

5-R-93  
A RESOLUTION

Creating a Residential Anti-Displacement and  
Relocation Assistance Plan  
Directed Toward Minimizing the  
Involuntary Displacement of Evanston Residents  
in the Implementation of the  
1993-1994 Community Development Block Grant Program

WHEREAS, the Congress of the United States did pass the Housing and Community Development Act of 1974, which is known as Public Law 93-383 and was amended by Pub. L 95-128, Pub. L 95-557, Pub. L 96-399, Pub. L 97-35, Pub. L 98-181, Pub. L 101-235, Pub. L 101-625 and Pub. L 102-550; and

WHEREAS, Title I of the Act makes block grants available for certain housing and community development activities; and

WHEREAS, the City of Evanston is an "Entitlement City" by definition of said Act and, as such, is eligible for grant funds; and

WHEREAS, the City of Evanston must certify that, prior to the submission of its application to the Department of Housing and Urban Development, it has met citizen participation requirements, as outlined in Subpart D, Section 570.301 in the Community Development Block Grant Rules and Regulations; and

WHEREAS, said Rules and Regulations also include a provision in Subpart K, Section 570.606(c) requiring that the City of Evanston develop, adopt, make public and implement a statement of local policy indicating the steps that will be taken to minimize displacement and mitigate any adverse effects on low and moderate income households in Evanston; and

WHEREAS, such a strategy has been developed, by evaluating which Community Development Block Grant program activities may result in residential displacement; and

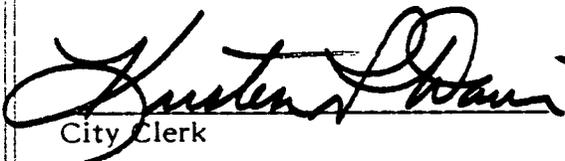
WHEREAS, the City of Evanston, in an effort to ensure community participation in the development and implementation of the Residential Anti-Displacement and Relocation Assistance Plan, did hold a public hearing on December 8, 1992 to receive citizen comments on the Strategy's content; and

WHEREAS, the City's Housing and Community Development Act Committee did approve said Plan at its meeting on December 8, 1992;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Evanston, Cook County, Illinois, that the 1993-94 Residential Anti-Displacement and Relocation Assistance Plan marked as Exhibit A, attached hereto and incorporated herein by reference, is hereby approved and the City Manager is hereby directed to carry out said Plan.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk

ADOPTED: January 11, 1993

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EXHIBIT A

**CITY OF EVANSTON  
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM  
RESIDENTIAL ANTI-DISPLACEMENT AND RELOCATION ASSISTANCE PLAN**

As a presubmission requirement when applying for funding through the Community Development Block Grant Program (CDBG), the City is required to develop, adopt, make public, and certify that it is following a Residential Anti-Displacement and Relocation Assistance Plan. Recent amendments to the Housing and Community Development Act coupled with the expansion of the Uniform Relocation Act, effective April 1989, represent the strongest anti-displacement measures yet to be applied to HUD assisted activities.

The plan must address: (1) the City's policies to minimize and avoid displacement of persons from their homes and neighborhoods; (2) the replacement of any low and moderate income occupiable housing units that are demolished or converted to another use utilizing CDBG funds and any relocation that might be associated with the loss of those housing units; and, (3) any relocation or displacement as a direct result of any federally assisted project.

The following plan is intended to address the above requirements. A Glossary of Terms and Summary of Appeals Process are attached as Appendices A and B:

**I. STEPS TO BE TAKEN TO MINIMIZE THE DISPLACEMENT OF PERSONS FROM THEIR HOMES.**

The following general steps will be taken by the City to avoid displacement or to mitigate its adverse effects if it is deemed necessary.

- A. Priority will be placed on the rehabilitation of housing, where feasible, to avoid the displacement of persons from their homes.
- B. Property acquisition will be highly selective, targeting only those properties deemed essential to the success of the project.
- C. Priority will be placed on the purchase of unoccupied buildings; if a suitable, unoccupied site cannot be found, priority will be given to purchasing an occupied property from a willing seller.
- D. When a property must be acquired quickly for whatever reason, efforts will be made to avoid displacement until the property is actually needed.
- E. The acquisition and/or demolition of properties will be timed so as to allow the maximum amount of time for tenant or owner relocations.
- F. Temporary displacements will be for as brief an amount of time as is possible.
- G. Except in emergency cases, owners or tenants of properties who may be displaced will be given at least a ninety-day notice prior to being required to move.

- H. In determining whether or not temporary relocation is necessary to facilitate the rehabilitation of a dwelling, the City will consider any hardships likely to result if the person occupies the property during the rehabilitation process.
- I. The City shall review all claims for relocation assistance in an expeditious manner. The claimant shall be promptly notified as to any additional documentation that is required to support his/her claim. Payment of the claim will be made within 30 days following receipt of sufficient documentation to support the claim.
- J. If a person demonstrates the need for an advance relocation payment in order to avoid or reduce a hardship, the City will issue the payment, subject to such safeguards as are appropriate, to ensure that the objective of the payment is accomplished.
- K. All persons to be displaced as a result of a federally funded activity shall be offered relocation assistance advisory services as outlined in 49 CFR 24.205 of the Uniform Act.

II. **STEPS TO BE TAKEN WHEN LOW OR MODERATE INCOME HOUSING UNITS ARE DEMOLISHED OR CONVERTED TO ANOTHER USE AS A DIRECT RESULT OF ACTIVITIES ASSISTED WITH COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS.**

A. **ONE FOR ONE REPLACEMENT COMPONENT**

The City of Evanston 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 570.606(b)(1).

The replacement dwelling units may include public housing, existing housing receiving Section 8 project-based assistance, and units raised to standard from substandard condition through rehabilitation. 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 City of Evanston will make public and submit to the HUD Field Office the following information in writing:

1. A description of the proposed assisted activity;
2. The general location on a map and actual number and addresses of dwelling units by size (number of bedrooms) that will be demolished or converted to a use other than as low/moderate income dwelling units as a direct result of the assisted activity;
3. A time schedule for the commencement and completion of the demolition or conversion;
4. The general location on a map and actual number and addresses of dwelling units by size (number of bedrooms) that will be provided as replacement dwelling units;

\* See Glossary of Terms

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

#### B. RELOCATION ASSISTANCE COMPONENT

The City of Evanston will provide relocation assistance, as described in 24CFR Part 570.606 (b)(2), to each low/moderate income household displaced by the demolition of housing or by the conversion of a low/moderate income dwelling unit to another use as a direct result of a CDBG assisted activities. The low or moderate income household may elect to receive relocation assistance as described in 24CFR Part 42 (Uniform Relocation Act as summarized in Part III of this document) or may elect to receive the following relocation assistance.

1. Moving expenses - Subject to the limitations and definitions contained in 49CFR, Part 24, Subpart D, a displaced owner-occupant or tenant of a dwelling unit is entitled to either:
  - a. Reimbursement of the actual reasonable moving expenses for the transportation of themselves and their personal property, including packing, storage (if necessary), insurance, and other eligible expenses.

-OR-

- b. A fixed moving expense payment, determined according to the applicable schedule approved by the Federal Highway Administration based on the number of rooms of furniture. The current schedule provides a fixed payment of no less than \$50 and no more than \$1050.
2. The reasonable cost of any security deposit required to rent the replacement unit, and any credit checks required to rent or purchase the replacement unit.
3. Persons are eligible to receive one of the following two forms of replacement housing assistance:
  - a. Each person must be offered rental assistance equal to 60 times the amount necessary to reduce the monthly rent and estimated average monthly cost of utilities for a replacement of dwelling (comparable replacement dwelling or decent, safe, and sanitary replacement dwelling to which the person relocates, whichever costs less). All or a portion of this assistance may be offered through a certificate or housing voucher for rental assistance (if available) provided through the Local Public Agency (PHA) under Section 8 of the United States Housing Act of 1937. If a Section 8 certificate or housing voucher is provided to a person, the State recipient must provide referrals to comparable replacement dwelling units where the owner is willing

to participate in the Section 8 Existing Housing Program. To the extent that case assistance is provided, it may, at the discretion of the State recipient, be in either a lump sum or in installments.

-OR-

b. If the person purchases an interest in a housing cooperative or mutual housing association and occupies a decent, safe, and sanitary dwelling in the cooperative or association, the person may elect to receive a lump sum payment. This lump sum payment shall be equal to the capitalized value of 60 monthly installments of the amount that is obtained by subtracting the "Total Tenant Payment" from the monthly rent and estimated average monthly cost of utilities at a comparable replacement dwelling unit.

4. Advisory Services - All eligible displaced households shall be provided appropriate advisory services, including notification of the planned project with a description of the relocation assistance provided, counseling, and referrals to at least one suitable comparable replacement dwelling.

### III. STEPS TO BE TAKEN WHEN RELOCATION OCCURS FROM ACQUISITION, REHABILITATION OR DEMOLITION ACTIVITIES UTILIZING CDBG FUNDS (UNIFORM RELOCATION ACT)

The Uniform Relocation Act applies to all Federal or federally assisted activities that involve acquisition of real property or the displacement of persons, including displacement caused by rehabilitation or demolition activities funded by the Community Development Block Grant Program, or the Rental Rehabilitation Program.

If, as a direct result of any CDBG or Rental Rehab funded activity, it becomes necessary to relocate persons they shall be eligible for relocation benefits as outlined below (49 CFR Part 24, Subparts C-E):

#### A. PERMANENT DISPLACEMENT

1. Moving Expenses - Subject to the limitation and definitions contained in 49 CFR, Subpart D, a displaced owner-occupant or tenant of a dwelling is entitled to either:
  - a. Reimbursement of actual reasonable moving expenses for the transportation of themselves and their personal property, including packing, storage (if necessary), insurance, and other eligible expenses.

-OR-

- b. A fixed moving expense payment determined according to the applicable schedule approved by the Federal Highway Administration based on the number of rooms of furniture. The current schedule provides for a fixed payment of no less than \$50 and no more than \$1050.

2. Advisory services as outlined in 49CFR Part 24, Subpart C including notification of the planned project with a description of the relocation assistance provided, counseling and referrals to at least one comparable replacement dwelling.
3. Replacement Housing Payment - Subject to the limitations of 49 CFR Part 24 Subpart E of the Act, a displaced owner-occupant or tenant is eligible for one of the following replacement housing payments:

- a. 180-Day Homeowner - Occupants

- i. If the person has actually owned and occupied the displacement dwelling for not less than 180 days prior to the initiation of negotiations to acquire the property and purchases and occupies a replacement dwelling within one year, he/she is eligible for a replacement housing payment of not more than \$22,500 which represents the combined cost of (1) the differential amount, (2) increased interest costs, and (3) reasonable incidental expenses as outlined in Section 24.401;

-OR-

- ii. If the person is eligible for this section, but elects to rent a replacement dwelling, he/she is eligible for a rental assistance payment not to exceed \$5250 computed in accordance with Section 24.401(a)(2)(ii) below:

- b. 90-Day Occupants (homeowners and tenants)

A tenant or owner-occupant displaced and not qualified for the above 180-day homeowner-occupant payment is eligible for either:

- i. A rental assistance payment not to exceed \$5250 computed in the following manner:
  1. the lessor of the monthly cost of rent and utilities for a comparable replacement dwelling or the monthly cost of rent and utilities for a decent, safe and sanitary unit the person actually moves into.
  2. the lessor of thirty percent of the person's average gross household income or the monthly cost of rent and utilities at the displacement dwelling.
  3. line (1) minus line (2)
  4. forty-two (42) times the amount of line (3)

-OR-

- ii. A downpayment assistance payment for the person electing to purchase a home in the amount the person would receive under paragraph (b) (i) above if the person received rental assistance.

3. If the City of Evanston determines the replacement housing payment as outlined above and specifically in 49CFR Part 24 Subpart E would not be sufficient to provide a comparable replacement dwelling on a timely basis, the City will take appropriate measures as outlined in Subpart E 49CFR 24.404. These measures may include, but are not limited to, the following:
  - Rehabilitation of and/or additions to an existing replacement dwelling;
  - Construction of a new replacement dwelling;
  - Payment of a replacement housing payment in excess of the limits set forth in Subpart E, 49CFR Part 24 and outlined in Section 24.401(a)(2)(ii) of this document.

#### **B. TEMPORARY RELOCATION**

1. If the owner and the City determine that a tenant in a building being rehabilitated under this program must be temporarily relocated in order to complete the rehabilitation work, the tenant will be eligible for reasonable moving expenses and increased housing costs for the time he/she is temporarily displaced.
2. If a person is required to relocate for a temporary period because of an emergency which is a direct result of a CDBG funded activity, the city shall:
  - a. Take whatever steps necessary to ensure that the person is temporarily relocated to a decent, safe and sanitary dwelling; and
  - b. Pay the actual reasonable out-of-pocket expenses and any increases in rent and utilities; and
  - c. Make available as soon as feasible, at least one comparable replacement dwelling (for the purpose of filing a claim for relocation payment as described in Section III (A) of this document).
3. The City will determine who will be responsible for payment of the eligible costs. An agreement will be made between the property owner and the City, prior to the start of rehabilitation, stating who is responsible for each portion of the eligible costs outlined above. If the property owner does not pay a temporarily relocated or permanently displaced tenant the money due that tenant under these guidelines there will be no further distribution of City loan money until the City determines that the money due the tenant has been paid.

#### **IV. STEPS TO BE TAKEN IN THE EVENT RELOCATION OCCURS AS A RESULT OF CODE ENFORCEMENT ACTIVITIES UTILIZING COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS**

Residents of rental units who are displaced from their units due to City code violations and meet income guidelines, will be eligible for assistance administered by the City of Evanston Emergency Assistance Services Department. Current approved assistance is as follows:

- A. Upon notification of probable displacement by the Department of Building and Property Services, Emergency Assistance Services will contact the tenant and assign a caseworker to work with the tenant.
- B. The caseworker will interview the tenant and complete a needs assessment including utilities, food, and housing. Where possible the caseworker will assist tenant in locating services available in the Community.
- C. Monetary Assistance

- 1. Displacement due to Over-Occupancy

- Monetary assistance to tenants displaced as a result of over-occupancy will consist of the payment of the first month's rent up to a maximum of \$400 per family and \$200 per single individual.

- 2. Displacement due to Condemnation

- Income eligible tenants displaced as a result of condemnation with hazardous conditions will be eligible for immediate hotel or transitional housing expenses, security deposit on the permanent replacement housing, and the first month's rent. Assistance will be provided to the tenant to locate a comparable replacement dwelling unit.

## GLOSSARY OF TERMS

### Comparable Replacement Dwelling - A dwelling unit which is:

1. Decent, safe and sanitary. The dwelling must meet the City's housing code requirements. Dwellings outside the City of Evanston must meet the Section 8 Housing Quality Standards;
2. Functionally equivalent to and substantially the same as the acquired dwelling with respect to the number of rooms and area of living space (but not excluding new construction nor excluding a larger dwelling necessary to comply with decent, safe and sanitary criteria stated above);
3. Demonstrated to be available to all persons regardless of race, color, religion, sex or national origin in a manner consistent with the requirements of Title VIII of the Civil Rights Act of 1968 (42 U.S.C. 3601 et. seq), and available without discrimination based on source of income (e.g. welfare);
4. In an area not subjected to unreasonable adverse environmental conditions from either natural or man-made sources and in an area not generally less desirable than that of the acquired dwelling with respect to public utilities and public and commercial facilities;
5. Reasonably accessible to the place of employment of the displaced person or, if unemployed (but employable), reasonably accessible to sources of employment;
6. Available within the financial means of the displaced person after relocation assistance is provided as outlined in Sections II and III of this document.
7. The unit must have been vacant for at least three months before execution of the agreement covering the rehabilitation (e.g., the agreement between the grantee/recipient and the property owner).
8. No person may have been displaced from the unit as a direct result of the assisted activity.

Displaced Person - Any low/moderate income family or individual that is required to move permanently and involuntarily as a direct result of an assisted activity. The term includes a residential tenant who moves from the real property if the tenant has not been provided a reasonable opportunity to lease and occupy a decent, safe and sanitary dwelling in the same building or in a nearby building on the real property following completion of an assisted activity at a monthly rent/utility cost that does not exceed the greater of:

1. 30 percent of the tenant household's average monthly gross income, or
2. The tenant's monthly rent and average cost for utilities before the owner requested financial assistance.

A residential tenant who is required to move to another unit in the property or is required to relocate temporarily, but is not reimbursed for his/her reasonable out of pocket expenses, would also be considered a "displaced person" if he/she moves from the real property permanently.

Low/Moderate Income Dwelling - A dwelling unit with a market rental (including utility costs) that does not exceed Fair Market Rent for existing housing established under 24 CFR Part 888 (Section 8). This term does not include a unit that is owned and occupied by the same person before and after the assisted rehabilitation.

Occupiable Dwelling Unit - A dwelling unit that is in a standard condition or in a substandard condition, but suitable for rehabilitation. A "vacant occupiable low/moderate-income dwelling unit" requires replacement of units in any condition which are occupied (except by a squatter) at any time within the period beginning one year before the date of execution of the agreement covering the rehabilitation or demolition (e.g., the agreement between the grantee/recipient and the owner of the building to be rehabilitated).

Standard Dwelling Unit - A dwelling unit with 0-5 minor housing code violations.

Substandard Dwelling Unit - Any housing unit with more than 16 minor housing code violations or any structural systems violations.

Substandard Dwelling Unit Suitable for Rehabilitation

1. All basic structural components of the subject unit must be determined to be sound. If the building has severe structural damage and the cost of repair would exceed the fair market value of the dwelling unit after rehabilitation, the building would be considered to be not suitable for rehabilitation.
2. The cost of rehabilitation should not exceed the fair market value of the dwelling unit after rehabilitation.
3. The rehabilitation activities should extend the usable life of the dwelling unit for at least five years.

The HUD Inspector General's Office has agreed to use the Internal Revenue Service's definition of what constitutes substantial rehabilitation and what is considered to be new construction. The City of Evanston will abide by this definition when attempting to determine whether or not a substantially substandard unit is suitable for rehabilitation. The IRS regulations state that in order for a unit to be considered eligible for rehabilitation and not be considered new construction, 75% or more of the existing external walls of the structure must be retained in place as external walls in the rehabilitation process.

## SUMMARY OF APPEALS PROCESS

In computing the benefits to which an individual or family is entitled, a complex set of regulations and rules must be followed. Each individual will be appraised of the regulations governing their claim.

Individuals, families or businesses who have received notification that they may be permanently displaced as a result of a federally-funded City CDBG project should immediately contact the City's Planning and Zoning Department for more specific information regarding their eligibility for relocation benefits. Any questions regarding the City of Evanston's Community Development Block Grant Relocation Policy or Program should be directed to:

Evanston Planning and Zoning Department  
2100 Ridge Avenue  
Evanston, Illinois 60201-2796

708/866-2928

As outlined at 24CFR Part 42.10 of the Uniform Act, if a claimant does not agree with the Planning Department's determination as to eligibility, amount of relocation payments or other relocation benefits, a written appeal to the City Manager's office may be made within 90 days of the claimant's notification of eligibility and benefits. The City of Evanston shall promptly make a written determination on the appeal, including an explanation of the basis on which the decision was made, and furnish the claimant with a copy. If differences still remain and the person is low to moderate income, he/she may file a written request for review of the City's decision to the HUD Field office. In all cases the individual may appeal to a court of law and may be represented by legal counsel at their own expense.