



Resolution 09-36

A Resolution replacing Resolution 08-46- a Residential Anti-Displacement and Relocation Assistance Plan and Certification in Accordance with Section 104 (d) of the Housing and Community Development Act of 1974, as amended.

WHEREAS, in accordance with CDBG Regulations the Town's Residential Anti-Displacement and Relocation Assistance Plan must be updated annually.

WHEREAS, the U.S. Department of Housing and Urban Development has advised that all recipients of CDBG funds, must certify that the entity is following or hereafter will be following a Residential Anti-Displacement Plan; and

WHEREAS, in order to apply for and accept CDBG Funds and CDBG Planning Funds the Town of Taos must take appropriate Residential Anti-Displacement and Relocation Assistance Plan, which will satisfy the new regulation; and

NOW THEREFORE BE IT RESOLVED that the Town of Taos does hereby adopt the attached Residential Anti-Displacement and Relocation Assistance Plan and Certification.

PASSED, ADOPTED AND APPROVED THIS 14th DAY OF July, 2009.

Mayor Pro Tem Rudy C. Abeyta no vote
(Mayor Pro Tem Abeyta conducted the meeting in the absence of the Mayor, therefore, he did not vote.)

Councilmember A. Eugene Sanchez yes
Councilmember Amy J. Quintana yes
Councilmember Michael A. Silva yes

TOWN OF TAOS

Darren M. Cordova, Mayor

ATTEST:

APPROVED AS TO FORM:

Renee Lucero, Town Clerk

Allen Ferguson, Jr., Town Attorney

TOWN OF TAOS
RESIDENTIAL ANTI-DISPLACEMENT AND RELOCATION
ASSISTANCE PLAN AND CERTIFICATION
Section 104(d) of the Housing and Community Development Act of 1974, as
Amended

Section 509 of the Housing and Community Development Act of 1987 (Public Law 100-242, approved February 5, 1988) amended Section 104 of the Housing and Community Development Act of 1974 (the Act) by adding a new subsection (d).

The new subsection 104(d) of the Act provides that a grant under section 106 (CDBG Programs) may be made only if the grantee certifies that it is following a “residential Anti-Displacement and relocation plan”.

Local governments, recipients under the State CDBG Program, must make this certification to the State. The requirement applies only to those recipients of CDBG funds awarded to the State by HUD after October 1, 1988.

ACCORDINGLY, the foregoing plan represents the effort of the Town of Taos to comply with the requirements of Section 104(d) of the Act and is certified herewith:

PLAN AND CERTIFICATION

The Town of Taos herewith certifies that it will replace all occupied and vacant occupiable low/moderate-income dwelling units demolished or converted to a use other than as low/moderate income housing as a direct result of activities assisted with funds provided under the Housing and Community Development Act of 1974, as amended, as described in 24 CFR 570.496 a(b).

All replacement housing will be provided within three years of the commencement of the demolition or rehabilitation relating to conversion. Before obligating or expending funds that will directly result in such demolition or conversion, the Town of Taos will make public and submit to the Local Government Division of the Department of Finance and Administration the following information in writing:

1. A description of the proposed activity;
2. The location on a map and the approximate number of units, described by size (number of bedrooms), that will be demolished or converted;
3. A time schedule for commencement and completion of the demolition or conversion;
4. The location on a map and the approximate number of dwelling units described by size (number of bedrooms) that will be provided as replacement dwelling units;

5. The source(s) of funding and a time schedule for the provision of replacement units; and
6. The basis for concluding that each replacement unit will remain a low/moderate-income dwelling unit for ten (10) years from the date of initial occupancy.

The Town of Taos will provide relocation assistance, as described in 570.496-a to each low/moderate-income household displaced by the demolition of housing or by the conversion of a low/moderate-income dwelling to another use as a direct result of assisted activities.

To the extent which the Town of Taos participates in Federal Assistance Programs wherein the following Anti-Displacement strategies can be applied, and consistent with the goals and objectives of activities assisted under the Act, the Town of Taos will take the following steps to minimize the displacement of persons from their homes (this listing not all inclusive):

DISPLACEMENT STRATEGY

A. Steps to Minimize or Prevent Displacement:

1. Plan, organize and stage the rehabilitation of assisted housing to allow tenants to remain during and after rehabilitation so as to provide the greatest convenience, safe and economically sound rehabilitation effort possible.
2. Assist in the identifying and locating of temporary relocation facilities in order to house families whose displacement will be of short duration, so that they can move back to their neighborhood after rehabilitation or new construction.
3. Evaluate housing codes and rehabilitation standards in reinvestment areas to prevent the placing of undue financial burdens on long-established owners or on tenants of multi-family buildings.
4. Counsel and advice homeowners and renters to understand the range of assistance that may be available to meet and protect their housing rights and interests.
5. In cooperation with neighborhood organizations, continuously review neighborhood development trends, identify displacement problems, and identify individuals facing displacement who need assistance.

B. Actions to Assist Displaced Persons to Remain in their Present Neighborhoods:

1. Provide lower-income housing in the neighborhood through HUD housing programs; purchase units as is; rehabilitate vacant units, or construct housing units.
2. Give priority in assisted housing units in the neighborhood to area residents facing displacement.

3. Target Section 8 existing programs and certificates to households being displaced, and recruit area landlords to participate in the program.
4. Provide counseling and referral services to assist displaces in finding alternate housing in the neighborhood.
5. Work with area landlords and real estate brokers to locate vacancies of households facing displacement.

C. Actions to Otherwise Mitigate Adverse Effects of Displacement:

1. Uses of public funds, such as CDBG, to pay moving costs and provide relocation payments, or, to the extent permissible by local or state law require private developers to provide compensation to persons displaced by development activities.
2. Give displacees priority in obtaining subsidized housing.
3. Provide counseling and referral services to assist displacees to locate elsewhere in the community.

It shall be the policy of the Town of Taos that all persons displaced by CDBG activity shall be relocated into housing that is:

- a) Decent, safe and sanitary;
- b) Adequate in size to accommodate the occupants;
- c) Functionally equivalent;
- d) In an area not subject to adverse environmental conditions.

Plan Adoption Date: July 14, 2009

Adoption Instrument: Resolution 09-36

Certified By:

Darren Cordova, Mayor

Date