

SECOND REGULAR SESSION

HOUSE BILL NO. 2137

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE WRIGHT-JONES.

Read 1st time March 31, 2006 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

4055L.03I

AN ACT

To repeal section 523.205, RSMo, and to enact in lieu thereof one new section relating to relocation assistance.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 523.205, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 523.205, to read as follows:

523.205. 1. Any public agency as defined in section 523.200 which is required, as a condition to the receipt of federal funds, to give relocation assistance to any displaced person is hereby authorized and directed to give similar relocation assistance to displaced persons when the property involved is being acquired for the same public purpose through the same procedures, and is being purchased solely through expenditure of state or local funds.

2. The governing body of any city, or agency thereof, prior to approval of a plan, project or area for redevelopment under the operation of chapter 99, RSMo, chapter 100, RSMo, or chapter 353, RSMo, which proposes or includes within its provisions or necessitates displacement of persons, when such displacement is not subject to the provisions of the Federal Uniform Relocation and Real Property Acquisition Policies Act of 1970 (42 U.S.C. sections 4601 to 4655, as amended) or subsection 1 of this section, shall establish by ordinance or rule a relocation policy which shall include, but not be limited to, the provisions and requirements of subsections 2 to 15 of this section, or in lieu thereof, such relocation policy shall contain provisions and requirements which are equivalent to the requirements of the Federal Uniform

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

15 Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. sections
16 4601 to 4655, as amended).

17 3. As used in this section, the following terms shall mean:

18 (1) "Business", any lawful activity that is conducted:

19 (a) Primarily for the purchase, sale or use of personal or real property or for the
20 manufacture, processing or marketing of products or commodities; or

21 (b) Primarily for the sale of services to the public;

22 (2) "Decent, safe and sanitary dwelling", a dwelling which meets applicable housing and
23 occupancy codes. The dwelling shall:

24 (a) Be structurally sound, weathertight and in good repair;

25 (b) Contain a safe electrical wiring system;

26 (c) Contain an adequate heating system;

27 (d) Be adequate in size with respect to the number of rooms needed to accommodate the
28 displaced person; and

29 (e) For a handicapped person, be free of any barriers which would preclude reasonable
30 ingress, egress or use of the dwelling;

31 (3) "Handicapped person", any person who is deaf, legally blind or orthopedically
32 disabled to the extent that acquisition of another residence presents a greater burden than other
33 persons would encounter or to the extent that modifications to the replacement residence would
34 be necessary;

35 (4) ["Initiation of negotiations", the delivery of the initial written offer of just
36 compensation by the acquiring entity, to the owner of the real property, to purchase such real
37 property for the project, or the notice to the person that he will be displaced by rehabilitation or
38 demolition;

39 (5)] "Person", any individual, family, partnership, corporation, or association **who has**
40 **a legal right to occupy the property, including but not limited to, month-to-month tenants.**

41 4. Every urban redevelopment corporation acquiring property within a redevelopment
42 area shall submit a relocation plan as part of the redevelopment plan.

43 5. Unless the property acquisition under the operation of chapter 99, RSMo, chapter 100,
44 RSMo, **chapter 135, RSMo**, or chapter 353, RSMo, is subject to federal relocation standards
45 or subsection 1 of this section, the relocation plan shall provide for the following:

46 (1) Payments to all eligible displaced persons, as defined **in section 523.200**, who
47 occupied the property to be acquired for not less than ninety days prior to the [initiation of
48 negotiations] **execution of the redevelopment agreement** who are required to vacate the
49 premises;

50 (2) A program for identifying special needs of displaced persons with specific
51 consideration given to income, age, size of family, nature of business, availability of suitable
52 replacement facilities and vacancy rates of affordable facilities;

53 (3) **A program for providing proper and timely notice to all displaced persons**
54 **whether or not they may be displaced, including a general description of their potential**
55 **rights and benefits if they are displaced, their eligibility for relocation assistance, and the**
56 **nature of that assistance. The notices required for compliance with this section are as**
57 **follows:**

58 (a) **A general information notice that shall be issued at the approval and selection**
59 **of a designated redeveloper and shall inform residential and nonresidential owners and**
60 **occupants of a potential project, including the potential acquisition of the property;**

61 (b) **A notice of relocation eligibility that shall be issued as soon as feasible after the**
62 **execution of the redevelopment agreement and shall inform residential and nonresidential**
63 **occupants within the project area who will be displaced of their relocation assistance and**
64 **nature of that assistance, including ninety days' advanced notice of the date the occupants**
65 **must vacate;**

66 (4) A program for referrals of displaced persons with provisions for a minimum of three
67 decent, safe and sanitary housing referrals for residential persons or suitable referral sites for
68 displaced businesses, a minimum of ninety days' notice of referral sites for [handicapped
69 displaced persons and sixty days' notice of referral sites for] all [other] displaced persons prior
70 to the date such displaced persons are required to vacate the premises, and arrangements for
71 transportation to inspect referral sites; and

72 [(4)] (5) Every displaced person shall be given a ninety-day notice to vacate, prior to the
73 date such displaced person is required to vacate the premises.

74 6. All displaced residential persons eligible for payments shall be provided with
75 relocation payments based upon one of the following, at the option of the person:

76 (1) A [five-hundred-dollar] **one-thousand-dollar** fixed **moving expense** payment; or

77 (2) Actual reasonable costs of relocation including actual moving costs, utility deposits,
78 key deposits, storage of personal property up to one month, utility transfer and connection fees
79 and other initial rehousing deposits including first and last month's rent and security deposit.

80 7. All displaced businesses eligible for payments shall be provided with relocation
81 payments based upon the following, at the option of the business:

82 (1) A [one-thousand-five-hundred-dollar] **three-thousand-dollar** fixed **moving expense**
83 **payment and up to an additional ten thousand dollars for reestablishment expenses; [or]**

84 (2) Actual costs of moving including costs for packing, crating, disconnection,
85 dismantling, reassembling and installing all personal equipment and costs for relettering similar

86 signs and similar replacement stationery[.]**and up to an additional ten thousand dollars for**
87 **reestablishment expenses; or**

88 **(3) A fixed payment of a minimum of one thousand dollars up to a maximum of**
89 **twenty thousand dollars instead of moving expenses (including reestablishment expenses)**
90 **if the business meets the following criteria:**

91 **(a) The business discontinues operations; and**

92 **(b) The business does not have other locations engaged in similar business activities.**

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94 **The amount of the fixed payments shall be based upon the average annual net earnings for**
95 **a two-year period of business operations. The two-year period shall be the two tax years**
96 **prior to the tax year in which the displacement is occurring. For purposes of subdivision**
97 **(3) of this subsection, multiple business entities with common or similar ownership**
98 **operating out of the location shall only be eligible for one payment.**

99 8. If a displaced person demonstrates the need for an advance relocation payment, in
100 order to avoid or reduce a hardship, the developer or public agency shall issue the payment
101 subject to such safeguards as are appropriate to ensure that the objective of the payment is
102 accomplished. Payment for a satisfactory claim shall be made within thirty days following
103 receipt of sufficient documentation to support the claim. All claims for relocation payment shall
104 be filed with the displacing agency within six months after:

105 (1) For tenants, the date of displacement;

106 (2) For owners, the date of displacement or the final payment for the acquisition of the
107 real property, whichever is later.

108 9. Any displaced person, who is also the owner of the premises, may waive relocation
109 payments as part of the negotiations for acquisition of the interest held by such person. [Such
110 waiver shall be in writing, shall disclose the person's knowledge of the provisions of this section
111 and his entitlement to payment and shall be filed with the acquiring public agency.] **However,**
112 **any such waiver shall not include any notice provisions of this section, and a displaced**
113 **person shall remain entitled to all of the provisions regarding programs which are**
114 **contained in subdivisions (2) and (3) of subsection 5 of this section.**

115 10. All persons eligible for relocation benefits shall be notified in writing of the
116 availability of such relocation payments and assistance, with such notice to be given concurrently
117 with the notice of referral sites as required in subdivision [(3)] (4) of subsection 5 of this section.

118 11. Any urban redevelopment corporation, its assigns or transferees, which have been
119 provided any assistance under the operation of chapter 99, RSMo, chapter 100, RSMo, **chapter**
120 **135, RSMo**, chapter 353, RSMo, or this chapter, with land acquisition by the local governing
121 body, shall be required to make a report to the local governing body or appropriate public agency

122 which shall include, but not be limited to, the addresses of all occupied residential buildings and
123 structures within the redevelopment area and the names and addresses of persons displaced by
124 the redeveloper and specific relocation benefits provided to each person, as well as a sample
125 notice provided to each person.

126 12. An urban redevelopment corporation which fails to comply with the relocation
127 requirements provided in this section shall not be eligible for tax abatement as provided for in
128 chapter 353, RSMo.

129 13. The requirements set out in this section shall be considered minimum standards. In
130 reviewing any proposed relocation plan under the operation of chapter 99, RSMo, chapter 100,
131 RSMo, or chapter 353, RSMo, the local governing body or public agency shall determine the
132 adequacy of the proposal and may require additional elements to be provided.

133 14. Relocation assistance shall not be provided to any person who purposely resides or
134 locates his business in a redevelopment area solely for the purpose of obtaining relocation
135 benefits.

136 15. The provisions of sections 523.200 and 523.205 shall apply to land acquisitions
137 under the operation of chapter 99, RSMo, chapter 100, RSMo, **chapter 135, RSMo**, or chapter
138 353, RSMo, filed for approval, approved or amended on or after [August 31, 1991] **August 28,**
139 **2006.**

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