

**GENERAL MEETING OF THE BOARD OF DIRECTORS
OF THE NORTH EAST TEXAS
REGIONAL MOBILITY AUTHORITY**

RESOLUTION NO. 16-35

WHEREAS, the North East Texas Regional Mobility Authority ("NET RMA") was created pursuant to the request of Gregg and Smith Counties and in accordance with provisions of the Transportation Code and the petition and approval process established in 43 Tex. Admin. Code § 26.1, *et seq.* (the "RMA Rules"); and

WHEREAS, the Board of Directors of the NET RMA has been constituted in accordance with the Transportation Code and the RMA Rules; and

WHEREAS, subsequent to the initial formation of the NET RMA the Counties of Cherokee, Rusk, Harrison, Upshur, Bowie, Panola, Titus, Van Zandt, Wood, and Kaufman joined the Authority and are represented on the Board of Directors; and

WHEREAS, the NET RMA is responsible for the operation of Toll 49; and

WHEREAS, the NET RMA is currently pursuing the development of the Toll 49, Segment 4 Project (the "Project"); and

WHEREAS, in Resolution 15-40, dated September 22, 2015, the NET RMA Board of Directors determined that the acquisition of right-of-way parcels by the NET RMA is necessary or convenient for the construction, operation, and maintenance of the Project and authorized the Interim Executive Director to commence negotiations with property owners to reach agreements regarding the terms and price for the acquisition of such right-of-way parcels; and

WHEREAS, pursuant to Section 21.046 of the Texas Property Code, the NET RMA must adopt rules relating to the administration of a program to provide relocation advisory services and pay certain costs if an individual, a family, the personal property of a business, a farming or ranching operation, or a nonprofit organization is displaced in connection with the acquisition of right-of-way; and


WHEREAS, in consultation with NET RMA consultants, the NET RMA Interim Executive Director has prepared the NET RMA Relocation Assistance Procedures, a copy of which is attached hereto as Attachment "A".

NOW THEREFORE, BE IT RESOLVED, that the Board of Directors of the NET RMA hereby approves the adoption of the NET RMA Relocation Assistance Procedures, attached hereto as Attachment "A"; and


BE IT FURTHER RESOLVED, that the NET RMA Relocation Assistance Procedures may be amended from time to time at the discretion of the Board of Directors.

Adopted by the Board of Directors of the North East Texas Regional Mobility Authority on the 12th day of April, 2016.

Submitted and reviewed by:


C. Brian Cassidy
General Counsel for the North East
Texas Regional Mobility Authority

Approved:


Linda Ryan Thomas
Chair, Board of Directors
Resolution Number 16-35
Date Passed 04/12/16



RELOCATION ASSISTANCE PROCEDURES

NORTH EAST TEXAS REGIONAL MOBILITY AUTHORITY

Adopted: April 12, 2016

Effective 04/12/16

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NORTH EAST TEXAS REGIONAL MOBILITY AUTHORITY
RELOCATION ASSISTANCE PROCEDURES

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NORTH EAST TEXAS REGIONAL MOBILITY AUTHORITY

RELOCATION ASSISTANCE PROCEDURES

SECTION 1. DEFINITIONS.

As used in this policy, the following words and terms shall have the following meanings, unless the context clearly indicates otherwise.

- (1) Authority: The North East Texas Regional Mobility Authority.
- (2) Board: The Board of Directors of the Authority.
- (3) Displacee: A person lawfully present in the United States who, as a result of the acquisition of property for turnpike project right of way purposes, is required to move from a dwelling, business, or farm.
- (4) Executive Director: The Executive Director of the Authority or any individual designated by the Board to act as the chief administrative officer of the Authority or otherwise authorized by the Board to exercise authority granted to the Executive Director under these procedures.
- (5) Highway: The term shall have the meaning set forth in Section 370.003(9), Texas Transportation Code.
- (6) Relocation Review Committee: A committee whose members are appointed under Section 8 herein (relating to Relocation Review Committee).
- (7) Turnpike project: The term shall have the meaning set forth in Section 370.003(15), Texas Transportation Code.

SECTION 2. RELOCATION ASSISTANCE ADVISORY SERVICE.

The Authority will provide a relocation advisory service that is reasonably convenient to individuals affected by right-of-way acquisitions. Relocation services will be made available to:

- (1) occupants of property to be acquired;
- (2) occupants of property immediately adjacent to the property acquired who will suffer substantial economic injury because of the acquisition; and
- (3) those who move from real property used for a dwelling or who move their personal property because of the acquisition of real property used for a business or farm.

SECTION 3. PUBLIC INFORMATION.

In order to assure that the public has adequate knowledge of the relocation assistance program, the Authority will discuss services and benefits at public hearings, present them in a brochure, and give them in writing to each displacee either by hand delivery or certified mail, return receipt requested.

SECTION 4. WRITTEN NOTICES TO DISPLACEES.

The following written notices shall be furnished to ensure that each displacee is fully informed of the benefits and services available.

- (1) Notice of displacement.

(A) Owner-occupants. At the initiation of negotiations for the property, the Authority will furnish the owner with a written explanation of the eligibility requirements to receive relocation payments for the acquired business or dwelling unit. The notice to an owner-occupant of a dwelling for more than 180 days will include entitlement to payments for replacement housing, incidental expenses, any increased interest costs required for financing a replacement dwelling, and the option to rent if the owner-occupant so desires. In addition, each owner-occupant will receive a copy of a relocation brochure and an explanation of the relocation services available.

(B) Tenants. As soon as feasible after the initiation of negotiations for the purchase of the property, each tenant shall be furnished a written statement that includes the date of initiation of negotiations for the property and an explanation of the eligibility requirements to receive applicable relocations benefits. In addition, each tenant will be provided with a copy of a relocation brochure and an explanation of the relocation services available.

- (2) Notice of replacement payments. The amount of the replacement housing payment to which a displacee is entitled will be furnished near the time the displacee will be actively looking for replacement housing. The amount of the payment shall be based on the cost of a replacement dwelling comparable to the one from which the person is being displaced and will be sufficient to preserve, as nearly as possible, the displacee's original ownership or tenancy status. If the displacee desires alternate ownership/tenancy status, an alternate payment will be computed and offered when feasible.

(3) Notices to vacate. To the greatest extent practicable, no person lawfully occupying real property shall be required to move from a dwelling, or to move a business or farm operation, without at least 90 days written notice of the intended vacation date. Normally, the Authority will provide the displacee with two notices described as follows:

(A) Ninety-day notice. This notice may be given on or after the initiation of negotiations for the property. It shall include a statement that the displacee will not be required to move from the dwelling, business, or farm before 90 days from the date of the notice. The notice shall also inform the displacee that a 30-day written notice will follow, specifying the date by which the property must be vacated.

(B) Thirty day notice. This notice shall specify the date by which the property must be vacated, and will not be given until the Authority has control of the property. A notice is not required if an occupant moves prior to the time the notice is given.

(C) Notice of right to review. Eligible displacees who are dissatisfied with relocation payment amounts have a right to a review by the Executive Director and the Authority's Relocation Review Committee. All eligible displacees shall receive a written notice informing them of this right and the procedures to follow in requesting a review.

SECTION 5. APPLICABILITY OF RELOCATION PAYMENTS AND SERVICES.

Relocation payments and services are applicable to all individuals, families, businesses, farm operations, or nonprofit organizations who have held lawful physical occupancy and who are displaced as a result of the acquisition of their real property, in whole or in part, for turnpike project right of way purposes, except that aliens who are not lawfully present in the United States are not eligible for relocation assistance or payments. Individuals or families who occupy living quarters on the same premises as a displaced business, farm, or nonprofit organization are separate displacees for purposes of determining entitlement to relocation payments. A displacee who relocates without using the Authority's relocation services may be eligible for payments if the relocation meets all eligibility requirements.

SECTION 6. MOVING AND RELATED EXPENSE PAYMENTS.

When a person is required to relocate as a result of the acquisition of right-of-way for a turnpike project, the Authority will pay the reasonable expenses of relocating the displacee and his or her business and personal property, so long as the eligibility requirements are met. Payment will be made for one move of not more than 50 miles to a single location, unless the Authority determines it to be in the public interest to waive one or more of these limitations.

SECTION 7. REPLACEMENT HOUSING PAYMENT.

(a) General. Individuals and families displaced from their dwellings on parcels required for a turnpike project are entitled to replacement housing payments if they relocate into decent, safe, and sanitary replacement housing and meet other eligibility requirements necessary, as determined by the Authority, to meet applicable legal requirements. If a displacee requests

alternate ownership/tenancy status, the Authority will make a reasonable effort to accommodate the request. The displacee may relocate to any dwelling, but the amount actually paid will be the lesser of the actual cost or actual rent of the replacement dwelling or the housing supplement previously approved by the Authority. In the case of condemned property and in certain hardship cases, a preliminary replacement housing payment may be made to a qualified displacee prior to the Authority's acquisition of the property if the displacee signs a contract agreeing to return any overpayment when the Authority makes final payment for the property acquired.

(b) Payments to owner-occupants of dwellings for 180 days or more. A displaced person who has owned and occupied a dwelling for 180 days or more may receive supplemental payments, as determined by the Authority, for the additional cost necessary to purchase replacement housing, to compensate for the loss of favorable financing on an existing mortgage in the financing of replacement housing, or to reimburse the displacee for certain expenses incident to the purchase of replacement housing. The displacee may receive a payment to cover the cost of renting a replacement dwelling. A displacee who is otherwise qualified for a replacement housing payment but who has previously received a rental payment may receive a revised supplement if the displacee purchases and occupies a replacement dwelling within one year after the date of the ninety-day notice letter to the displacee referenced in Section 4 above and files the claim within 18 months of that date. The amount of the rental payment will be deducted from the housing payment.

(c) Payment to owner-occupants of dwellings for less than 180 days but not less than 90 days. A displaced person who has owned and occupied a dwelling for less than 180 days but not less than 90 days may receive a payment as determined by the Authority sufficient to make a down payment on the purchase of a replacement dwelling and to reimburse actual incidental expenses. The displacee may choose to receive a payment to rent a replacement dwelling. A displacee who is otherwise qualified for a down payment supplement but who has previously received a rental payment may receive a revised supplement if the displacee purchases and occupies a replacement dwelling within one year after the date of the ninety-day notice letter to the displacee and files the claim within 18 months of that date. The amount of the rental payment will be deducted from the down payment amount.

(d) Tenant-occupants for not less than 90 days. A displaced tenant who has occupied a dwelling for not less than 90 days may receive a payment as determined by the Authority sufficient to make a down payment on the purchase of a decent, safe, and sanitary replacement dwelling, as well as the expenses incidental to such purchase, or the displacee may choose to receive a payment to rent a replacement dwelling. If the displacee elects to purchase a mobile home as replacement housing, all transportation and set up expense necessary to place the mobile home on a lot, in decent, safe, and sanitary condition, will be included as a part of the total acquisition price of the replacement housing. A change from a rental payment to a down payment will be allowed on the same basis as for an owner-occupant of less than 180 days.

(e) Residential displacees not meeting length of occupancy requirements. A displacee who has occupied a dwelling for less than 90 days may receive rental assistance when comparable replacement rental housing is not available for less than 30% of the displacee's gross monthly household income. Such assistance shall cover a period of 42 months.

SECTION 8. RELOCATION REVIEW COMMITTEE.

(a) The chair of the Board will appoint at least three Board members as members of the Relocation Review Committee.

(b) A displacee who is dissatisfied with the Authority's determination of eligibility or relocation payments and services may request a review of the determination as follows:

(1) Applications for review must be filed with the Authority within 90 days after the displacee receives notice of relocation entitlements.

(2) The Executive Director will promptly and carefully review the facts and attempt to resolve the matter. The displacee will be promptly notified in writing of the results of the review.

(3) A displacee who is still dissatisfied after the Executive Director's review may request that the decision be reviewed by the Authority's Relocation Review Committee.

(4) The Executive Director shall promptly forward the application together with the information the Authority has relating to the displacee's application and the Executive Director's personal recommendation to the Relocation Review Committee.

(5) The Relocation Review Committee shall give each displacee a full opportunity to be heard, carefully review all facts presented, and render a prompt decision. The decision will be supported by the necessary rationale and will be documented in the parcel file.

(6) The Relocation Review Committee may discuss an application with the Executive Director. The Relocation Review Committee shall make the final ruling or may counsel with the Board, if necessary.