

## **Section 6 Relocation Procedures**

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Relocation of residents and businesses displaced, as a result of property acquisition by the CRA will follow procedures, which fulfill the intent of the law and objectives stated below. Collier County uses the Florida Department of Transportation relocation policy as a guideline which is based on the Uniform Relocation Assistance and Real Property Assistance Act of 1970 of the U.S. Federal Government.

In those cases in which acquisition and relocation are to be utilized, the following general policy and guidelines shall apply unless the CRA chooses to adopt a separate relocation policy from time to time for a specific project.

### **Displacement Policy and Guidelines:**

"Displacement" means the involuntary movement, except temporary relocation, of a household from a dwelling unit resulting from its acquisition, rehabilitation, or demolition, or a code enforcement activity.

Relocation benefits will be received, on a uniform basis, by displaced families or persons following the guidelines of this policy. Activities which result in displacement action or in which displacement may occur shall take into account options and effects to minimize displacement whenever possible.

### **Policy Applicability**

This policy and guidelines shall be used for redevelopment activities as a Local Displacement Policy, only when comprehensive treatment (an area which is effected by social, economical, and capital improvements as well as rehabilitation) in a target area is used.

### **ELIGIBILITY REQUIREMENTS**

**Designated Target Areas:** Relocation benefits are available to eligible households residing in dwelling units located in redevelopment target areas only when comprehensive treatment is used.

### **Occupancy Requirements**

**Owner/Occupant:** A person will be considered an owner/occupant if he/she actually owned and occupied the dwelling unit for not less than 180 consecutive days immediately prior to the Minimum Housing Code Inspection of the dwelling unit.

**Tenant:** A person will be considered a tenant if he/she lawfully occupied the rental dwelling for not less than 90 consecutive days immediately prior to Minimum Housing Code Inspection of the dwelling unit.

**Purchaser/Occupant:** A person will be considered a purchaser-occupant if he/she occupied the dwelling unit for not less than 180 consecutive days immediately prior to Minimum Housing Code Inspection of the dwelling unit under a bona fide, written Agreement for Deed.

**Business:** The occupants, for not less than 90 consecutive days immediately prior to Minimum Housing Code Inspection, of the dwelling in which the business is located.

### **Written Notice: Determination of Displacement**

A person or business will be considered displaced as a result of redevelopment activities only if the displacement move occurs as a result of and after receipt of a written notice of eligibility for displacement benefits. Adequate time will be provided to the displace to locate suitable temporary or permanent housing.

Relation of Displacement Payments to Income and Assets

Displacement payments are not to be considered as income or for determining eligibility of a person or business under housing assistance programs. Displacement payments are not to be considered as assets for determining eligibility for H.U.D. or other public housing programs.

Condition of the Replacement Dwelling as a Criterion for Payment

When the replacement dwelling selected by the displacee does not meet the local minimum housing code, the Community Redevelopment Agency has a responsibility for providing continuing assistance to facilitate the claimant's move to a replacement dwelling that meets the local minimum housing code.

**BENEFITS AND ASSISTANCE**

Displacement Policy: Minimizing Impacts

Relocation payments and assistance will be made on a uniform basis to all those eligible without regard to race, color, religion, handicap, sex, age or source of income. Persons or businesses eligible for benefits and assistance are cautioned not to make any move before receiving approval from Collier County. This provision must be strictly adhered to inasmuch as unapproved moves could result in denial of benefits and assistance. Benefits to be provided will be made as established in this relocation plan and all payments made under this policy shall be deemed appropriate by Collier County. Project or program activities shall be planned and carried out in a manner that minimizes hardship to site occupants.

Persons or businesses to be displaced shall be afforded the opportunity of participating in the formulation of relocation plans and shall be provided full information relating to program or project activities which may have an impact on the residents and businesses of the project or program area.

Arrangements shall be made to provide relocation assistance in accordance with the needs of those to be displaced, including social services counseling, guidance assistance, and referrals, as well as housing counseling.

Relocation shall be carried out in a manner that will promote maximum choice within the community's total housing supply; lessen racial, ethnic, and economic concentrations; and facilitate desegregation and racially inclusive patterns of occupancy and use of public and private facilities.

Services to Minimize Displacement Impacts:

Services shall be provided to all persons and businesses being displaced to assure that the relocation process will not result in different or separate treatment on account of race, color, religion, sex, age, or source of income.

Eligible persons and businesses shall be fully informed at the earliest possible date as to the availability of relocation payments and assistance, and the eligibility requirements, as well as the procedures for obtaining such payments and assistance. Direct personal interviews will be utilized to determine the extent of the need of each eligible person and business for relocation assistance.

Displacement Housing Benefits: Redevelopment Condemnation/Demolition, and Rehabilitation

A family person or business displaced under this Section is eligible for a displacement benefit for a comparable replacement dwelling as determined by family composition or business.

Owner/occupants who elect to purchase a replacement dwelling are eligible for a maximum payment of \$15,000.00.

Tenants are eligible for a displacement housing payment of up to \$4,000.00 rental assistance, or down payment assistance.

Owner/occupants who do not elect to purchase another housing unit are eligible for a replacement housing payment equivalent to four years rental assistance, but not to exceed \$4,000.00. Computation of rental assistance payments shall be based on the current Fair Market Rents.

Moving Expense and Dislocation Allowance

Families and persons permanently vacating their dwelling because of Condemnation/Demolition or Rehabilitation activities are eligible for a one time moving expense allowance of up to \$500.00 to help defray costs involved in displacement.

Businesses: The occupant of the dwelling is eligible for a moving payment of up to \$10,000.00 to relocate the business to a decent, safe, and sanitary dwelling.

Finality of Payment

The total approved amount of a relocation payment is not subject to later computation except to correct an error or to implement findings on review in accordance with established procedures.

Temporary Displacement Benefits

Temporary Displacement Benefits, when authorized, shall be fully documented and approved by the Administrator of Community Development and Environmental Services. Temporary benefits shall discontinue upon issuance of the Certificate of Occupancy.

Approved costs in connection with a temporary displacement include:

1. Actual reasonable moving cost to and from temporary accommodations which must be located within Collier County. These costs can be one of the following:
  - a) Actual invoice cost of a certified moving contractor.
  - b) A \$300.00 total allowance if a self-move.
  - c) A \$100.00 total allowance if displacement does not involve household furnishings.
2. Actual reasonable cost of renting or sharing a temporary dwelling excluding deposits and installation charges. Temporary housing accommodations can be one of the following depending upon the composition of the displaced household and available accommodations:
  - a) A dwelling reserved exclusively for temporary relocation housing.
  - b) Other adequate housing.
  - c) A motel, only when displacement is less than 15 days.
3. Actual reasonable costs for storage of furniture that cannot be housed in the temporary unit, not to exceed the benefit period for temporary housing.
4. Businesses are not eligible for temporary displacement benefits.

In all cases, the temporary displacement dwelling must be inspected and approved by the Community Redevelopment Agency as decent, safe, and sanitary.

**DOCUMENTATION, ASSURANCES, AND SERVICES**

#### Displacement Plan Implementation

The Collier County Community Redevelopment Agency is the assigned administrative implementing agency for displacement and shall use the U.S. Department of Housing and Urban Development (HUD) Handbook 1371.1, Relocation Assistance and Real Property Acquisition, for assistance and guidance in implementing this policy.

#### Equal Opportunity

In carrying out displacement actions, the Collier County Community Redevelopment Agency shall take affirmative actions to provide displaced families, individuals and businesses maximum opportunities in selecting replacement dwellings within the community's total housing supply. Affirmative Action shall take place to lessen racial, ethnic, and economic concentrations; and facilitate desegregation and racially inclusive patterns of occupancy and use of public and private facilities.

#### Notification of Availability of Payments

As soon as it is ascertained that a family or business displacement is imminent, the Community Redevelopment Agency shall provide them with written notification of the specific types of relocation payments for which the displace is apparently eligible and the estimation of the benefits that may be received.

#### Housing Referrals

Current and continuing information will be provided on the availability, prices of comparable sales and rental dwellings. Assurances will be provided that, within a reasonable period of time prior to displacement, there will be available comparable decent, safe, and sanitary replacement dwellings meeting the Collier County Minimum Housing Standards, equal in number and available to eligible persons and businesses who will be displaced.

#### Supportive Services

Necessary advisory services will be provided to eligible persons and businesses, such as counseling and referrals with regard to housing, financing, employment, training, health, welfare and other assistance in order to minimize any hardships incurred.

Each eligible person shall be assisted in completing any required applications and forms.

#### **RELOCATION PROCEDURE REQUIREMENTS**

##### Case File Records:

Case file records shall be maintained for each displaced person/ family or business. Record keeping standards shall follow the HUD Relocation Handbook as guidance.

Management Control System:

A Management Control System shall be established to identify the size and composition of the displacement/relocation workload. Management Control Standards shall follow the HUD Relocation Handbook as guidance.

Opinions of the County Attorney

Opinions of the County Attorney concerning legality of actions or procedures shall be sought and incorporated as required.

Notices and Correspondence

Notices to affected parties and decisions shall be in writing or a part of a written case file record. Written records shall be kept in accordance with Collier County policy.

Procedural Guidance and Standards

HUD Handbook 1376.1, Relocation Assistance and Real Property Acquisition shall be used as guidance for procedures and standards for displacement activities.

APPEALS PROCEDURE

A formal appeal procedure has been established and maintained for use by displaced persons and businesses seeking administrative review of agency determinations in connection with displacement payments and/or adequacy of replacement housing.

Appeals of this Displacement Policy must be presented in writing. The Community Redevelopment Appeals Panel consisting of the Administrator of the Community Development and Environmental Services Division and one resident property owner of affected area appointed by the County Manger is assigned the administration of appeals of the Local Displacement Policy.

Timing for Initiating Appeal

An appeal concerning eligibility for, or the amount of, a displacement benefit shall be filed within six months after the Community Redevelopment Agency's notification to the person of its determination of a displacement case. An appeal alleging failure to provide appropriate housing referrals or to properly inspect the replacement dwelling shall be filed not later than six months after the person's displacement.

Appeal

The appeal may include any related statement of fact or other material.

Assistance to Person Making Appeal

If a person or business is unable to prepare a written appeal, the Community Redevelopment Agency shall offer them appropriate assistance and notify them of other available sources of assistance.

Scope of Review of Written Appeal:

The Community Redevelopment Appeals Panel shall consider a person's or business' written appeal, regardless of form. In deciding the appeal, the Community Redevelopment Appeals Panel shall consider:

- 1) All applicable rules and regulations;
- 2) All pertinent justification and written material submitted by the person making the appeal; and
- 3) All material upon which the Community Redevelopment Agency based the determination(s) being appealed and any other available information that is needed to insure a fair and full review of the appeal.

However, the Community Redevelopment Appeals Panel must ensure that the person making the appeal has had reasonable opportunity to review any such materials and information on which an adverse ruling on the appeal may be based.

Request for Additional Time

If a person or business makes a request for additional time to gather and prepare information for a written appeal, the person or business must be granted 30 days additional time, in addition to the time limits established by this policy. This request must be documented by the Community Redevelopment Appeals Panel.

Determination and Notification after Written Appeal

Within 30 days after receipt of information submitted by a person or business in support of their appeal, the Community Redevelopment Appeals Panel shall make written determination on the appeal and furnish the person with a copy. The written determination shall include, but need not be limited to:

- 1) The Community Redevelopment Appeals Panel's decision upon review of the appeal;
- 2) The factual and legal basis upon which the decision is based, including any pertinent explanation;
- 3) If any payment or other relief to the person or business is granted, a brief statement on how this will be provided;
- 4) If the relief requested is not granted, a statement of the person or business right to appeal to the County Commission within 30 days.

## RESOLUTION NO. 2000- 82

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA, RELATING TO COMMUNITY REDEVELOPMENT; MAKING FINDINGS; FINDING BLIGHTED AREAS EXIST IN THE COUNTY; FINDING THE REHABILITATION, CONSERVATION OR REDEVELOPMENT OF SUCH AREAS IS NECESSARY IN THE PUBLIC INTEREST; FINDING A SPECIFIED AREA TO BE A BLIGHTED AREA AND A COMMUNITY REDEVELOPMENT AREA; PROVIDING FOR CONFLICT WITH OTHER RESOLUTIONS AND SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners has received and considered a report and presentation by County staff and consultant which identified conditions within the boundaries of Collier County in the areas identified, described and depicted on Exhibit "A" attached hereto and made a part of this resolution (the "Area"); and

WHEREAS, after having considered the determinations and the facts and evidence of conditions in the Area and has received and considered such other evidence of the conditions in the Area as have been presented to it, the Board of County Commissioners desires to proceed in accordance with the authorization and powers granted by Part III, Chapter 183, Florida Statutes, to establish the necessary means by which redevelopment can be accomplished in the Area and that certain actions are appropriate and necessary and should be taken to address the conditions now present and expected to be present in the Area;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA AS FOLLOWS:

Section 1. Findings. The Board of County Commissioners does hereby find:

(a) Based upon the facts and evidence presented to and considered by the Board of County Commissioners, the following conditions exist in the Area:

1. Conditions are present in the Area that are detrimental to the sound growth of the county and which substantially impair or arrest the growth within the

Area, and present conditions and uses in the Area are detrimental to the public health, safety, morals and public welfare; and

2. There is a predominance of inadequate or defective street layout; and

3. There is faulty and inadequate lot layout in relation to size, adequacy, accessibility, or usefulness; and

4. There are unsanitary conditions as such relates to the conditions of the sanitary system and there are unpaved and deteriorating roadways resulting in unsafe public conditions; and

5. There has been a deterioration of site and other improvements; and

6. There is a diversity of ownership or defective or unusual conditions of title, which prevent the free alienability of land.

(b) The notices required by Section 163.346, Florida Statutes (1999), have been timely published or mailed in accordance with said statute.

(c) Action must be taken immediately to prevent further blight and deterioration and to protect and enhance public expenditures previously made in the Area.

Section 2. Finding of Necessity. The Board of County Commissioners, based upon evidence presented to it and in the public record, does hereby find that one or more "blighted areas" (as defined in Section 163.340(8), Florida Statutes), exist within Collier County, Florida, and, further finds that the rehabilitation, conservation or redevelopment, or a combination thereof, of such area or areas described is necessary in the interest of the public health, safety, morals or welfare of the residents of Collier County, Florida.

Section 3. Community Redevelopment Area. Based upon the facts presented to it and contained in the public record, the Board of County Commissioners does hereby find the Area (as hereinbefore defined) is a "blighted area" (as that term is defined in Section 163.340(8), Florida Statutes (1999), and that such area constitutes a



"community redevelopment area" as defined in Section 163.340(10), Florida Statutes (1999).

Section 4. Conflicts. All resolutions and parts of resolutions in conflict with any of the provisions of this resolution are hereby repealed, provided, however, nothing herein is intended nor should be applied to affect, repeal, alter, amend or supersede any previous resolutions adopted by the Board of County Commissioners finding any other area or areas within Collier County to be a "blighted area" for purposes of the Community Redevelopment Act.

Section 5. Severability. If any section or portion of a section of this resolution, including any part of the exhibit, proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other section or part of this resolution. Should either area constituting part of the Area or part thereof shall be severed from the Area and the remainder shall constitute the Area for purposes of this resolution.

Section 6. Effective Date. This resolution shall become effective immediately upon its passage and adoption.

Section 7.

This Resolution adopted after motion, second and majority vote this 14<sup>th</sup> day of March, 2000.

ATTEST:  
DWIGHT G. BROCK, CLERK

BOARD OF COUNTY COMMISSIONERS  
COLLIER COUNTY, FLORIDA

*By: Karen Akach, etc.*  
Attest as to Chairman's  
signature only.

BY: *Timothy J. Constantine*  
TIMOTHY J. CONSTANTINE, CHAIRMAN

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

*David C. Welgel*  
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David C. Welgel  
County Attorney

## EXHIBIT A

## BAYSHORE/GATEWAY TRIANGLE REDEVELOPMENT AREA DESCRIPTION

BEG SW CNR SECT 2, TWP 50, RNG 25, N 630', E 662', S 427', E 200', N 270', E TO THE E R/W LINE OF BROOKSIDE DRIVE, S TO THE SW CNR OF LOT 10, SUNSET SUB, E TO THE SE CNR OF LOT 6, SUNSET SUB, S 92', E TO THE NW CRN OF LOT 55, BLK A, ROCK CREEK PARK, N TO THE NW CNR OF LOT 10, BLK B, ROCK CREEK PARK, E TO THE E SECT LINE SECT 2, TWP 50, RNG 25, S TO THE NW CNR OF SECT 12, TWP 50, RNG 25, E 670', S 773', W 200', S 735', W 200', S 990', E 460', S 330', E 972', S 1174', SWLY 481', NWLY 523', W 95', SWLY 730' TO THE NELY R/W LINE U.S. 41, CONT SWLY TO THE SWLY R/W LINE U.S. 41, NWLY ALG THE SWLY R/W LINE OF U.S. 41 TO ITS INTERSECT WITH THE W R/W LINE OF BAYSHORE DRIVE,

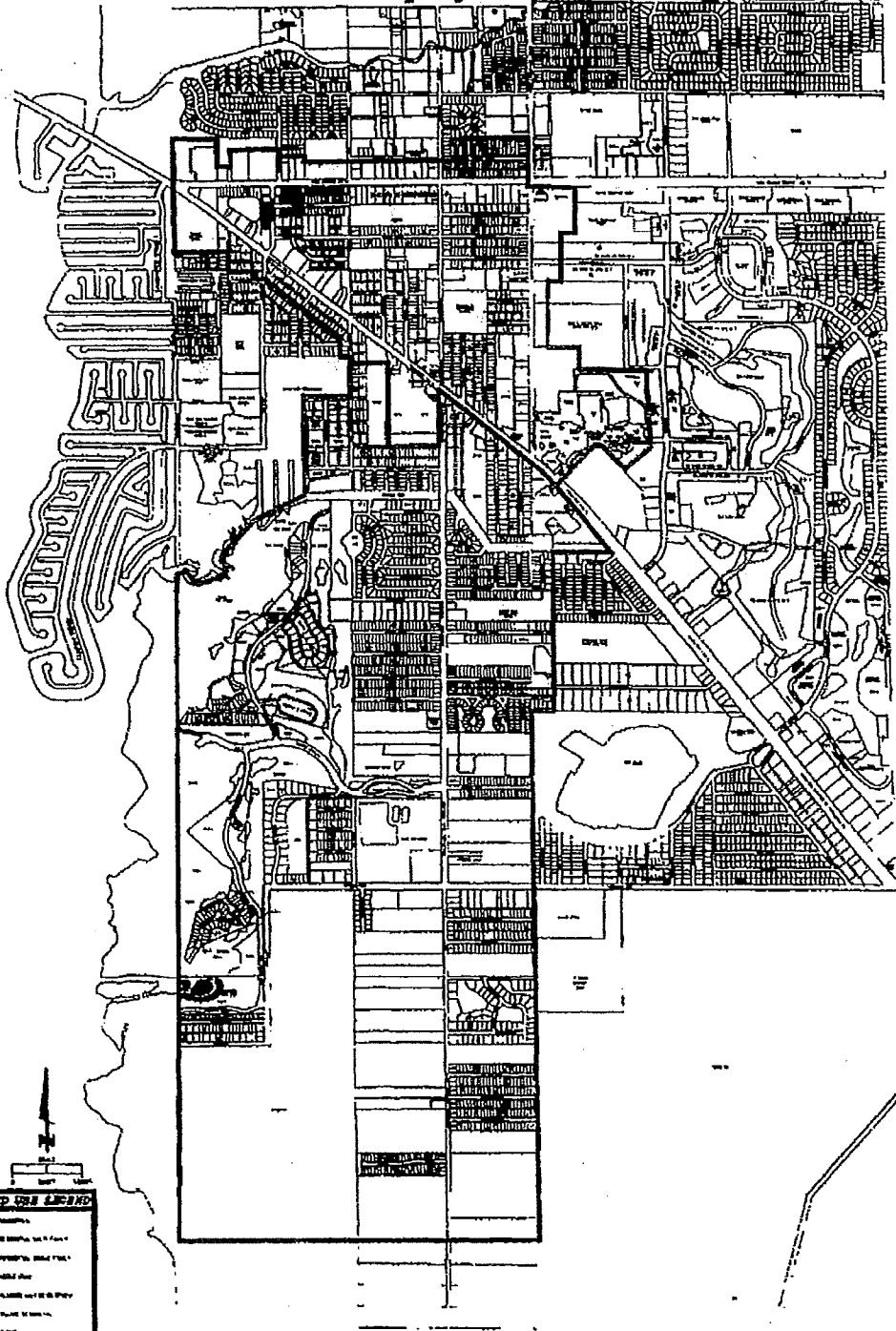
S TO THE N R/W LINE OF WEEKS AVE, W 761', N 1355', W TO THE W R/W LINE OF PINE STREET, N TO THE SE CNR OF LOT 2, BLK K, INOMAH SUB, W 100', N TO THE N R/W OF WASHINGTON AVE, CONT NWLY AND WLY ALG NLY R/W LINE WASHINGTON AVE TO THE SW CNR OF LOT 2, BLK C, INOMAH SUB, W TO THE W R/W LINE OF FREDRICK ST, N TO NE CNR LOT 9, COC-LEE-TERRACE SUB, W TO THE W SECT LINE OF SECT 11, TWP 50, RNG 25, N TO THE SW SECT CNR OF SECT 2, TWP 50, RNG 25 AND THE POB.

AND

BEG SE CNR SECT 23, TWP 50, RNG 25, N ALG THE E SECT LINES OF SECT 23 AND 14, TWP 50, RNG 25, TO E ¼ CNR SECT 14, TWP 50, RNG 25, E TO THE SE CNR LOT 6, CREWS SUB, N TO THE S LINE OF HALDEMAN CREEK, E TO THE SWLY R/W LINE OF U.S. 41, NWLY ALG THE SWLY R/W LINE OF U.S. 41 TO ITS INTSECT WITH THE W R/W LINE OF BAYSHORE DRIVE, S TO THE N R/W LINE OF WEEKS AVE, W 761', N 1355', W TO THE W R/W LINE OF PINE STREET, S TO THE S R/W LINE OF MANGROVE STREET, W TO THE NW CNR LOT 14, BLK F, HALDEMAN RIVER SUB, S TO THE N LINE OF HALDEMAN CREEK, SWLY ALG THE N LINE OF HALDEMAN CREEK TO ITS INTSECT WITH THE W SECT LINE OF SECT 14, TWP 50, RNG 25, S ALG THE W SECT LINE OF SECT 14 AND 23, TWP 50, RNG 25, TO THE SW CNR OF SECT 23, TWP 50, RNG 25, E TO THE SE CNR OF SECT 23, TWP 50, RNG 25 AND THE POB.

BAYSHORE / GATEWAY TRIANGLE REDEVELOPMENT AREA

12 C 1



LAND USE LEGEND	
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DATE: 12/15/2000  
BY: [Illegible]

**IMMOKALEE COMMUNITY REDEVELOPMENT AREA DESCRIPTION**

BEG AT THE NW CNR SEC 25, TWP 46, RNG 28, THENCE E ALG N LINE SEC 25 TO NE CRN OF SEC 25 AND THE NW CNR OF SEC 30, TWP 46 RNG 29, THENCE E ALG THE N LINES OF SECTIONS 30, 29, 28, 27, AND 26 TO THE NW CNR OF SEC 25, TWP 46, RNG 29, THENCE S ALG THE W LINE SEC 25 TO THE NW CNR OF THE SW ¼ OF SW ¼ SEC 25, THENCE E TO THE NE CNR OF THE SW ¼ OF SW ¼ SEC 25, THENCE S TO THE S SEC LINE OF SEC 25 AND THE NE CNR OF THE W ½ OF NW ¼ OF SEC 36, TWP 46, RNG 29, THENCE S TO THE SE CNR OF THE W ½ OF NW ¼ SEC 36, THENCE W TO THE W ¼ CRN SECTION 36, THENCE S TO THE SW CNR SEC 36 AND THE NW CNR OF SEC 1, TWP 47, RNG 29, THENCE E TO THE NE CNR OF SEC 1 AND THE NW CNR OF SEC 6, TWP 47, RNG 30, THENCE E TO THE NE CNR OF SEC 6, THENCE S TO THE SE CNR OF SEC 6, THENCE W TO THE SW CNR OF SEC 6 AND THE SE CNR OF SEC 1, TWP 47, RNG 29, THENCE W TO THE S ¼ CNR SEC 1 AND THE N ¼ CNR OF SEC 12, TWP 47, RNG 29, THENCE S TO THE S ¼ CNR SEC 12 AND THE N ¼ CNR OF SEC 13, TWP 47, RNG 29, THENCE S TO THE CENTER OF SEC 13, THENCE W TO THE W ¼ CNR SEC 13 AND THE E ¼ CNR OF SEC 14, TWP 47, RNG 29, CONT W TO THE W ¼ CNR OF SEC 14 AND THE E ¼ CNR OF SEC 15, TWP 47, RNG 29, THENCE S TO SE CNR OF SEC 15, THENCE W ALG THE S LINE OF SEC 15 AND 16 TO THE SW CNR OF SEC 16, TWP 47, RNG 29, THENCE N ALG THE W LINE OF SEC 16 AND 9 TO THE NW CNR OF SEC 9, TWP 47, RNG 29 AND THE SE CNR OF SEC 5, TWP 47, RNG 29, THENCE W ALG THE S LINE OF SEC 5 AND 6 TO THE SW CNR OF SEC 6, TWP 47, RNG 29, AND THE SE CNR OF SEC 1, TWP 47, RNG 28, THENCE N TO THE E ¼ CNR OF SEC 1, THENCE W TO THE SHORELINE OF LAKE TRAFFORD, THENCE ALG THE SHORELINE OF LAKE TRAFFORD NELY, NLY, NWLY, WLY, SWLY TO THE INTERSECTON OF THE LAKE TRAFFORD SHORELINE AND THE W SEC LINE OF SEC 35, TWP 46, RNG 28, THENCE N TO THE NW CNR OF SEC 35, THENCE E TO THE NE CNR OF SEC 35 AND THE SW CNR OF SEC 25, TWP 46, RNG 28, THENCE N TO THE NW CNR OF SEC 25 AND THE P.O.B.