

# Memorandum



CITY OF DALLAS

DATE May 30, 2017

The Honorable Members of the Economic Development Committee:

TO Rickey D. Callahan (Chair), Casey Thomas, II (Vice Chair), Adam Medrano,  
Lee M. Kleinman, Carolyn King Arnold, B. Adam McGough

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

On Monday, June 5, 2017, you will be briefed on proposed changes and updates to Chapter 39A. The briefing materials are attached for your review.

Please feel free to contact me if you have any questions or concerns 214-671-5257.

A handwritten signature in black ink that reads "Raquel Favela".

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 Bizar Tolbert, Chief of Staff to the City Manager  
Majed A. Al-Ghafry, 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  
Committee**

**June 5, 2017**

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



**City of Dallas**

# Presentation Overview

- Background
- Objectives
- Primary Concern 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 82<sup>nd</sup> 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, specifically
  - Provides for Information regarding residential and commercial replacement sites be maintained and readily available
  - Provides for procedures to address and 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, contracts 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
  - Displaced Person Definition
- Other notable areas requiring updates:
  - Update and provide for compatibility language to mirror Federal Law (URA) and local laws
    - Title/Scope of Chapter
    - Other definitions
    - Relocation Assistance Program
    - Moving and Related Expenses
    - Temporary Housing Payment

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# 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>Moving and Related Expenses</u>	Update and 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>	Update and provide for language to mirror Federal law

# Next Steps

- Prepare Ordinance for City Council consideration on June 28, 2017



# 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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