

RESOLUTION NO. 2010-06

**RESIDENTIAL ANTI-DISPLACEMENT AND
RELOCATION PLAN AND CERTIFICATION**

Section 104(d) of the Housing & Community Development Act of 1974, as Amended.

WHEREAS, the Town of Silver City must meet the CDBG requirements of adopting a residential anti-displacement and relocation plan and certification; and

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

WHEREAS, 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”; and

WHEREAS, local government, 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; and

WHEREAS, the foregoing plan represents the effort of the Town of Silver City to comply with the requirements of Section 104(d) of the Act and is certified herewith; and

WHEREAS, the Town of Silver City herewith certifies that it will replace all occupied and vacant occupiable low/moderate-income dwelling units demolished or converted to a use other than low/moderate-income housing as a direct result of activities assisted with funds provided under the Housing & Community Development Act of 1974, as amended, as described in 24 CFR 870.496 a(b); and

WHEREAS, 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 Silver City 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;
6. The basis for concluding that each replacement unit will remain a low/moderate income dwelling unit for (10) years from the date of initial occupancy; and

WHEREAS, the Town of Silver City 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; and

WHEREAS, to the extent which the Town of Silver City 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 Silver City will take the following steps to minimize the displacement of persons from their homes (this listing not all inclusive); and

WHEREAS, the following displacement strategy will be followed:

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 advise 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 displaced persons find 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. Use 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 Silver City 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; and
- d) In an area not subject to adverse environmental conditions.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Silver City, Grant County, New Mexico, **APPROVED, PASSED, AND ADOPTED** the Anti-Displacement and Relocation Plan this 23rd day of February, 2010.

(Seal)

/s/

James R. Marshall, Mayor

Attest:

/s/

Ann L. Mackie, Town Clerk