be relocated.~~

~~i. Such agencies may include but not be limited to social welfare agencies, urban renewal agencies, redevelopment authorities, public housing authorities, the Federal Housing Administration, Veterans Administration and Small Business Administration.~~

ii. ~~Personal contact shall also be maintained with local sources of information or private replacement properties, including real estate brokers, real estate boards, property managers, apartment owners and operators, and home building contractors.~~

iii. ~~The city shall cooperate with FHA and VA in making available properties owned by FHA and VA which are for sale to the public.~~

(2) ~~Policy and procedure statement or manual.~~ The city manager or his designee shall provide and submit, when requested by any federal agency rendering financial assistance to any city of Dallas project, a policy and procedural statement in accordance with the requirements of said agency.

(d) ~~Contracting procedures.~~ Where the city manager elects to have the relocation services and payments required under this chapter administered by another federal, state, local government or private agency having an established organization, it shall enter into a written contract or agreement to that effect with the agency it selects. The contract or agreement shall have prior approval by the head of the federal agency rendering financial assistance to the project in question and shall be submitted to the city council for approval or rejection.

(e) ~~Public information.~~

(1) ~~General requirements.~~ In order to assure that the public has adequate knowledge of the relocation program, the city manager or his designee shall present information and provide opportunity for discussion of relocation services and payments at public hearings, prepare a relocation brochure and give full and adequate public notice of the relocation assistance program.

(2) ~~Public hearings.~~ The discussions shall include but not necessarily be limited to the following:

(A) ~~The eligibility requirements and payment procedures including:~~

- ~~i. eligibility requirements and payment limits for moving costs;~~
- ~~ii. replacement housing payment eligibility requirements and payment limits;~~
- ~~iii. mortgage interest rate differential, eligibility requirement and payment;~~
- ~~iv. payment of closing costs incident to the purchase of a replacement dwelling; and~~
- ~~v. appeal procedures.~~

~~(B) Discussion of the services available under the relocation assistance advisory program. The address and telephone number of the local relocation office and the name of the relocation officer in charge.~~

~~(C) The estimated number of individuals, families, businesses, farms and nonprofit organizations that are to be relocated by each of the alternatives under consideration at the hearing.~~

~~(D) The estimated number of dwelling units presently available that meet replacement housing requirements.~~

~~(E) An estimate of the time necessary for relocation and of the number of dwelling units meeting the replacement housing requirements that will become available during that period.~~

~~(F) The depth of presentation would be influenced by the comprehensiveness of the brochure. If the brochure covers a particular item in sufficient detail, it would be satisfactory to highlight what the brochure contains without going into any great detail. If a particular item is not applicable to the project it would not be necessary to discuss the item beyond the mere mention that the law makes provision for such item.~~

~~(3) Brochure. The city manager or his designee shall prepare a brochure adequately describing its relocation program and distribute the same without cost at all public hearings and to all other individuals and organizations as appropriate. The brochure shall state where copies of the regulations implementing the relocation assistance program can be obtained. In order to give proper information and assistance to relocatees every effort should be made to communicate with them in their language. Where a language other than English is predominant it might be well to publish the brochure in such language also.~~

~~(4) Public announcements. The city manager or his designee shall within 15 days after initiation of negotiations on the project provide public announcements of the relocation services to be provided, payments that can be made and where the brochure can be obtained. Such public announcements shall consist of the utilization of any combination of mass media which will provide full and adequate notice to the public. The mass media used could be: local newspaper, radio, television, local meetings and posted notices. Particular emphasis should be given to utilizing the media that is read, looked at or listened to the most by residents on the project. The public announcements shall:~~

~~(A) state the date of initiation of negotiations established for the project. For this purpose, the date of initiation of negotiations for the project means the date the acquiring agency makes the first personal contact with the owner of any property on the project or his designated representative where price is discussed except where such contact is made solely for protective buying or because of hardship. The control date thus established shall be documented in the project file;~~

~~(B) define the area of the project;~~

~~(C) advise occupants of such area of their eligibility for and the requirements to receive moving and replacement housing payments;~~

~~(D) advise that any occupants contemplating moving should, to insure eligibility for moving and replacement housing payments, notify the city manager before moving;~~

~~(E) advise that owner occupant in order to be eligible for relocation benefits must sell to the acquiring agency; and~~

~~(F) state where the brochure describing the relocation program can be obtained.~~

~~(f) Relocation assistance advisory services.~~

~~(1) General. The city manager shall establish a relocation assistance advisory service program in order to provide assistance to persons required to relocate. The services shall be provided by personal contact. If such personal contact cannot be made, the city shall document the file to show that reasonable efforts were made to achieve the personal contact.~~

~~(2) Eligibility. Relocation assistance advisory service shall be offered to all displaced persons as defined herein.~~

~~(3) Advisory services. The city's relocation assistance advisory service shall:~~

~~(A) include discussion and explanation of services available, relocation payments and eligibility requirements therefor, and assistance in completing any applications or other forms required;~~

~~(B) provide current and continuing information on the availability, prices and rentals of comparable decent, safe and sanitary sales and rental housing, and of comparable commercial properties and locations for displaced businesses;~~

~~(C) supply information concerning federal and state housing programs, disaster loan programs, and other federal or state programs offering assistance to displaced persons.~~

~~The amount of the advisory services and extent shall be administered on a reasonable basis commensurate with the relocatee's needs.~~

~~(4) Coordination of relocation activities. The city manager or his designee shall contact other federal, state and local governmental agencies to determine the extent of present and proposed actions which will affect its relocation program and the availability of housing resources. Where other agencies are involved, positive action shall then be taken to assure maximum coordination of relocation activities.~~

~~(g) Written notices. The following written notices must be furnished each displaced person to insure that he is fully informed of the benefits and services available to him:~~

~~(1) Notice of intent to acquire.~~

~~(A) This notice shall be furnished to owners and tenants, along with the brochure as described in Section 39A 4(e)(3) when the city determines to establish eligibility for relocation benefits prior to the initiation of negotiations for acquisition of the parcel. This notice shall not be issued prior to authorizing the institution of negotiations on the project or authorizing acquisition of individual parcels solely for protective buying or because of hardship.~~

~~(B) The notice shall contain the statement of eligibility and any restrictions thereto, the anticipated date of the initiation of negotiations for acquisition of the property and how additional information pertaining to relocation assistance payments and services can be obtained.~~

~~(C) If a notice of intent to acquire is furnished an owner, it must also be furnished to his tenants within 15 days.~~

~~(D) If a notice of intent to acquire is furnished a tenant, the owner must be simultaneously notified of such action.~~

~~(2) Notice at initiation of negotiations. At the time of initiation of negotiations for acquisition of the parcel the following information shall be furnished:~~

~~(A) Owner occupants of more than 180 days. Simultaneous with the fair market value offer, owner occupants of more than 180 days shall be furnished:~~

~~i. a statement which specifies the maximum amount to which he is entitled for the purchase of a replacement dwelling; and~~

~~ii. an explanation of the eligibility requirements to receive payments for replacement housing, increased interest costs, incidental expenses, and of his option to rent replacement housing unless such explanations are adequately covered in the brochure; and~~

~~iii. the brochure.~~

~~(B) Owner occupants of not less than 90 days. Simultaneous with the fair market value offer, owner occupants of not less than 90 days shall be furnished:~~

~~i. a statement which specifies the maximum downpayment to which he is entitled for the purchase of a replacement dwelling; and~~

~~ii. an explanation of his option to receive a downpayment and incidental expenses to purchase replacement housing and the requirement therefor, and of his option to rent replacement housing unless such explanations are adequately covered in the brochure; and~~

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iii. ~~the brochure.~~

(C) ~~Tenants.~~ Within 15 days after initiation of negotiations for the parcel, tenants shall be personally contacted and furnished in writing:

i. ~~the date of initiation of negotiations for the parcel; and~~

ii. ~~a statement which specifies the amount of the rental replacement housing payment to which he is entitled; and~~

iii. ~~an explanation of the eligibility requirements to receive a rental replacement housing payment, and of his option to purchase replacement housing, receive a downpayment and incidental expenses, including the matching requirements therefor, unless such explanations are adequately covered in the brochure; and~~

iv. ~~the brochure.~~

(3) 90 day notice to vacate.

(A) ~~The construction or development of a project shall be so scheduled that to the greatest extent practicable, no person lawfully occupying real property shall be required to move from a dwelling, or to move his business or farm without at least 90 days written notice of the intended vacation date from the agency having responsibility for such acquisition. Exceptions to this provision should be made only in the case of very unusual conditions.~~

i. ~~The 90 day notice shall not be given until such time as the city has control of the property.~~

ii. ~~The 90 day notice shall give a firm specific date by which the relocatee must vacate the property. This date may be extended when conditions warrant, but any extension must be in writing and must give another specific date by which the property must be vacated.~~

iii. ~~A notice is not required if an occupant moves on his own volition prior to the time the 90 day notice is given.~~

(B) ~~As an alternative the city may adopt the following procedure:~~

i. ~~The 90 day notice may be given on or after the initiation of negotiations for the parcel and shall include a statement that the relocatee will not be required to move from a dwelling, or to move his business or farm before 90 days from the date of the notice. Such notice shall inform the relocatee that he will be given a 30 day notice specifying the date by which the property must be vacated.~~

ii. ~~The 30 day notice shall not be given until such time as the city has control of the property.~~

iii. ~~Notices are not required if an occupant moves on his own volition prior to the time such notices are given.~~

~~(C) Any person occupying property subsequent to the deposit by the city of the award of the special commissioners shall pay reasonable rental to the city based upon the value of the property as found by the special commissioners.~~

~~(4) Notice of right to appeal. All eligible relocatees shall be furnished a written notice of their right to appeal, as provided in Section 39A-7 and the procedures for making such appeal. Such notification may be provided by the brochure if such procedures are adequately covered therein.~~

~~(h) Relocation program plan at conceptual stage.~~

~~(1) General requirements. A project will be considered to be in this stage until such time as the final location is approved. Prior to the completion of this stage and prior to the public hearings, the city manager or his designee shall make preliminary investigations which will furnish the necessary information to meet the public hearing requirements as provided in Section 39A-4(e)(2).~~

~~(2) Information to be obtained. The information to be developed at this time would be in the form of an estimate to determine:~~

~~(A) The estimated number of individuals, families, businesses, farms and nonprofit organizations that are to be relocated by each of the alternatives under consideration.~~

~~(B) The probable availability of decent, safe and sanitary replacement housing within the financial means of the individuals and families affected by each of the alternatives under consideration.~~

~~(3) Basis of information obtained. The basis upon which the above findings were made and a statement relative to the relocation problems involved in each location along with possible solutions shall be submitted by the city manager or his designee if requested by any federal agency furnishing financial assistance on the project in question, prior to the public hearings.~~

~~(i) Relocation program at right of way stage.~~

~~(1) General requirements. The city shall not proceed with negotiations on any project which will cause the relocation of any person until it has obtained approval of the project assurances as provided for in Section 39A-4(a)(2) of this chapter and the relocation plan as required by Subsection (2) below.~~

~~(2) Relocation plan.~~

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~~(A) Inventory of individual needs. The city manager or his designee shall prepare an inventory of the characteristics and needs of individuals and families to be displaced based on the standard of comparable replacement housing. This inventory may be based upon a sampling survey process rather than a complete occupancy survey. The city manager may utilize recent census or other valid recent survey data to assist in preparing the inventory. However, any sampling survey process must be to the depth necessary to be fully representative of the characteristics and needs of the relocatees.~~

~~(B) Inventory of available housing. The city manager or his designee shall develop a reliable estimate of currently available comparable replacement housing. The estimate shall set forth the type of buildings, state of repair, number of rooms, adequacy of such housing as related to the needs of the persons or families to be relocated (based on standards outlined in Section 39A-3, type of neighborhood, proximity of public transportation and commercial shopping areas, and distance to any pertinent social institutions, such as church, community facilities, etc. Maps, plats, charts, etc., may be used at this point. This estimate should be developed to the extent necessary to insure that the relocation plan can be expeditiously and fully implemented.~~

~~(C) Analysis of inventories. The city manager or his designee shall prepare an analysis and correlation of the above information so as to develop a relocation plan which will:~~

- ~~i. outline the various relocation problems;~~
- ~~ii. provide an analysis of current and future federal, state, and community programs currently in operation in the project areas, and nearby areas affecting the supply and demand for housing, including detailed information on concurrent displacement and relocation by other governmental agencies or private concerns;~~
- ~~iii. provide an analysis of the problems involved and the method of operation to resolve such problems and relocate the relocatees in order to provide assistance.~~

~~(j) Relocation program at construction stage.~~

~~(1) Authorization for construction. The city manager or his designee shall find that all applicable provisions of this chapter have been complied with prior to authorizing clearance of the right-of-way.~~

~~(2) Adequate replacement housing. For the purposes of this chapter, the term "adequate replacement housing" means a dwelling which meets the requirements of a "comparable replacement dwelling" as defined in Section 39A-2 of this chapter.~~

~~(3) Available replacement housing. "Available" shall mean that the affected person has either by himself obtained and has the right of possession of replacement housing or the city has offered him decent, safe and sanitary replacement housing which is available for immediate occupancy. The city will be in compliance with the offer requirement when it can be shown that it has:~~

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~~(A) determined that decent, safe and sanitary housing that is in an area not less desirable in regard to public utilities and public and commercial facilities, in the same general area from which he is being displaced and reasonably accessible to the relocatee's place of employment and adequate to accommodate the relocatee, is available and has informed the relocatee of its availability and location;~~

~~(B) informed the relocatee of the amount, if any, of supplemental payments available to him. In hardship cases, assure the relocatee that an advance of funds will be made should such become necessary;~~

~~(C) provide the relocatee reasonable time to negotiate for and obtain possession of the housing;~~

~~(D) determine that the available housing is within the financial means of the relocatee; and~~

~~(E) determine that the replacement housing offered is fair housing, open to all persons regardless of race, color, religion, sex or national origin.~~

~~(k) Recovery of relocation costs resulting from code enforcement. When a person is displaced from property as a direct result of an official order issued personally by the fire marshal, the building official, or the city health officer in a code enforcement action against the property, the city may, in accordance with Section 214.001 of the Texas Local Government Code, place a lien on the property, unless it is a homestead protected by the Texas Constitution, to recover costs incurred by the city in relocating the displaced person.]”~~

SECTION 5. That Section 39A-5, “Moving Expenses Provisions Related To All Relocates,” of Chapter 39A, “Relocation Assistance - Eminent Domain,” of the Dallas City Code is amended to read as follows:

“SEC. 39A-5. RESERVED. [MOVING EXPENSES PROVISIONS RELATED TO ALL RELOCATEES.

~~(a) Each individual, family, business or farm operator, displaced as the result of the acquisition of his property or a part thereof for use in a public project shall receive payment for the reasonable expenses of moving his personal property when:~~

~~(1) he is in occupancy at the time public notice is given that the property or a portion thereof will probably be included in the project area; and~~

~~(2) he is in occupancy at the initiation of negotiations for the acquisition of the real property in whole or in part; and~~

~~(3) he is in occupancy at the time he is given a written notice by the city of Dallas that it is its intent to acquire the property by a given date; and~~

~~(4) he moves from the real property or moves his personal property from the real property subsequent to the earliest date established in (2) or (3) above; and~~

~~(5) the real property is subsequently acquired.~~

~~(6) If the move occurs after a written order to vacate is issued the occupant is eligible even though the property is not acquired.~~

~~(b) Where the acquisition of real property used for a business or farm operation which is eligible for a payment under Section 39A-5(a), above, causes a person to vacate a dwelling or other real property not acquired or move his personal property from other real property not acquired, the additional expenses of moving such personalty are eligible for the appropriate moving payments under Sections 39A-5(p), 39A-5(q)(2), (3) and (4), 39A-5(r)(1) and 39A-5(s).~~

~~(c) The individual, family, business or farm operator shall receive payment for only one move.~~

~~(d) Reimbursement or payment of moving expenses shall not be made for a move in excess of 50 miles. In the event a relocatee desires to move a distance in excess of 50 miles he shall be paid only the reasonable cost of a move up to 50 miles.~~

~~(e) A relocatee who relocates personal property onto remaining or other lands owned by him or his landlord shall be paid his actual cost for making such relocation.~~

~~(f) In complicated or unusual moves where advertising is the only feasible method for securing bids, the city manager or his designee may advertise for bids for packing, crating and transportation.~~

~~(g) In the usual or ordinary situations, the city manager or his designee shall secure bids, not to exceed two per move.~~

~~(h) By written prearrangement between the city, acting through the city manager or his designee, and the relocatee, the relocatee may present an unpaid moving bill to the city for direct payment.~~

~~(i) The city manager or his designee, acting for the city, may enter into a contract with independent movers on a schedule basis and furnish a relocatee with a list of movers from which he may choose one to move his property. In such instances, direct payment shall be made to the mover.~~

~~(j) In hardship or emergency cases, the city manager or a designee may pay in advance up to \$200 of the fixed moving expense payment to be used for temporary housing or other~~

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~~emergency expenses, upon being furnished evidence that the hardship or emergency actually exists.~~

~~(k) When an actual expense basis is used and the city manager or his designee determines that it is necessary for a relocated person to store his personal property for a reasonable period of time not to exceed six months, the cost of such storage may be included as a moving expense. The property shall not be stored on the property being acquired or on other property owned or controlled by the relocatee.~~

~~(l) The cost of insurance premiums covering loss and damage of personal property while in storage or transit shall be treated as moving expenses to the extent that the coverage acquired does not exceed the reasonable replacement value of the personal property. Where insurance is not attainable at a reasonable cost the reasonable replacement value of personal property lost, stolen or damaged (not caused by the fault or negligence of the relocatee, his agent or employee) in the process of moving shall be paid the relocatee upon his assigning his rights of recovery against any third party who may be responsible to the city.~~

~~(m) Removal and reinstallation expenses.~~

~~(1) The expenses of removal, reinstallation and reestablishment of machinery, equipment, appliances and other items which are not acquired, including reconnection of utilities to such items, which do not constitute an improvement (except when required by law) to the replacement site are eligible for reimbursement. Such costs are not applicable to items classified by the city as real property and retained by the owner through the owner retention process. Prior to payment of any expenses for removal and reinstallation of such property, the owner and the city shall agree in writing that the property is personalty and that the city is released from any payment for the property as realty.~~

~~(2) Owner retention. When an owner retains his dwelling, the cost of moving it onto remainder or replacement land is not eligible for reimbursement as a part of the cost of moving personal property. However, if he chooses to use his dwelling as a means of moving personal property the cost of moving personal property may be considered. Payment in these cases would be on a fixed schedule basis.~~

~~(3) Delivery of payment checks. The person or persons who establish the moving cost payment shall not deliver the payment to the relocatee.~~

~~(n) Claims. In order to obtain a moving expense payment, a relocated person must file a written claim with the city of Dallas on a form provided by the city for that purpose within a reasonable time limit determined by the city. The moving expense payment should be made only after the move has been accomplished except as set out above, and after a fully executed release has been delivered to the city.~~

~~(o) Exclusions on moving expenses and losses. The following expenses are considered ineligible for participation as "actual moving expenses":~~

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- ~~(1) Additional expenses incurred because of living in a new location.~~
- ~~(2) Cost of moving structures, improvements or other real property in which the displaced person reserved ownership.~~
- ~~(3) Improvements to the replacement site, except when required by law.~~
- ~~(4) Interest on loans to cover moving expenses.~~
- ~~(5) Loss of goodwill.~~
- ~~(6) Loss of business and/or profits.~~
- ~~(7) Loss of trained employees.~~
- ~~(8) Personal injury.~~
- ~~(9) Cost of preparing the application for moving and related expenses.~~
- ~~(10) Modification of personal property to adapt it to replacement site except when required by law.~~

~~(p) Moving payments to individuals and families.~~

~~(1) General. A displaced individual or family eligible under Section 39A-5(a) is entitled to receive a payment for moving his personal property, himself and his family. The relocatee has the option of payment on the basis of actual reasonable moving expenses or a moving expense schedule.~~

~~(2) Actual reasonable moving expenses.~~

~~(A) Commercial moves.~~

~~i. A relocated individual or family may be paid the actual, reasonable cost of a move accomplished by a commercial mover. Such expense will be supported by receipted bills.~~

~~ii. The city manager or his designee may contract with independent movers on a schedule basis and furnish the relocatee with a list of movers he may choose from to move his property. In such instances the city would pay the mover.~~

~~(B) Self moves. In the case of a self move the relocated individual or family may be paid his actual moving costs, supported by receipted bills or other evidence of expenses incurred but such payment may not exceed the estimated cost of moving commercially. The estimated cost may be prepared by a commercial moving company or by a qualified city employee.~~

~~(C) Cost of transportation. The costs of transportation of individuals and families to the new location are also eligible. Such costs may be on a mileage basis, not to exceed 10 cents per mile, or reasonable actual fees if commercial transport is used and may include special services such as the cost of an ambulance to transport invalid relocatees. The actual reasonable costs of meals and lodging, when the city manager or his designee determines that such costs are required because of unforeseen circumstances or practical necessities of the moving operation, are also eligible.~~

~~(3) Moving expense schedule.~~

~~(A) A relocated individual or family is eligible to receive a moving expense allowance based on the "Residential Moving Expense and Dislocation Allowance Payment Schedule" used by the U. S. Department of Transportation Federal Highway Administration, as applicable in the State of Texas, that is in effect on the date the individual or family is considered a "displaced person" as defined in Section 39A-2 of this chapter.~~

~~(4) Owner occupants of multi family dwellings. In addition to the payment for the moving of personal property, himself and his family from his dwelling unit in accordance with the provisions of this paragraph, the owner occupant of a multi family dwelling is also eligible to receive moving payments under the provisions of Section 39A-5(q) for the other units of the multi family dwelling.~~

~~(q) Moving payments to businesses.~~

~~(1) General.~~

~~(A) The owner of a displaced business eligible under Section 39A-5(a) is entitled to receive a payment for actual reasonable moving and related expenses which include:~~

~~i. actual reasonable expenses in moving his business or other personal property as provided in Section 39A-5(q)(2);~~

~~ii. actual direct losses of tangible personal property in moving or discontinuing his business, as provided in Section 39A-5(q)(3);~~

~~iii. actual reasonable expenses in searching for a replacement business, as provided in Section 39A-5(q)(4).~~

~~(2) Actual reasonable moving expenses.~~

~~(A) Commercial moves. The owner of a business may be paid the actual reasonable cost of a move accomplished by a commercial mover. Such expense will be supported by receipted bills.~~

~~(B) Self moves.~~

i. In the case of a self move the owner of a relocated business may be paid an amount to be negotiated between the city manager or his designee and the business not to exceed the lower of two firm bids obtained by the city from qualified moving firms; or

ii. If such bids or estimates cannot be obtained, the owner may be paid his actual, reasonable moving costs supported by receipted bills or other evidence of expenses incurred.

iii. The city manager or his designee may adopt a procedure by which a qualified city employee, other than the employee handling the claim, makes a moving expense finding not to exceed \$500. The amount of such moving expense finding may be paid the owner of the business upon completion of the move without supporting evidence of actual expenses incurred.

(C) Alternate payments.

i. The provisions of Section 39A-5(q)(3) contain the criteria under which reimbursement is based for personal property which is not moved to the new site.

ii. When personal property which is used in connection with the business to be moved is of low value and high bulk and the estimated cost of moving would be disproportionate in relation to the value, the city manager or his designee may negotiate with the owner for an amount not to exceed the difference between the cost of replacement of comparable item(s) on the market and the amount which would probably have been received for the item(s) on liquidation.

(3) Actual direct losses of tangible personal property. Actual direct losses of tangible personal property are allowed when a person who is displaced from his place of business is entitled to relocate such property in whole or in part but elects not to do so. Payments for actual direct losses may only be made after a bona fide effort has been made by the owner to sell the item(s) involved. When the item(s) is sold the payment will be determined in accordance with Subsections (A), or (B) below. If this item(s) cannot be sold the owner will be compensated in accordance with Subsection (C) below. The sales prices, if any, and the actual, reasonable costs of advertising and conducting the sale shall be supported by a copy of the bills of sale or similar documents and by copies of any advertisements, offers to sell, auction records, and other data supporting the bona fide nature of the sale.

(A) If the business is to be reestablished and an item of personal property which is used in connection with the business is not moved but promptly replaced with a comparable item at the new location, the reimbursement shall be the lesser of:

- i. the replacement cost minus the net proceeds of the sale; or
- ii. the estimated cost of moving the item.

~~(B) If the business is being discontinued or the item is not to be replaced in the reestablished business the payment will be the lesser of:~~

~~i. the difference between the depreciated value of the item in place and net proceeds of the sale; or~~

~~ii. the estimated cost of moving the item.~~

~~(C) If a bona fide sale is not effected under Subsections (A) or (B) above because no offer is received for the property the owner shall be entitled to the reasonable expenses of the sale and the estimated cost of moving the item. The claimant should arrange to have the personalty removed from the premises at no cost by a junk dealer, etc. If this fails the city shall remove the item in the most economical manner.~~

~~(D) When personal property is abandoned with no effort being made by the owner to dispose of such property by sale or by removal at no cost as specified in the above paragraphs, the owner will not be entitled to moving expenses, or losses, for the items involved.~~

~~(4) Actual reasonable expenses in searching for a replacement business.~~

~~(A) The owner of a displaced business may be reimbursed for the actual reasonable expenses in searching for a replacement business, not to exceed \$500. Such expenses may include transportation expenses, meals, lodging away from home and the reasonable value of time actually spent in search, including the fees of real estate agents or real estate brokers.~~

~~i. Receipted bills. All expenses claimed except value of time actually spent in search must be supported by receipted bills.~~

~~ii. Time spent in search. Payment for time actually spent in search shall be based on the applicable hourly wage rate for each person conducting the search. A sworn statement of the time spent in search, listing the dates and hours each day, and the applicable hourly wage rate shall accompany the claim.~~

~~(5) In lieu of actual moving expenses. In lieu of the payments described in Section 39A-5(q)(2), (3) and (4), an owner of a discontinued or relocated business is eligible to receive a payment equal to the average annual net earnings of the business except that such payment shall be not less than \$1,000 nor more than \$20,000, providing the following requirements are met:~~

~~(A) City manager must determine. For the owner of a business to be entitled to this payment, the city manager or a designee must determine that:~~

~~i. The business cannot be relocated without a substantial loss of its existing patronage; this requirement is presumed. A determination of loss of patronage shall be made by the city manager or a designee only after investigation and consideration of all pertinent circumstances, including but not limited to the following factors:~~

(aa) ~~the type of business conducted by the displaced concern;~~

(bb) ~~the nature of the clientele of the displaced concern;~~

(cc) ~~the relative importance of the present and proposed location to the displaced business.~~

ii. ~~The business is not part of a commercial enterprise having at least one other establishment which is not being acquired by the city or the United States and which is engaged in the same or similar business.~~

iii. ~~The business contributes materially to the income of the displaced owner. A part time individual or family occupation in the home which does not contribute materially to the income of the displaced owner is not eligible for this payment.~~

~~(B) Payment determination. The term "average annual net earnings" means one half of any net earnings of the business before federal income taxes, during the two taxable years immediately preceding the taxable year in which the business is relocated. "Average annual net earnings" include any compensation paid by the business to the owner or the owner's spouse or dependents during the two year period. Such earnings and compensation may be established by federal income tax returns filed by the business and its owner and the owner's spouse and dependents during the two year period. In the case of a corporate owner of a business, earnings shall include any compensation paid to the spouse or dependents of the owner of a majority interest in the corporation. For the purpose of determining majority ownership, stock held by a husband, wife, and any dependent children shall be treated as one unit.~~

~~(C) In business less than two years. If the business affected can show that it was in business 12 consecutive months during the two taxable years prior to the taxable year in which it is required to relocate, had income during such period and is otherwise eligible, the owner of a business is eligible to receive the "in lieu of" payment. Where the business was in operation for 12 consecutive months or more but was not in operation during the entire two preceding taxable years, the payment shall be computed by dividing the net earnings by the number of months the business was operated and multiplying by 12. A taxable year is defined as any 12 month period used by the business in filing income tax returns.~~

~~(D) Owner must provide information. For the owner of a business to be entitled to payment, the business must provide information to support its net earnings. Federal tax returns for the tax years in question will be accepted as evidence of earnings. Any commonly acceptable method could be accepted such as certified financial statements or an affidavit from the owner stating net earnings, providing it grants the city the right to review the records and accounts of the business. The owner's statement alone will not be sufficient.~~

~~(t) Moving payments to farm operators.~~

(1) ~~General.~~ The owner of a displaced farm operation eligible under Section 39A-5(a) is entitled to receive payments for actual reasonable moving expenses, actual direct losses of tangible personal property and actual reasonable expenses in searching for a replacement farm in accordance with Section 39A-5(q)(2), (3) and (4).

(2) ~~In lieu of actual moving expenses.~~ In lieu of the payments described in Section 39A-5(q)(2), (3) and (4), any owner of a displaced farm operation is eligible to receive a payment equal to the average annual net earnings of the farm operation except that such payments shall be not less than \$1,000 nor more than \$20,000 and providing the following requirements are met:

(A) ~~City manager must determine.~~ For the owner of a displaced farm operation to be entitled to this payment, the city manager or a designee must determine that:

i. the farm operator has discontinued or relocated the entire farm operation from the present location; and

ii. in the case of a partial taking, the property remaining after the acquisition is no longer an economic unit as determined by the city during its appraisal process.

(B) ~~Payment determination.~~ The term “average annual net earnings” means one half of any net earnings of the farm operation before federal income taxes, during the two taxable years immediately preceding the taxable year in which the farm is relocated. “Average annual net earnings” include any compensation paid by the operation to the owner or the owner’s spouse or dependents during the two year period. Such earnings and compensation may be established by federal income tax returns filed by the operation and its owner and the owner’s spouse and dependents during the two year period. In the case of a corporate owner of a farm operation, earnings shall include any compensation paid to the spouse or dependents of the owner of a majority interest in the corporation. For the purpose of determining majority ownership, stock held by a husband, wife, and any dependent children shall be treated as one unit.

(C) ~~In business less than two years.~~ If the operation affected can show that it was in business 12 consecutive months during the two taxable years prior to the taxable year in which it is required to relocate, had income during such period and is otherwise eligible, the owner of a farm operation is eligible to receive the “in lieu of” payment. Where the farm was in operation for 12 consecutive months or more but was not in operation during the entire two preceding taxable years, the payment shall be computed by dividing the net earnings by the number of months the farm was operated and multiplying by 12. A taxable year is defined as any 12 month period used by the farm operation in filing income tax returns.

(D) ~~Owner must provide information.~~ For the owner of a farm operation to be entitled to payment, the operator must provide information to support its net earnings. Federal tax returns for the tax years in question will be accepted as evidence of earnings. Any commonly acceptable method could be accepted such as certified financial statements or an affidavit from the owner stating net earnings, providing it grants the city the right to review the records and accounts of the operation. The owner’s agreement alone will not be sufficient.

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(s) ~~Moving payments—nonprofit organizations.~~

(1) ~~General.~~ A displaced nonprofit organization is eligible to receive payments for actual reasonable moving expenses, actual direct losses of tangible personal property, and actual reasonable expenses in searching for a replacement site in accordance with Section 39A-5(q)(2), (3), and (4).

(t) ~~Advertising signs.~~(1) ~~General.~~

(A) The owner of a displaced advertising sign is eligible to receive a payment for actual reasonable moving and related expenses which include:

i. actual reasonable expenses in moving his advertising sign as provided in Subsection (2) below;

ii. actual direct losses of tangible personal property as provided in Subsection (3) below; and

iii. actual reasonable expenses in searching for a replacement sign site as provided in Subsection (4) below.

(B) An advertising sign that is otherwise eligible for moving payments will not be eligible when it is moved to a site in violation of state, federal or local regulations.

(C) The provisions of this paragraph do not apply separately to an advertising sign owned by and located on the business or farm being displaced. Such signs including those eligible under Section 39A-5(a) are to be considered items of the business or farm and included under the provisions of Section 39A-5(q).

(2) ~~Actual reasonable moving expenses.~~ The owner of a displaced sign may be reimbursed for his actual reasonable moving expenses in accordance with the provisions of Section 39A-5(q)(2) (A) and (B).

(3) ~~Actual direct losses of tangible personal property.~~ The owner of a sign may be reimbursed for actual direct losses when he is entitled to relocate the sign but does not do so. The amount of such loss will be the lesser of

(A) the depreciated reproduction cost of the sign as determined by the city;

or

(B) the estimated cost of moving the sign.

~~(4) Actual reasonable expenses in searching for a replacement sign site. The owner of a displaced advertising sign may be reimbursed for his actual reasonable expenses in searching for a replacement sign site not to exceed \$100. Such expenses may include transportation expenses, meals, lodging away from home and the reasonable value of time actually spent in search, including the fees of real estate agents or brokers.~~

~~(u) Temporary housing payments. Whenever the fire marshal, the building official, or the city health officer personally issues an official order to temporarily vacate or evacuate property because of code violations creating an imminent danger to the health or safety of the occupants, the occupants of the property may receive the following temporary housing payments for a period not to exceed 72 hours, whether or not they could qualify for permanent relocation benefits under this chapter:~~

- ~~(1) housing expenses not to exceed \$50 per night for each household; and~~
- ~~(2) food expenses not to exceed \$10 per day for each member of a household.]”~~

SECTION 6. That Section 39A-6, “Replacement Housing Payments,” of Chapter 39A, “Relocation Assistance - Eminent Domain,” of the Dallas City Code is amended to read as follows:

“SEC. 39A-6. RESERVED. [REPLACEMENT HOUSING PAYMENTS.

~~(a) General.~~

~~(1) General provisions.~~

~~(A) In addition to other payments authorized by this chapter, individuals and families displaced from a dwelling, including condominium or cooperative apartments, acquired for a project are eligible for replacement housing payments in accordance with this chapter.~~

~~(B) The displaced individual or family is not required to relocate to the same occupancy (owner or tenant) status but has other options according to his ownership status and tenure of occupancy as described in Sections 39A-6(b) through 39A-6(h).~~

~~(C) Payment or reimbursement shall not be made for more than one replacement housing payment for each dwelling unit except in the case of multi family occupancy of a single family dwelling as shown in Section 39A-6(a)(10) of this chapter.~~

~~(2) Requirement to receive payments.~~

~~(A) In addition to the tenure of occupancy provisions the displaced person is otherwise eligible for the appropriate payments when he relocates and occupies a decent, safe and sanitary dwelling within a one year period beginning on:~~

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i. ~~the date on which the owner received from the city final payment for all costs of the acquired dwelling in negotiated settlements; or in the case of condemnation, the date on which the city deposits the required amount in court for the benefit of the owner; or~~

ii. ~~the date on which he is required to move by the city's written notice to vacate, whichever is later; or~~

iii. ~~the date on which he moves, if earlier than the date on which he is required to move.~~

~~(B) A displaced person who has entered into a contract for the construction or rehabilitation of a replacement dwelling and, for reasons beyond his reasonable control, cannot occupy the replacement dwelling within the time period shown above shall be considered to have purchased and occupied the dwelling as of the date of such contract. The replacement housing payments under these conditions would be deferred until actual occupancy is accomplished.~~

~~(3) Inspection for decent, safe and sanitary. Before making payment to the relocatee the city manager or his designee must have inspected the replacement dwelling and determined that it meets the standards for decent, safe and sanitary housing. Such determination by the city that a dwelling meets the standards for decent, safe and sanitary housing is made solely for the purpose of determining the eligibility of relocated individuals and families for payments under this chapter and is not a representation for any other purpose.~~

~~(4) Statement of eligibility to lending agency. Where a relocatee otherwise qualifies for the replacement housing payment except that he has not yet purchased or occupied a suitable replacement dwelling, the city after inspection of the proposed dwelling by the city manager or his designee and a finding that it meets the standards set forth in Section 39A-3 of this chapter for decent, safe and sanitary dwellings shall upon the purchaser's request, state to any interested party, financial institution or lending agency, that the relocatee will be eligible for the payment of a specific sum provided he purchases and occupies the inspected dwelling within the time limits specified in Section 39A-6(a)(2).~~

~~(5) Application for replacement housing payments.~~

~~(A) General requirements. Application for replacement housing payments shall be in writing on a form provided by the city of Dallas. The application shall be filed no later than six months after the expiration of the one year period specified in Section 39A-6(a)(2) except that, in condemnation cases, such period shall be extended to six months after final adjudication.~~

~~(B) Decent, safe and sanitary. In the application, the individual or family must indicate that, to the best of their knowledge and belief, the replacement dwelling meets the standards for decent, safe and sanitary housing established in Section 39A-3 of this chapter and that they are eligible for the payment requested. Before any such payments are made to the relocatee the city manager or his designee must have made the determination that the dwelling is decent, safe and sanitary as required by Section 39A-6(a)(3).~~

~~(C) To whom payment made. The payments described in this section may be made directly to the relocated individual or family, or upon written instruction from the relocated individual or family, directly to the lessor for rent or the seller for use towards the purchase of a decent, safe and sanitary dwelling. In cases where an applicant otherwise qualifies for replacement housing payments, and upon his specific request in the application, the city may make such payments into escrow prior to the relocatee's moving.~~

~~(6) Advance replacement housing payments in condemnation cases. No property owner should be deprived of the earliest possible payment of the replacement housing amounts to which he is rightfully due. An advance replacement housing payment can be computed and paid to a property owner if the determination of the acquisition price will be delayed pending the outcome of condemnation proceedings. Since the amount of the replacement housing payment cannot be determined due to the pending condemnation proceedings, a provisional replacement housing payment may be calculated by deeming the city's maximum offer for the property as the acquisition price. Payment of such amount may be made upon the owner-occupant's agreement that:~~

~~(A) upon final determination of the condemnation proceeding the replacement housing payment will be recomputed using the acquisition price determined by the court as compared to the actual price paid or the amount determined by the city manager or his designee necessary to acquire a comparable, decent, safe and sanitary dwelling; and~~

~~(B) if the amount awarded in the condemnation proceedings as the fair market value of the property acquired plus the amount of the recomputed replacement housing payment exceeds the price paid for or the city's determined cost of a comparable dwelling, he will refund to the city, from his judgment, an amount equal to the amount of the excess. However, in no event shall he be required to refund more than the amount of the replacement housing payment advanced. If the property owner does not agree to such adjustment, the replacement housing payment shall be deferred until the case is finally adjudicated and computed on the basis of the final determination using the award as the acquisition price.~~

~~(7) Ownership of replacement dwelling prior to displacement. Any person who has obtained legal ownership of a replacement dwelling any time after the initiation of negotiations on the project and occupies the replacement dwelling after being displaced but within the time limit specified in Section 39A-6(a)(2)(A) is eligible for replacement housing payment if the replacement dwelling meets the requirements of Section 39A-3 of this chapter. For this purpose, the date of initiation of negotiations for the project means the date the city of Dallas makes the first personal contact with the owner of the property on the land acquisition project or his designated representative where price is discussed except where such contact is made solely for protective buying or because of hardship. The control date thus established shall be documented in the project file of the city.~~

~~(8) Partial take.~~

~~(A) Where a dwelling is located on a tract normal for residential use in the area, the maximum replacement housing payment shall be determined by subtracting the "before~~

value” of the property from the estimated selling price of a comparable dwelling on a lot typical for the area.

(B) ~~Where a dwelling is located on a tract larger than normal for residential use in the area, the maximum replacement housing payment shall be determined by estimating the value of the dwelling at the present location on a homesite typical in size for the area and deducting this amount from the selling price of a comparable dwelling on a site typical for the area.~~

(9) ~~Dwelling on land with higher and better use.~~ Where a dwelling is located on a tract where the fair market value is established on a higher and better than residential use, the maximum replacement housing payment shall be the difference, if any, between the actual cost which the owner is required to pay for a decent, safe and sanitary dwelling or the amount determined by the city manager or his designee as necessary to purchase a comparable decent, safe and sanitary dwelling, whichever is less, and the amount paid by the city for the tract.

(10) ~~Code enforcement displacement.~~ Where a dwelling is removed for code enforcement and the real estate is remaining, the maximum replacement housing payment shall be the difference, if any, between the actual cost which the owner is required to pay for a decent, safe and sanitary dwelling or the amount determined by the city manager or his designee as necessary to purchase a comparable decent, safe and sanitary dwelling, whichever is less, and the market value of the remaining tract of land owned by the displacee, which value shall be determined by the city manager or his designee.

(11) ~~Multiple occupancy of same dwelling unit.~~

(A) ~~Families.~~ If two or more eligible families occupy the same single family dwelling unit, each family is eligible for a replacement housing payment if they relocate to separate dwelling units.

(B) ~~Individuals.~~ If two or more eligible individuals with no identifiable head of household occupy the same single family dwelling unit they are to be considered as one “family” for replacement housing payment purposes. When all individuals do not relocate to decent, safe and sanitary housing the city shall determine and pay those individuals who do relocate into decent, safe and sanitary housing a pro rata share of the appropriate payment that would have been received if all individuals had relocated together in the same ownership or rental status as they had at the time of initiation of negotiations.

(12) ~~Joint residential and business use.~~ Where displaced individuals or families occupy living quarters on the same premises as a displaced business, farm or nonprofit organization, such individuals or families are separate displaced persons for purposes of determining entitlement to relocation payments.

(13) ~~Delivery of payment checks.~~ The person or persons who establish the estimate of value of replacement housing payment shall not negotiate for the parcel nor deliver the payment to the relocatee. This also is applicable to situations where such payments and services

are being administered by a federal, state or local agency under authority of a contract or agreement.

(14) ~~Last resort housing.~~ Whenever it is determined on an individual basis that the applicable maximum replacement housing payment allowed by this section is not sufficient to provide a comparable replacement dwelling in a timely manner, the city council may by resolution authorize a replacement housing payment greater than the maximum payment allowed by this section.

(b) ~~Replacement housing payments for owner-occupant for 180 days or more who purchases.~~

(1) ~~General.~~

(A) ~~A displaced owner-occupant of a dwelling may receive additional payments, the combined total of which may not exceed \$22,500, for the additional cost necessary to purchase replacement housing, to compensate the owner for the loss of favorable financing on the owner's existing mortgage, in the financing of replacement housing, to reimburse the owner for incidental expenses incident to the purchase of replacement housing when such costs are incurred as specified in this section.~~

(B) ~~The owner-occupant is eligible for such payments when:~~

i. ~~he is in occupancy at the time public notice is given that the property or a portion thereof will probably be included in the project area; and~~

ii. ~~he is in occupancy at the initiation of negotiations for the acquisition of the real property, in whole or in part; and~~

iii. ~~he is in occupancy at the time he is given a written notice by the city that it is its intent to acquire the property by a given date; and~~

(iv) ~~such occupancy has been for at least 180 consecutive days immediately prior to the date of vacation or initiation of negotiations, whichever is earlier; and~~

(v) ~~the property was acquired from him by the city; and~~

(vi) ~~he purchased and occupied a decent, safe and sanitary dwelling within the time period specified in Section 39A-6(a)(2).~~

(C) ~~if otherwise eligible under Section 39A-6(b)(1)(B), the owner-occupant may receive these payments if the city issues an order to vacate even though the property is not acquired.~~

(2) ~~Replacement housing payment.~~

~~(A) Amount of payment. The replacement housing payment is the amount, if any, when added to the amount for which the city acquired his dwelling, which equals the actual cost which the owner is required to pay for a decent, safe and sanitary dwelling or the amount determined by the city manager or his designee as necessary to purchase a comparable replacement dwelling, whichever is less.~~

~~(B) Determination of amount necessary to purchase.~~

~~i. Schedule. The city may establish a schedule of probable prices for comparable dwellings in the various types of dwellings being acquired. Such schedule will be prepared from an analysis of the probable selling prices of dwellings available on the market and periodically updated to reflect current probable selling prices. Such schedules shall be coordinated with other governmental agencies causing displacement in the same community or area so as to assure uniformity to the maximum extent possible.~~

~~ii. Three comparable method. The city manager or his designee may determine the probable selling price of a comparable dwelling by analyzing at least three comparable dwellings representative of the dwelling unit to be acquired which are available on the private market and meet the criteria set out in Section 39A 2 under "comparable replacement dwelling." Less than three comparables may be used for this determination when additional comparable dwellings are not available and the department documents the parcel file to this effect. Selection of comparables and computation of the payment must be by a qualified city employee other than the appraiser or review appraiser on the parcel involved. The selected comparables must be the most nearly comparable and equal to or better than the subject property.~~

~~(aa) Adjustment in asking price. Since the asking price on the market typically exceeds the actual selling price, the asking price of the selected comparables usually will require a downward adjustment. The amount of the adjustment shall be determined by comparing the asking prices and actual selling prices of recent sales. The city shall develop from the market a factor or percentage representing the average difference between the asking price and the actual selling price of recent sales. This factor or percentage shall be kept current.~~

~~(C) Revisions to replacement housing amount. If the relocatee requests assistance in finding replacement housing he must be offered housing which is comparable and available for purchase within the offered amount. When such housing is no longer available, the city will determine a new replacement housing amount based on available housing which is equal or better and meets the other comparable criteria.~~

~~(3) Increased interest payments.~~

~~(A) General.~~

~~i. Increased interest payments are provided to compensate a displaced person for the increased interest costs he is required to pay for financing a replacement dwelling.~~

ii. The increased interest payment shall be allowed only when both of the following conditions are met:

(aa) the dwelling acquired by the city was encumbered by a bona fide mortgage which was a valid lien on such dwelling for not less than 180 days prior to the established eligibility date under Section 39A-6(a)(2);

(bb) the mortgage on the replacement dwelling bears a higher rate of interest than the mortgage interest rate on the acquired dwelling.

iii. The increased interest payment will be based on and limited to the lesser of the following amounts:

(aa) the present worth of the right to receive the monthly difference in mortgage payments on the existing mortgage using the old and new interest rates; or

(bb) the present worth of the right to receive the monthly difference in mortgage payments on the new mortgage using the old and new interest rates.

(B) Payment computation. The amount of increased interest payment will be computed as shown below with the following procedures:

COMPUTATION OF INCREASED INTEREST COST
EXAMPLE NO. 1

	MORTGAGE DATA	
	Existing Mortgage	New Mortgage
Interest Rate	6%	8%
Remaining Term	10 years	10 years
Remaining Principal Balance	\$7,295.93	\$10,000
Monthly Principal and Interest Payment	\$81.02	\$121.32
EXISTING MORTGAGE COMPUTATION (Maximum Payment)		
Monthly P&I Payment — \$7,295.93 for 10 years at 8%	=	\$88.57
Monthly P&I Payment — \$7,295.93 for 10 years at 6%	=	<u>81.02</u>
Monthly Interest Difference	=	7.55
Present worth of \$7.55 monthly for 10 years discounted at 5% savings deposit rate		

30694

171767

$(\$7.55 \times 12 \times 7.72)$	=	<u>\$699.43</u>
The factor 7.72 is obtained from the present worth of one per period table		
NEW MORTGAGE COMPUTATION*		
Monthly P&I Payment—\$10,000 for 10 years at 8%	=	\$121.32
Monthly P&I Payment—\$10,000 for 10 years at 6%	=	<u>\$111.02</u>
Monthly Interest Difference	=	\$10.30
Present worth of \$10.30 monthly for 10 years discounted at 5% savings deposit rate		
$(\$10.30 \times 12 \times 7.72)$	=	<u>\$954.19</u>
Amount of Interest Payment		\$699.43

EXAMPLE NO. 2

	MORTGAGE DATA	
	Existing Mortgage	New Mortgage

Interest Rate	6%	8%
Remaining Term	10 years	5 years
Remaining Principal Balance	\$7,295.93	\$6,000
Monthly Principal and Interest Payment	\$81.02	\$121.65

EXISTING MORTGAGE COMPUTATION (Maximum Payment)		
Monthly P&I Payment—\$7,295.93 for 10 years at 8%	=	\$ 88.57
Monthly P&I Payment—\$7,295.93 for 10 years at 6%	=	<u>\$81.02</u>
Monthly Interest Difference	=	\$ 7.55
Present worth of \$7.55 monthly for 10 years discounted at 5% savings deposit rate	=	<u>\$699.43</u>
NEW MORTGAGE COMPUTATION*		
Monthly P&I Payment—\$6,000 for 5 years at 8%	=	\$121.65
Monthly P&I Payment—\$6,000 for 5 years at 6%	=	<u>\$115.99</u>

Monthly interest Difference	=	\$ <u>5.66</u>
Present worth of \$5.66 monthly for 5 years discounted at 5% savings deposit rate	=	\$ <u>294.02</u>
Amount of Interest Payment		\$294.02
<p>*New mortgage computation not necessary if new mortgage is for the same amount and term of the old mortgage. The Financial Compound Interest and Annuity Tables used for these computations.</p>		

i. ~~The monthly principal and interest payment difference caused by the change in interest rates is computed for both the existing mortgage and new mortgage for their respective remaining terms and amounts. The old and new interest rates are used in each case.~~

ii. ~~The present worth of the monthly interest difference found in I. above is computed for each mortgage by discontinuing the annual difference (the sum of the monthly difference for one year) at the savings deposit interest rate for the remaining term of each mortgage. The lesser of the amounts so derived is the increased interest payment.~~

(C) Interest rate of replacement dwelling mortgage.

i. ~~The interest rate on the mortgage for the replacement dwelling to be used in the computation shall be the actual rate but may not exceed the prevailing interest rate currently charged by mortgage lending institutions in the vicinity.~~

ii. ~~When the lending agency imposes debt service charges as an incident to the extension of credit, and such charges are normal to the market, the annual percentage rate shown in the Truth in Lending Statement shall be used in lieu of the mortgage interest rate in computing the monthly principal and interest payments. A Truth in Lending Statement must be provided the mortgagor by lending agencies under the Truth in Lending Act, Title I, Public Law 90-321 and Regulation Z issued pursuant thereto by the board of governors of the Federal Reserve System.~~

(D) Discount rate. ~~The discount rate shall be the prevailing rate of interest paid on passbook savings account deposits by commercial banks in the general area in which the replacement dwelling is located.~~

(E) To whom payment made. ~~The payment described in this section may be made directly to the relocated individual or family, or upon written instruction from the relocated individual or family, directly to the mortgagee of the replacement dwelling. In cases where an applicant otherwise qualifies for an interest payment, and upon his specific request, the city may make an advance payment into escrow prior to the relocatee's moving.~~

(F) Partial acquisition.

~~i. Where the dwelling is located on a tract normal for residential use in the area, the interest payment shall be reduced to the percentage ratio that the acquisition price bears to the before value; except, the reduction shall not apply when the mortgagee requires the entire mortgage balance to be paid because of the acquisition and it is necessary to refinance.~~

~~ii. Where a dwelling is located on a tract larger than normal for residential use in the area, the interest payment shall be reduced to the percentage ratio that the value of the residential portion bears to the before value. This reduction shall apply whether or not it is required that the entire mortgage balance be paid.~~

~~(G) Multi use properties. The interest payment on multi use properties shall be reduced to the percentage ratio that the residential value of the multi use property bears to the before value.~~

~~(H) Other highest and best use. If a dwelling is located on a tract where the fair market value is established on a higher and better than residential use, and if the mortgage is based on residential value, the interest payment shall be computed as provided in the appropriate sections above. If the mortgage is obviously based on the higher use, however, the interest payment shall be reduced to the percentage ratio that the estimated residential value of the parcel has to the before value.~~

~~(4) Incidental expenses.~~

~~(A) Amount of payment. The incidental expenses payment is the amount necessary to reimburse the homeowner for the actual costs incurred by him incident to the purchase of the replacement dwelling, but not for prepaid expenses. Such costs may include the following items if normally paid by the buyer:~~

~~i. Legal, closing and related costs including title search, preparing conveyance contracts, notary fees, surveys, preparing drawings or plats and charges paid incident to recordation.~~

~~ii. Lenders, FHA or VA appraisal fee.~~

~~iii. FHA or VA application fee.~~

~~iv. Certification of structural soundness when required by lender,
FHA or VA.~~

~~v. Credit report.~~

~~vi. Owner's title policy or abstract of title.~~

~~vii. Escrow agent's fee.~~

~~viii. State revenue stamps.~~

ix. ~~Sales or transfer taxes.~~

x. ~~No fee, cost, charge, or expense is reimbursable as incidental expenses which is determined to be a part of the debt service, or finance charge under the Truth in Lending Act, Title I, Public Law 90-321, and Regulation Z issued pursuant thereto by the board of governors of the Federal Reserve System.~~

~~(5) Combined payments not to exceed \$22,500. If an owner-occupant is otherwise qualified for a payment under this section but has previously received a payment under Section 39A-6(c), the amount of such payment received under Section 39A-6(c) shall be deducted from the amount to which the owner-occupant is entitled under this section. In no event may the combined payments exceed \$22,500.~~

~~(6) Owner retention. The owner shall be allowed the option of retaining his dwelling. The replacement housing payment in cases of owner retention shall be computed in accordance with the appropriate subsection below.~~

~~(A) Dwelling is decent, safe and sanitary. The payment, if any, shall be the amount by which the costs to relocate the retained dwelling exceed the acquisition price of the dwelling. The costs to relocate may include the reasonable costs of acquiring a new site and other expenses incident to retaining, moving the dwelling and restoring it to a condition comparable to that before the move.~~

~~(B) Dwelling is not decent, safe and sanitary. The payment shall be computed as shown above except that the costs to cure the decent, safe and sanitary deficiencies shall be included in the costs to relocate.~~

~~(C) Limitations. The payment so computed under Section 39A-6(b)(6)(A) or (B) above may not exceed the amount which the owner would have obtained under Section 39A-6(b)(2)(A) or, if no comparables are available on which to make such a determination, the cost of a new dwelling adequate to accommodate the relocatee.~~

~~(e) Rental replacement housing payment to owner-occupant for 180 days or more who rents.~~

~~(1) General. An owner-occupant eligible for a replacement housing payment under Section 39A-6(b)(1) who elects to rent a replacement dwelling is eligible for a rental replacement housing payment not to exceed \$5,250.~~

~~(2) Computation and disbursement of payment. The payment shall be computed and disbursed in accordance with the provisions of Section 39A-6(f)(2), (3) and (4) with the following additional criteria:~~

~~(A) the present rental rate shall be economic rent as determined by market data; and~~

~~(B) the payment may not exceed the maximum amount which he would have received had he elected to receive a replacement housing payment under Section 39A-6(b)(2).~~

~~(d) Replacement housing payment to owner-occupant for less than 180 days but not less than 90 days who purchases.~~

~~(1) General. A displaced owner-occupant otherwise eligible under Section 39A-6(b)(1) except for having owned and occupied the dwelling for less than 180 days but not less than 90 days may receive an amount, not to exceed \$5,250, to enable the owner-occupant to make a downpayment on the purchase of a replacement dwelling and reimbursement for actual expenses incident to the purchase or for additional costs to relocate the retained dwelling in accordance with this subsection.~~

~~(2) Computation of downpayment and incidental costs.~~

~~(A) The amount of the downpayment shall be determined by the city manager or a designee as the amount required as a downpayment on a comparable dwelling if the purchase was financed with a conventional loan.~~

~~(B) The expenses incident to the purchase of replacement housing are described in Section 39A-6(b)(4).~~

~~(C) Upon purchase and occupancy of a decent, safe, and sanitary dwelling by the relocatee within the time limits specified by Section 39A-6(a)(2), the relocatee may be reimbursed the full amount of the downpayment determined in Subparagraph (A) and the eligible incidental expenses if the total amount does not exceed \$5,250.~~

~~(D) The full amount of the downpayment must be applied to the purchase price, and the downpayment and incidental costs claimed must be shown in the closing statement.~~

~~(3) Owner retention of dwelling. The owner may retain the dwelling, and the replacement housing payment, if any, will be determined in accordance with the provisions of Section 39A-6(b)(6)(A) and (B).~~

~~(4) Combined payments not to exceed \$5,250. If an owner-occupant is otherwise qualified under this paragraph but has previously received a payment under Section 39A-6(e), the amount of the payment made under Section 39A-6(e) shall be deducted from the amount to which the owner-occupant is entitled under this subsection. In no event may the combined payments exceed \$5,250.~~

~~(e) Rental replacement housing payment to owner-occupant for less than 180 days but not less than 90 days who rents.~~

~~(1) General. A displaced owner-occupant otherwise eligible under Section 39A-6(b)(1) except for having owned and occupied the dwelling for less than 180 days but not less than 90 days and elects to rent a replacement dwelling is eligible for a rental replacement housing payment not to exceed \$5,250.~~

~~(2) Computation and disbursement of payment. The payment will be computed and disbursed in accordance with the provisions of Section 39A-6(f)(2), (3) and (4) except that the present rental rate shall be economic rent as determined by market data.~~

~~(f) Rental replacement housing payment to tenant-occupant for not less than 90 days who rents.~~

~~(1) General. A displaced tenant is eligible for a rental replacement housing payment, not to exceed \$5,250, when:~~

~~(A) the tenant is in occupancy at the time public notice is given that the property or a portion of the property will probably be included in the project area;~~

~~(B) the tenant is in occupancy at the beginning of negotiations for the acquisition of the real property, in whole or in part;~~

~~(C) the tenant is in occupancy at the time of being given written notice by the city of its intent to acquire the property by a given date;~~

~~(D) the occupancy has been for at least 90 consecutive days immediately prior to the date of vacation or initiation of negotiations, whichever is earlier;~~

~~(E) the tenant rented and occupied a decent, safe, and sanitary dwelling within the time period specified in Section 39A-6(a)(2); and~~

~~(F) the property was subsequently acquired, or if otherwise eligible, the tenant may receive this payment if the city issues an order to vacate even though the property is not acquired.~~

~~(2) Computation of payment.~~

~~(A) The payment, not to exceed \$5,250, shall be determined by subtracting from the amount necessary to rent a comparable dwelling for a period of 42 months the following amount:~~

~~i. 42 times the average monthly rental paid by the relocated individual or family during the last three months; or~~

~~ii. if the average monthly rental is not reasonably equal to market rentals for similar dwellings, the economic rent as established by the city.~~

The "rent being paid" shall include any rent supplements supplied by others except when, by law, the supplement is to be discontinued upon vacation of the property.

~~(B) When the average monthly rental being paid by the relocatee, not including supplemental rent by public agencies, exceeds 30% of the monthly gross income of the individual or family, the payment, not to exceed \$5,250, shall be determined by subtracting 12 times the average monthly income of the relocatee from the lesser of the following amounts:~~

~~i. 42 times the monthly rental determined by the city as necessary to rent a comparable dwelling; or~~

~~ii. 42 times the monthly rental the relocatee is required to pay if relocating in public subsidized rental housing.~~

~~When a rental replacement housing payment computed under this criteria exceeds \$5,250, the selected replacement dwelling may not be classed as comparable. Housing must be made available which is within the financial means of the relocatee.~~

~~(3) Determination of amount necessary to rent. The city manager or a designee may determine the rental rates of comparable housing by a schedule, three comparable method, or an approved alternate in accordance with the principles set forth in Section 39A 6(b)(2)(B) of this chapter, except with regard to adjustments of asking price.~~

~~(4) Disbursement of rental replacement housing payments.~~

~~(A) All rental replacement housing payments will be made in four equal installments on an annual basis or in a lump sum.~~

~~(B) Prior to receiving each installment payment, the tenant must certify to the city that the tenant is occupying decent, safe, and sanitary housing.~~

~~(g) Replacement housing payment to tenant occupant for not less than 90 days who purchases.~~

~~(1) General. A displaced tenant eligible for a rental replacement housing payment under Section 39A 6(f) who elects to purchase a replacement dwelling is eligible to receive an amount, not to exceed \$5,250, to enable the tenant to make a downpayment on the purchase of a replacement dwelling including the expenses incident to the purchase.~~

~~(2) Computation of payment. The payment shall be computed in accordance with the provisions of Section 39A 6(d)(2).~~

~~(h) Replacement housing payment to tenant of a sleeping room for not less than 90 days.~~

~~(1) General. A displaced tenant of a sleeping room who is eligible for a replacement housing payment under Section 39A 6(f)(1) may receive an amount, not to exceed~~

~~\$5,250, as a rental replacement housing payment or to enable the tenant to make a downpayment on a replacement dwelling in accordance with this subsection.~~

~~(2) Rental replacement housing payment.~~

~~(A) The payment, not to exceed \$5,250, shall be determined by subtracting from the amount necessary to rent a comparable sleeping room for a period of 42 months the following amount:~~

~~i. 42 times the average monthly rental paid by the displaced tenant during the last three months; or~~

~~ii. if the average monthly rental is not reasonably equal to market rentals for similar sleeping rooms, the economic rent as established by the city.~~

~~(B) The city's determination of the amount necessary to rent and the disbursement of the rental replacement housing payments shall be as provided in Section 39A-6(f)(3) and (4).~~

~~(3) Downpayment. The downpayment amount, including the expenses incident to purchase of the replacement dwelling, are to be computed in accordance with the provisions of Section 39A-6(d)(2).~~

~~(i) Mobile homes—general.~~

~~(1) Real property. Relocatees may be eligible for payments under this chapter when the city acquires a mobile home when it is considered realty under Texas law.~~

~~(2) Personal property acquired. Relocatees may be eligible for payments under this chapter when the city acquires a mobile home when it is considered personalty under Texas law under the following conditions:~~

~~(A) the structural condition of the mobile home is such that it cannot be moved without substantial damage or unreasonable cost; or~~

~~(B) the mobile home is not considered to be a decent, safe and sanitary dwelling unit. A mobile home is considered to be decent, safe and sanitary if it meets the standards set forth in Section 39A-3 of this chapter except that the space requirements are reduced to a minimum of 150 square feet of habitable floor space for the first occupant and a minimum of 70 square feet of habitable floor space for each additional occupant and that one means of egress is acceptable.~~

~~(3) Partial acquisition of mobile home park. Where the city manager or his designee determines that a sufficient portion of a mobile home park is taken to justify the operator of such park to move his business or go out of business the owners and occupants of the mobile~~

~~home dwellings not within the actual taking but who are forced to move would be eligible to receive the same payments as though their dwellings were within the actual taking.~~

~~(4) Mobile home as replacement dwelling. A mobile home may be considered a replacement dwelling provided it substantially meets applicable local requirements for decent, safe and sanitary dwellings.~~

~~(5) Computation of next highest type. When a comparable mobile home dwelling is not available it will be necessary to calculate the replacement housing payment on the basis of the next highest type of dwelling that is available and meets the applicable requirements and standards, i.e., a higher type mobile home or a conventional dwelling.~~

~~(6) The general provisions for moving expenses and replacement housing payments of Section 39A 5(a) through 39A 5(o) and Section 39A 6(a) of this chapter are also applicable to owners and tenants of mobile homes.~~

~~(j) Moving expenses—mobile homes.~~

~~(1) General. The eligibility requirements of Sections 39A 5(a) through 39A 5(o) and the provisions of Sections 39A 5(a) through 39A 5(p) are applicable to owners and occupants displaced from a mobile home.~~

~~(2) Owners of mobile homes.~~

~~(A) The owner of a mobile home may be reimbursed for the actual reasonable costs of moving the mobile home and/or other personal property in accordance with the provisions of Section 39A 5(p)(2), or~~

~~(1) if the owner occupies the mobile home, and the mobile home is moved, he may elect to be reimbursed in accordance with Section 39A 5(p)(3); or~~

~~(2) if the owner occupies the mobile home, and the mobile home is not moved, he may elect to be reimbursed in accordance with Section 39A 5(p)(3).~~

~~(B) Reserved.~~

~~(C) Reserved.~~

~~(D) The cost of moving a mobile home on an actual cost basis may include the cost of detaching and reattaching fixtures and appliances where applicable.~~

~~(3) Tenants of mobile homes. Tenants who are displaced from a mobile home may elect to be reimbursed for moving their personal property on an actual reasonable cost basis as specified in Section 39A 5(p)(2) or in accordance with Section 39A 5(p)(3).~~

~~(k) Replacement housing payments for owner occupants of mobile homes for 180 days or more.~~

~~(1) General.~~

~~(A) A displaced owner of a mobile home who has occupied, for at least 180 days, the mobile home on the site from which the owner is being displaced and who is otherwise eligible under the provisions of Section 39A 6(b)(1)(B) or (C) is eligible for payments, the total of which may not exceed \$22,500, for:~~

~~i. additional costs necessary to purchase replacement housing as specified in Section 39A 6(k)(2)(A), (3)(A), and (4)(A) and in accordance with the principles of Section 39A 6(b)(2);~~

~~ii. an amount as determined to compensate the owner for the loss of favorable financing on an existing mortgage in the financing of replacement housing under the provisions of Section 39A 6(b)(3); and~~

~~iii. an amount to reimburse the owner for expenses incident to the purchase of replacement housing in accordance with the provisions of Section 39A 6(b)(4).~~

~~(B) A displaced owner occupant of a mobile home eligible for a replacement housing payment under this subsection who elects to rent is eligible for a rental replacement housing payment, not to exceed \$5,250, in accordance with Section 39A 6(k)(2)(B), (3)(B), and (4)(B). The payments will be computed and disbursed in accordance with the methods of Section 39A 6(f)(2), (3), and (4).~~

~~(2) Acquisition of mobile home and site from owner occupant.~~

~~(A) Replacement housing payment. The replacement housing payment will be the amount, if any, when added to the amount for which the city acquired the mobile home and site equals the lesser of:~~

~~i. the amount the owner is required to pay for a decent, safe, and sanitary conventional dwelling or a decent, safe, and sanitary replacement mobile home and site; or~~

~~ii. the amount determined by the city as necessary to purchase a comparable mobile home and site in accordance with the provisions of Section 39A 6(b)(2).~~

~~(B) Rental replacement housing payment.~~

~~i. If the owner elects to rent, the rental replacement housing payment shall be the difference in the amount determined by the city as necessary to rent a comparable mobile home and site for a period of 42 months and 42 times the economic rent of the mobile home and site.~~

ii. ~~This rental payment may not exceed the amount determined in Section 39A-6(k)(2)(A).~~

~~(3) Acquisition of site only from owner-occupant of mobile home. Upon acquisition of the site, but not the home situated upon the site and the mobile home is required to be moved, the replacement housing payment will be determined as follows:~~

~~(A) Replacement housing payment. The replacement housing payment will be the amount, if any, when added to the amount for which the city acquired the mobile homesite which equals the lesser of:~~

- ~~i. the amount the owner is required to pay for a comparable site; or~~
- ~~ii. the amount determined by the city as necessary to purchase a comparable mobile homesite.~~

~~(B) Rental replacement housing payment.~~

~~i. If the owner elects to rent, the rental replacement housing payment shall be the difference in the amount determined by the city as necessary to rent a comparable mobile homesite for a period of 42 months and 42 times the economic rent of the site acquired.~~

~~ii. This rental payment may not exceed the amount determined by the city in Section 39A-6(k)(3)(A).~~

~~(4) Acquisition of mobile home only—owner-occupant rents site. If the owner elects to rent a replacement mobile home, the rental replacement housing payment shall be the difference in the amount determined by the city as necessary to rent a comparable mobile home and site for a period of 42 months and 42 times the economic rent of the mobile home and actual rent of the site acquired.~~

~~(1) Replacement housing payments for owner-occupants of mobile homes for less than 180 days but more than 90 days.~~

~~(1) General.~~

~~(A) A displaced owner of a mobile home who has occupied, for less than 180 days but more than 90 days, the mobile home on the site from which the owner is being displaced and who is otherwise eligible under the provisions of Section 39A-6(b)(1)(B) or (C) is eligible for an amount, not to exceed \$5,250.~~

~~i. to enable the owner to make a downpayment on the purchase of replacement housing in accordance with the provisions of Section 39A-6(1)(2)(A), (3)(A), and (4)(A) and reimburse the owner for the actual expenses incident to the purchase; or~~

ii. ~~if the owner elects to rent, for a rental replacement housing payment as provided in Section 39A 6(1)(2)(B), (3)(B), and (4)(B). Such payments are to be computed and disbursed in accordance with Section 39A 6(f)(2), (3), and(4).~~

(2) ~~Acquisition of mobile home and site from owner occupant.~~

(A) ~~Replacement housing payment.~~ ~~If the owner purchases a replacement dwelling, the replacement housing payment will be determined in accordance with the provisions of Section 39A 6(d)(2)(A) except that the amount of the downpayment shall be determined by the city as the amount required as a downpayment on the purchase of a comparable mobile home and site.~~

(B) ~~Rental replacement housing payment.~~ ~~If the owner elects to rent, the rental replacement housing payment shall be the difference in the amount determined by the city as necessary to rent a comparable mobile home and site for a period of 42 months and 42 times the economic rent of the mobile home and site.~~

(3) ~~Acquisition of site only from owner occupant of mobile home.~~

(A) ~~Replacement housing payment.~~ ~~If the owner purchases conventional housing or a site to which the mobile home is moved, the replacement housing payment will be an amount determined in accordance with the provisions of Section 39A 6(d)(2) except that the amount of the downpayment shall be determined by the city as the amount required as a downpayment on the purchase of a comparable site.~~

(B) ~~Rental replacement housing payment.~~ ~~If the owner elects to rent, the rental replacement housing payment shall be the difference in the amount determined by the city as necessary to rent a comparable site for a period of 42 months and 42 times the economic rent of the site acquired.~~

(4) ~~Acquisition of mobile home only owner occupant rents site.~~

(A) ~~Replacement housing payment.~~ ~~If the owner purchases replacement housing the replacement housing payment will be:~~

i. ~~an amount determined in accordance with the provisions of Section 39A 6(d)(2) except that the amount of the downpayment shall be determined by the city as the amount required as a downpayment on the purchase of a comparable mobile home; and~~

ii. ~~the difference in the amount determined by the city as necessary to rent a comparable mobile homesite for a period of 42 months and 42 times the rent being paid on the site acquired.~~

(B) ~~Rental replacement housing payment.~~ ~~If the owner elects to rent, the rental replacement housing payment shall be the difference in the amount determined by the city~~

~~as necessary to rent a comparable mobile home and site for a period of 42 months and 42 times the economic rent of the mobile home and actual rent of the site acquired.~~

~~(m) Replacement housing payments to tenants of mobile homes for 90 days or more.~~

~~(1) General.~~

~~(A) A displaced tenant of a mobile home who has occupied for at least 90 days the mobile home on the site from which the tenant has been displaced and who is otherwise eligible under the provisions of Section 39A-6(f)(1) is eligible for a replacement housing payment, not to exceed \$5,250:~~

~~i. to enable the tenant to make a downpayment on the purchase of a decent, safe, and sanitary dwelling and reimburse the tenant for the expenses incident to the purchase in accordance with the provisions of Section 39A-6(1)(2)(A); or~~

~~ii. if the tenant elects to rent, as a rental replacement housing payment determined in accordance with the provisions of Section 39A-6(1)(2)(B), except that actual rent being paid for the mobile home and site will be used in the computation. The payment will be computed and disbursed in accordance with the principles of Section 39A-6(f)(2), (3), and (4).]~~

SECTION 7. That, unless specifically provided otherwise by this ordinance or by state law, a person violating a provision of this ordinance is, upon conviction, punishable by a fine not to exceed \$500.

SECTION 8. That Chapter 39A of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

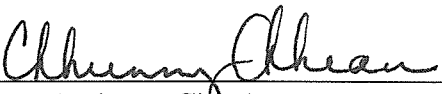
SECTION 9. That any act done or right vested or accrued, or any proceeding, suit, or prosecution had or commenced in any action before the amendment or repeal of any ordinance, or part thereof, shall not be affected or impaired by amendment or repeal of any ordinance, or part thereof, and shall be treated as still remaining in full force and effect for all intents and purposes as if the amended or repealed ordinance, or part thereof, had remained in force.

SECTION 10. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

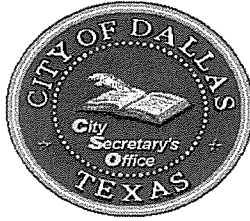
SECTION 11. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

LARRY E. CASTO, City Attorney

By 
Assistant City Attorney

Passed NOV 08 2017



PROOF OF PUBLICATION – LEGAL ADVERTISING

The legal advertisement required for the noted ordinance was published in the Dallas Morning News, the official newspaper of the city, as required by law, and the Dallas City Charter, Chapter XVIII, Section 7.

DATE ADOPTED BY CITY COUNCIL NOV 08 2017

ORDINANCE NUMBER 30694

DATE PUBLISHED NOV 11 2017

ATTESTED BY: