

**RESOLUTION 01-04-21**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA ADOPTING A COMMUNITY DEVELOPMENT BLOCK GRANT, ANTI-DISPLACEMENT AND RELOCATION POLICY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Marathon (the “City”) has resolved to prepare and submit a 2001 Small Cities Community Development Block Grant – Housing Category Application; providing services and benefits to City residents; improving city services and infrastructure; particularly to the City’s very low and low income residents, and

**WHEREAS**, the Department of Community Affairs requires, as a condition of Community Development Block Grant (CDBG) funding, participating jurisdictions adopt an Anti-Displacement and Relocation policy relative to their participation in the Community Development Block Grant (CDBG) 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 (CDBG) will not cause any unnecessary displacement or relocation, and

**WHEREAS**, the Department of Community Affairs requires, as a condition of Community Development Block Grant (CDBG) funding, participating jurisdictions establish and adopt a Community Development Block Grant, Anti-Displacement and Relocation Policy.

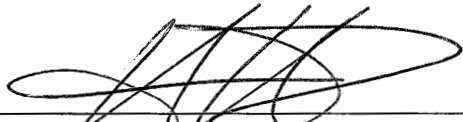
**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, AS FOLLOWS:**

Section 1.    Recitals.    The above recitals are true and correct and are incorporated herein by reference.

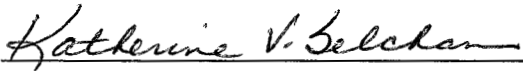
Section 2.    Adoption.    The City hereby adopts the Anti-Displacement and Relocation Policy attached hereto as "Attachment A."

Section 3.    Effective Date.    This Resolution shall become effective immediately upon its adoption.

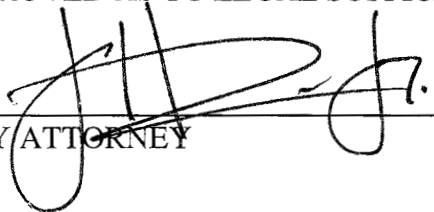
PASSED AND ADOPTED this 4th day of April, 2001.

  
\_\_\_\_\_  
ROBERT MILLER, MAYOR

ATTEST:

  
\_\_\_\_\_  
CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY:

  
\_\_\_\_\_  
CITY ATTORNEY

*As stated in the adopting Resolution, the City of Marathon 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 (CDBG) will not cause any unnecessary displacement or relocation, and adopts these policies to protect residents from displacement or relocation as required as a condition of CDBG funding.*

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

**1. Displacement/Relocation Avoidance Policy.**

The City of Marathon is committed to a policy to make all reasonable efforts to ensure that activities undertaken through the use of Community Development Block Grant (CDBG) 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. The City has adopted a Citizen's Participation Plan and established a Citizen's Advisory Task Force to and keep citizens involved in the process regarding pending CDBG activities. Displacement shall be reserved as a last resort action necessitated only when no other alternative is available and when the activity is determined necessary in order 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 which avoids displacement.

However, "voluntary" relocation (temporary or permanent) may be determined to be necessary in order to achieve a benefit to a household. Such benefits shall be identified and requested by the displacee. 24 C.F.R. Part 570 is a governing document on displacement and is incorporated by reference. 49 C.F.R. Part 24 provides Uniform Relocation Act information and is incorporated by reference.

**II. Definitions of "Standard" and "Non-Standard Suitable for Rehabilitation" Dwelling Unit 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 24 C.F.R. Part 570 and 49 C.F.R. Part 24.

**A. Standard Condition**

A dwelling unit is considered "standard" if it has no major defects or only slight defects which are correctable through the course of regular maintenance. It must be in total compliance with applicable city housing and occupancy codes; be structurally sound, watertight, and in good repair; be adequate in size with respect to number of rooms and area of living space and contain the following:

- A safe electrical wiring system adequate for lighting and other normal electrical devices.
- A separate, well-lighted and ventilated bathroom that provides the user privacy and contains a sink, commode, and bathtub or shower stall, all in good working order and properly connected.
- An appropriate, sanitary and approved source of hot and cold potable water.
- An appropriate, sanitary and approved sewage drainage system.
- A fully usable sink in the kitchen, attached to a potable water source.
- Adequate space and service connections for a stove and a refrigerator.
- An unobstructed egress to a safe, open area at ground level.
- Contain a heating system capable of sustaining a healthful temperature.
- Have no barriers which would preclude ingress or egress if the occupant is handicapped.
- Meet the Section 8 Housing Quality Standards.
- Comply with the lead-based paint requirements of 24 C.F.R. Part 35.
- Meet the requirement of the local existing City Codes.

Failure to meet any of these criteria automatically causes a dwelling to not be considered "standard."

### **B. Substandard Condition Suitable for Rehabilitation**

A dwelling unit is considered substandard if it does not fully comply with the standard criteria, does not comply with the City Codes, has minor defects which require a certain amount of correction but can still provide safe and adequate shelter, does not meet the HUD Section 8 Housing Quality Standards, or has major defects requiring a great deal of correction and will be safe and adequate once repairs are made.

To be suitable for rehabilitation, trained housing specialist, provided by the Monroe County Housing Authority, must carefully inspect the dwelling and prepare a work write-up of repairs necessary to bring it up to standard condition. A cost estimate of repairs will be prepared based on the needs identified in the work write-up. If these costs are equal to or less than 75% of the fair market value of a comparable unit in standard condition as obtained from more than one licensed contractor, the dwelling will be considered suitable for rehabilitation. If the predicted cost exceeds 75% of fair market value after completion of the rehabilitation, the unit will be deemed unsuitable.

This criteria is arbitrary, however, and the City Council may authorize deviations based on the unique aspects of each dwelling, owner, tenant, etc. on a case-by-case basis by vote of the Council. Each deviation so approved must be thoroughly documented.

### **III. Permanent, Involuntary Displacement and/or Relocation**

The City, through the Monroe County Housing Authority, will not engage in any CDBG eligible activities which require the permanent and/or involuntary displacement of persons or businesses

### **IV. Temporary, Voluntary Displacement and/or Relocation**

- A. Persons occupying housing which is to be rehabilitated using CDBG/federal funds must voluntarily agree to inclusion in the program and if necessary, shall voluntarily vacate the housing temporarily at the direction of the City, through the Monroe County Housing Authority, (or its designed agency) in order to facilitate the safe, timely and economical rehabilitation process.
- B. A moving allowance of \$500 will be provided each family unit so displaced. This allowance will be provided in two payments of \$250 each on move out and move back in.
- C. The City, through the Monroe County Housing Authority, may provide a safe, decent and sanitary housing unit for use as temporary relocation housing. The unit shall be available free of charge to temporarily displaced households for the time period authorized by the City's designated agency, generally for the period of rehabilitation construction. Households who occupy the unit shall have a \$100 refundable deposit withheld from their initial moving allowance payment. This deposit shall be refunded in full immediately after the relocation unit is vacated in a clean and undamaged condition. The deposit refund shall be denied in full or in part for payment of damages to the owner/lessee due to the occupants', (a) failure to properly clean or maintain the unit, (b) physical damage to the unit, (c) loss of keys to the units, or (d) need for any special condition such as fumigation. A \$25 per day penalty may also be assessed for the household's failure to properly vacate the relocation unit when directed to do so by the City's designated agency.
- D. A storage allowance of up to \$200 will be provided each family displaced if storage is necessary and essential to the move.

- E. Insurance cost of up to \$500 for the replacement value of the household property in connection with the move will be provided each family unit displaced if storage is necessary and essential to the move.
- F. The Monroe County Housing Authority, as the City's designated Administrator of the CDBG, will be responsible for providing funding and administration of the provisions outlined herein.