

Memorandum



DATE August 16, 2017

TO Members of the Economic Development & Housing Committee:
Tennell Atkins, Chair, Rickey D. Callahan, Vice-Chair, Lee M. Kleinman,
Scott Griggs, Casey Thomas, II, B. Adam McGough, Mark Clayton, Kevin Felder,
Omar Narvaez

SUBJECT **Relocation-Chapter 39A Code Amendment**

On Monday, August 21, 2017, you will be briefed on proposed changes and updates to Chapter 39A. The briefing materials are attached for your review.

Should you have any questions, please contact me at (214) 671-5257.



Raquel Favela
Chief of Economic Development & Neighborhood Services

c: The Honorable Mayor and Members of the City Council
T.C. Broadnax, City Manager
Larry Casto, City Attorney
Craig D. Kinton, City Auditor
Rosa A. Rios, City Secretary
Daniel F. Solis, Administrative Judge
Kimberly Bizzor Tolbert, Chief of Staff to the City Manager
Majed A. Al-Ghafry, Assistant City Manager
Jon Fortune, Assistant City Manager
Jo M. (Jody) Puckett, P.E., Assistant City Manager (Interim)
Jill A. Jordan, P.E., Assistant City Manager
Joey Zapata, Assistant City Manager
M. Elizabeth Reich, Chief Financial Officer
Nadia Chandler Hardy, Chief of Community Services
Theresa O'Donnell, Chief of Resilience
Directors and Assistant Directors

Relocation – Chapter 39A Code Amendment

Economic Development &
Housing Committee

August 21, 2017

David Cossum, Director,
Ashley Eubanks, Asst. Director
Department of Sustainable
Development and Construction



City of Dallas

Presentation Overview

- Background
- Objectives
- Concerns of Chapter 39A
- Proposed Code Amendments
- Next Steps

Background

Various laws mandate relocation assistance for persons displaced by governmental actions

- Uniform Relocation Assistance and Real Property Acquisition Policies Act (URA) passed by Congress in 1970, as amended
 - Provides for assistance for all federally funded projects causing displacement.
- Texas Property Code - Senate Bill 18, enacted by the 82nd Texas Legislature, Title 4, Chapter 21. “Eminent Domain”
 - Provides for Relocation Assistance to be compatible with URA.

Background

- Dallas City Code – Chapter 39A – “Relocation Assistance-Eminent Domain”:
 - Provides for Relocation Assistance to eligible persons displaced by actions of the City of Dallas
 - Provides that information regarding residential and commercial replacement sites be maintained and readily available
 - Provides for procedures to review appeals

Objectives of Relocation Process

- Provide relocation assistance for eligible persons permanently and involuntarily displaced by governmental actions.
- Each displaced person is entitled to receive the following:
 - Advisory service on benefits
 - Relocation financial assistance, if eligible
 - Explanations of eligibility requirements
 - Technical assistance with applications and required forms

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Objectives of Relocation Process

- Provide current information on federal, state and local housing programs.
- Minimize hardships by providing counseling, referrals to other sources of assistance (e.g., welfare assistance, job training, drug or alcohol treatment, child care, etc.) and such other help as may be appropriate.

Concerns with Chapter 39A

- Compatibility issues with URA
 - What qualifies a person to be considered displaced
- Other notable areas requiring updates:
 - Update and provide for compatibility language to mirror Federal Law (URA) and local laws
 - Title/Scope of Chapter
 - Definitions
 - Requirements regarding Relocation Assistance Program
 - Temporary Housing Payment

Proposed Code Amendments

Displaced Person Definition

- Chapter 39A currently requires a person to be in occupancy upon three critical dates:
 - Public Notice date; and
 - Initiation of Negotiation; and
 - Notice of City's intent to acquire
- Proposed Code Amendment
 - Mirror URA definition - any person who moves from real property, or moves his or her personal property as a direct result of a written purchase offer

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Proposed Code Amendments

Other Notable Areas	Proposed Code Amendment
<u>Temporary Housing Payment</u> (Official Order to temporarily vacate) Food expenses - \$10/day Housing Expenses - \$50/night	Increase housing payments to mirror U.S. Office of Personnel Management – General Texas Per Diems. See Appendix. (No provision in URA)
<u>Replacement Housing Payment</u> Owner Occupant – 180 days Relocation benefit \$22,500 Tenant occupied – 90 days Relocation Benefit - \$5,250	Provide for language to mirror Federal Law Owner Occupant – <u>90</u> days Relocation benefit <u>\$31,000</u> Tenant occupied – 90 days Relocation Benefit - <u>\$7,200</u> Replacement Housing Payment could exceed benefits above, resulting in Last Resort Payment: Allow for last resort payment to be administered by Administrative Action up to authorized amount.
<u>Other General Definitions</u> <u>i.e. Comparable Replacement Dwelling,</u> <u>Decent Safe and Sanitary Housing</u>	Provide for language to mirror Federal and local laws of the City of Dallas, where applicable
<u>Scope/Title of Chapter 39A</u>	Remove Eminent Domain reference in Title Provide for language to mirror Federal law
<u>Relocation Assistance Program</u> <u>i.e. Record Keeping, Written Notices, Providing</u> <u>Public information</u>	Provide for language to mirror Federal law

Recommendation

- Instruct staff to proceed with preparing ordinance and scheduling for City Council consideration.

Next Steps

- Prepare ordinance and schedule for City Council consideration

Appendix

5/24/2017

Dallas County, Texas Per Diem Rates for 2017

*** This Data Page Provided By PerDiem101.com ***
 Source: <https://www.perdiem101.com/conus/2017/dallas-texas#>

Month	Lodging ⓘ	Meals & IE ⓘ	Meals Only ⓘ	Proportional Meals ⓘ	Incidentals ⓘ
January 2017	\$146.00	\$64.00	\$59.00	\$37.00	\$5.00
February 2017	\$146.00	\$64.00	\$59.00	\$37.00	\$5.00
March 2017	\$146.00	\$64.00	\$59.00	\$37.00	\$5.00
April 2017	\$146.00	\$64.00	\$59.00	\$37.00	\$5.00
May 2017	\$146.00	\$64.00	\$59.00	\$37.00	\$5.00
June 2017	\$135.00	\$64.00	\$59.00	\$37.00	\$5.00
July 2017	\$135.00	\$64.00	\$59.00	\$37.00	\$5.00
August 2017	\$135.00	\$64.00	\$59.00	\$37.00	\$5.00
September 2017	\$135.00	\$64.00	\$59.00	\$37.00	\$5.00
October 2017	\$135.00	\$64.00	\$59.00	\$37.00	\$5.00
November 2017	\$135.00	\$64.00	\$59.00	\$37.00	\$5.00
December 2017	\$135.00	\$64.00	\$59.00	\$37.00	\$5.00

Cities in the Dallas County Per Diem Area

In the Continental United States (CONUS), per diems are assigned on a county-by-county basis. These rates apply to all cities, towns, and other areas that fall within the borders of Dallas County.

The Dallas County per diem rates listed on this page apply to business travel in the following cities: Addison, Balch Springs, Buckingham, Carrollton, Cedar Hill, Cockrell Hill, Coppell, Dallas, Desoto, Duncanville, Farmers Branch, Florence Hill, Garland, Grand Prairie, Highland Park, Hutchins, Irving, Lakeland Heights, Lancaster, Lawson, Mesquite, Pleasant Valley, Richardson, Rowlett, Sachse, Seagoville, Sunnyvale, University Park, Wilmer, and other unincorporated areas within Dallas County boundaries.

<https://www.perdiem101.com/conus/2017/dallas-texas#>

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