

RESOLUTION NO. 2025-03

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WAUCHULA, FLORIDA ADOPTING A COMMUNITY DEVELOPMENT BLOCK GRANT DISASTER RECOVERY (CDBG-DR), ANTI-DISPLACEMENT AND RELOCATION POLICY; PROVIDING FOR THE CORRECTION OF SCRIVENER'S ERRORS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Wauchula (the "City") has resolved to prepare and submit a Rebuild Florida Hazard Mitigation Grant Match Program (HMGMP) application related to Hurricane Ian, providing services and benefits to City residents, and improving city services and infrastructure; and,

WHEREAS, the Florida Commerce Community Planning, Development and Services Office of Long-Term Resiliency (OLTR) requires, as a condition of Community Development Block Grant Disaster Recovery funding, that participating jurisdictions adopt an Anti-Displacement and Relocation policy relative to their participation in the Community Development Block Grant Disaster Recovery (CDBG-DR) program; and,

WHEREAS, the City intends not to displace or relocate qualified beneficiaries and will make all reasonable efforts to ensure that activities undertaken through the use of Community Development Block Grant Disaster Recovery (CDBG-DR) will not cause any unnecessary displacement or relocation; and,

WHEREAS, the City intends to apply for \$39,389.47 in Community Development Block Grant Disaster Recovery (CDBG-DR) funding.

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the
City of Wauchula, Florida:

SECTION 1. RECITALS. The above recitals are true and correct and
incorporated herein by reference.

SECTION 2. ADOPTION. The City hereby adopts the Anti-Displacement
and Relocation Policy attached hereto as "Attachment A."

SECTION 3. EFFECTIVE DATE. This Resolution shall become effective
immediately upon its adoption.

RESOLVED this ____ day of _____, 2024.

CITY OF WAUCHULA

By: _____
Mayor Keith Nadaskay

ATTEST WITH SEAL:

By: _____
Stephanie Camacho, City Clerk

ATTACHMENT “A”

CITY OF WAUCHULA COMMUNITY DEVELOPMENT BLOCK GRANT ANTI-DISPLACEMENT AND RELOCATION POLICY

I. Displacement Avoidance Policy

As stated in the adopting Resolution, the City of Wauchula intends not to displace or relocate qualified beneficiaries, and adopts this policy to make all reasonable efforts to ensure that activities undertaken through the use of Community Development Block Grant (CDBG), HOME Investment Partnerships Program (HOME), and/or other Federal funding will not cause unnecessary displacement or relocation. Such federally-funded programs will be administered in such a manner that careful consideration is given during the planning phase with regard to avoiding displacement and/or relocation. Involuntary displacement shall be reserved as a last resort action necessitated only when no other alternative is available, and when the activity is determined necessary to carry out a specific goal or objective that is of benefit to the public. In this case, community development and housing programs will be planned in a manner that avoids displacement of households or businesses to the extent feasible.

However, a voluntary relocation (whether temporary or permanent) may be necessary to achieve a benefit to a household(s) or business (such as rehabilitation or replacement of the building). Such benefits shall be identified and requested by the displacee. In these cases, the seller may be required to waive rights as a condition of sale of the property, and the Uniform Relocation Act provisions will govern actions of the City and/or its representative. 24 CFR Part 570.606 (governing displacement, relocation, acquisition, and replacement of housing with regard to CDBG) and 24 CFR Part 92.353 (governing displacement, relocation, and acquisition with regard to HOME) are the governing regulations regarding displacement and relocation and are incorporated by reference. 49 CFR Part 24 provides Uniform Relocation Assistance information regarding the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA), and such information, including definitions, regulations, and requirements contained therein, is incorporated by reference. As applicable, the HUD Handbook 1378, as amended, shall be adopted in its entirety as a part of this policy.

II. Definitions of “Standard” and “Non-Standard-Suitable for Rehabilitation” Dwelling Units’ Condition

In the absence of federal and state provided definitions, the following is provided to establish a frame of reference and context when dealing with matters of displacement and/or relocation as defined in the regulations cited above.

A. Standard Condition

A dwelling unit is considered “standard” if it has no major defects or only slight defects that are correctable through the course of regular or routine maintenance. It must also be in compliance with applicable building standards under the City of Wauchula Code of Ordinances and the Florida Building Code. Failure to meet any of these criteria will result in a dwelling to not be considered “standard”:

1. A safe electrical wiring system adequate for lighting and other normal electrical devices.
2. A heating system capable of sustaining a healthful temperature (consistent with normal, year-round climatic conditions).
3. A separate, well-lighted and ventilated bathroom that provides user privacy and contains a sink, commode, and bathtub or shower stall.
4. An appropriate, sanitary and approved source of hot and cold potable water.
5. An appropriate, sanitary and approved sewage drainage system.
6. A fully usable sink in the kitchen.
7. Adequate space and service connections for a refrigerator.
8. An unobstructed egress to a safe, open area at ground level.
9. Be free of any barriers, which would preclude ingress or egress if the occupant is handicapped.

B. Substandard Condition Suitable for Rehabilitation

A dwelling unit is considered “substandard” if it does not fully comply with the criteria required to be considered “standard.” To be suitable for rehabilitation, a certified housing inspector must inspect the dwelling and prepare a work write-up of repairs necessary to bring the dwelling up to standard condition. A cost estimate of repairs will be prepared based on the needs identified in the work write-up. Each unit will be evaluated for economic and structural feasibility for rehabilitation. Consideration will be given to replacement cost and extent of deterioration of the existing unit. Structures which are not feasible for rehabilitation may be reconstructed.

III. Permanent, Involuntary Displacement

The City does not anticipate permanent displacement, and will take steps to minimize permanent displacement, including, as applicable based on the specific CDBG program requirements:

1. Where feasible, rehabilitating, as opposed to demolishing buildings, to avoid displacement.
2. Where feasible, demolishing and converting only unoccupied or vacant buildings.
3. Where a proposed project would cause displacement, exploring project alternatives that might avoid displacement.

In the event displacement is unavoidable, the City will provide notice to displaced persons and businesses, as well as reasonable relocation assistance to households and businesses displaced (moved permanently and involuntarily) as a result of the use of CDBG or other Federal funding. Assistance to displaced households may include: a) a payment for actual moving and relocation expenses documented by receipts and/or vouchers from service providers and utility companies (all documents shall be submitted prior to the disbursement of payment); b) advisory services necessary to help in relocating; and c) financial assistance sufficient to enable the displaced person to lease a suitable, decent safe, and sanitary replacement dwelling where the cost of rent and utilities does not exceed 30% of the household gross income of a family earning 80% of the area median income. Additionally, the following provisions are required where displacement is unavoidable:

A. Provisions for One-for-One Replacement

The City will replace, or ensure the replacement of, all occupied and vacant occupiable low/moderate income dwelling units demolished or converted to use other than as low/moderate income housing as a direct result of activities assisted with funds provided in 24 CFR Part 570. Replacement low/moderate income units may include public or private housing. All replacement housing will be provided within three years of the commencement of the demolition or rehabilitation relating to conversion and will meet the following requirements:

1. The units will be located within the City of Wauchula.
2. The units will meet all applicable City of Wauchula housing, building, and zoning ordinances and will be in standard condition.
3. The units will be sufficient in size and number (functionally equivalent) to house the number of occupants of the displaced household.

4. The units will be designed to remain low/moderate-income dwelling units for at least 10 years from the date of initial occupancy (applies to initial tenant only).

Before obligating Federal funds that will directly result in demolition or conversion, the City will make public and submit to HUD the following information in writing:

1. A description of the proposed assisted activity.
2. The general location on an area map including approximate number of dwelling units by size (number of bedrooms) that will be demolished or converted to a use other than low/moderate-income dwelling units.
3. A time schedule for commencement and completion of the demolition or conversion.
4. The general location on a service area map and approximate number of dwelling units by size (number of bedrooms) that will be provided as replacement units.
5. Identification of the source of funding at the time of submittal and the time frame, location and source for the replacement dwelling unit.
6. Information demonstrating that any proposed replacement of a unit with a smaller unit is consistent with the housing needs of low/moderate income (LMI) persons in the jurisdiction.
7. The basis for concluding that each replacement dwelling unit be designed to remain a low/moderate-income dwelling unit for at least 10 years from the date of initial occupancy.

B. Provisions for Relocation Assistance for Residential Displacement

The City will provide relocation assistance to each low/moderate income household involuntarily displaced by the demolition of housing or by the conversion of a low/moderate income dwelling to another use as a direct result of CDBG/Federally-assisted activities. Persons that are relocated involuntarily are entitled to:

1. A choice between actual reasonable moving expenses or a fixed expense and dislocation allowance.
2. Advisory services.
3. Reimbursement for reasonable and necessary security deposits and credit checks.

4. Interim living costs.
5. Replacement housing assistance which may include Section 8 assistance and referral to assisted units; cash rental assistance to reduce the rent and utility cost or lump sum payment equal to the present value of rental assistance installments to be used toward purchasing housing for a period up to 60 months (5 years).

C. Provisions for Non-Residential Relocation

Businesses, non-profit organizations, etc., shall not be relocated unless the move is voluntary, essential to the project from the public review, and the owner waives higher rights under the Uniform Act.

IV. Temporary, Voluntary Displacement and Relocation

Persons occupying housing which is to be rehabilitated using CDBG/Federal funds must voluntarily agree to inclusion in the program and, if necessary, shall temporarily vacate the housing at the direction of the City or its designed administrator to facilitate a safe, timely, and economical rehabilitation process. Benefits, if provided, will be limited to actual increases in housing costs incurred by the occupant and actual moving expenses. Approved rents for the assisted households will not exceed the current and HUD-established High HOME Rent.

V. Permanent, Voluntary Displacement and Relocation.

If it is determined by the City that the occupants of a dwelling should be permanently relocated and the occupants voluntarily consent, the City will assist in the relocation to a decent, safe and sanitary dwelling unit. Benefits, if provided, will be limited to increases in monthly housing costs incurred by the occupant in an amount equal to the lesser of 60 times the increase or 30% of the household's monthly income or adjusted by federal regulations. 24 CFR Part 570 must be consulted to determine specific limitations. Payment of relocation benefits for housing assistance will be spread over 60 months (or 42 months for non-LMI relocatees).

VI. Tenant Assistance Policy/Federal Rental Rehabilitation Program

- A. It is not the local government's policy to displace families in rental units. Participating landlords will be required to warrant that the proposed rehabilitation will not cause any tenant to be permanently displaced unless the owner will be able to relocate the tenant displaced in accordance with the URA. Rehabilitation funds will not be used to rehabilitate the rental units if the rehabilitation will cause the permanent displacement of anyone.

- B. If it becomes necessary for an owner to temporarily move a tenant from a unit as a direct result of Federally-assisted rehabilitation, the owners will ensure that the tenant is offered a decent, safe and sanitary dwelling unit at an affordable rate as described in the applicable regulations. No tenant will be considered displaced if the owner has offered the tenant a decent, safe, sanitary and affordable unit and the tenant declines the offer.
- C. Should temporary displacement become necessary for a LMI family as a result of ~~the~~ rental rehabilitation assistance, the owner will ensure that tenants are provided the necessary financial assistance, information, counseling, referrals and housing location options regarding Federal Fair Housing and other relocation services as needed without regard to race, color, religion, sex, familial status, age, handicap, or national origin, so as to enable the family to obtain decent, safe and sanitary housing at an affordable rent.

VII. Displacement of Homeowners

Homeowners will have their homes demolished with CDBG funds only as a voluntary action, when rehabilitation of the dwelling is not feasible or cost effective. Although homeowners have a right to assistance, CDBG funds available for relocation or replacement assistance are limited. Therefore, financial assistance shall not exceed that described in accordance with 49 C.F.R. 24.401 and the regulations under U.S. HUD Handbook 1378.

- A. Homeowners who meet CDBG income limits may receive a replacement housing payment assistance. The amount will be based upon the difference between the dwelling replacement price and the owner's ability to contribute to the replacement purchase price. Ability to contribute shall mean the household's borrowing capacity (determined by lending agencies) and liquid assets above applicable value thresholds.
- B. To the extent feasible, replacement units will be of comparable size and type as original units. Type shall mean single family detached, mobile home, or attached. If the unit is attached (duplex, triplex) and the displaced owner also owns the other unit(s) as rental property, financial assistance (not to exceed per unit Federal Guidance thresholds), shall be granted for construction of attached replacement units, provided that zoning and other applicable regulations allow construction of an attached unit(s) which will be rented for a period of five years to CDBG income eligible households affordable rent levels. Affordable shall mean the average monthly cost for rent and utility charges (water, sewer, electricity, gas) and shall not exceed 30% of the tenant household's gross monthly income.
- C. Homeowners will be encouraged to relocate onto the property from which they were displaced or onto other property which they own, in order to reduce the cost of the replacement unit. Land shall be included as an eligible replacement unit cost only when

the existing site is unsuitable due to inadequate size (based upon zoning or other applicable regulations) or location in a wetland or 100-year floodplain.

- D. Existing housing that is in standard condition may also be approved as replacement housing. Payment shall be disbursed only upon the CDBG Administrator's approval of the replacement unit.
- E. If space is available, displaced homeowners will be offered temporary replacement housing in one of the units provided by the CDBG program for housing rehabilitation displacees. Moving and storage allowances will be provided as annotated in Section V.
- F. If a homeowner chooses to not purchase a replacement dwelling, compensation shall be determined in the same manner as for renters. Compensation shall be limited per Federal Guidelines.

VII. Appeals/Counseling

- A. If a claim for assistance is denied by the City, the claimant may appeal, where applicable to HUD, and HUD's decision shall be final unless a court determines otherwise.
- B. Counseling will be provided to displacees in the areas of household finance, fair housing rights, real estate transactions, and locating and evaluating replacement-housing options. Counseling shall be provided by the City or its designated agency to permanently ensure that:
 - 1. No person is discriminated against based upon age, race, color, religion, sex, handicap, familial status, or national origin.
 - 2. Displacees receive information concerning the full range of housing opportunities within the local housing market.

Homeowner

Date

Homeowner

Date