



# CITY OF LAS VEGAS

1700 N. GRAND AVE. • LAS VEGAS, NEW MEXICO 87701-4731 • 505-454-1401 • FAX: 505-425-7335

**ALFONSO E. ORTIZ, JR.**

Mayor

**CITY OF LAS VEGAS  
SPECIAL CITY COUNCIL AGENDA  
March 24, 2016–Thursday– 4:00 p.m.  
City Council Chambers  
1700 N. Grand Ave**

*(The City Council shall act as the Housing Authority Board of Commissioners on any matters on the Agenda concerning the Housing Department.)*

- I. **CALL TO ORDER**
- II. **ROLL CALL**
- III. **PLEDGE OF ALLEGIANCE**
- IV. **MOMENT OF SILENCE**
- V. **APPROVAL OF AGENDA**
- VI. **MAYOR'S APPOINTMENTS/REPORTS**
- VII. **PUBLIC INPUT (not to exceed 3 minutes per person and persons must sign up at least fifteen (15) minutes prior to meeting.)**
- VIII. **CITY MANAGER'S REPORT**
- IX. **BUSINESS ITEMS**
  1. Approval/Disapproval of Resolution 16-16 adopting the City of Las Vegas' Section 3 Plan.

*Elmer J. Martinez, City Manager* The resolution is a Community Development Block Grant program requirement, and must be approved annually. Section 3 of the Housing and Urban Development Act of 1968 encourages the use of small local businesses and the hiring of low income residents of the community.
  2. Approval/Disapproval of Resolution 16-17 adopting the City of Las Vegas' Citizen Participation Plan.

*Elmer J. Martinez, City Manager* The resolution is a Community Development Block Grant requirement, and must be approved annually. In accordance with the 1987 revisions to the Housing and Community Development Act and in an effort to encourage citizen participation, the City of Las Vegas is required to prepare and adopt a citizen participation plan.

3. Approval/Disapproval of Resolution 16-18 adopting the City of Las Vegas' Residential Anti-Displacement and Relocation Assistance Plan.

*Elmer J. Martinez, City Manager* The resolution is a Community Development Block Grant requirement, must be approved annually, and must certify that it has in effect and is following a "residential anti-displacement and relocation assistance plan".

#### **X. EXECUTIVE SESSION**

**THE COUNCIL MAY CONVENE INTO EXECUTIVE SESSION IF SUBJECT MATTER OF ISSUES ARE EXEMPT FROM THE OPEN MEETINGS REQUIREMENT UNDER § (H) OF THE OPEN MEETINGS ACT.**

- A. Personnel matters, as permitted by Section 10-15-1 (H) (2) of the New Mexico Open Meetings Act, NMSA 1978.**
- B. Matters subject to the attorney client privilege pertaining to threatened or pending litigation in which the City of Las Vegas is or may become a participant, as permitted by Section 10-15-1 (H) (7) of the New Mexico Open Meetings Act, NMSA 1978.**
- C. Matters pertaining to the discussion of the sale and acquisition of real property, as permitted by Section 10-15-1 (H) (8) of the Open Meetings Act, NMSA 1978.**

#### **XI. ADJOURN**

**ATTENTION PERSONS WITH DISABILITIES:** The meeting room and facilities are accessible to persons with mobility disabilities. If you plan to attend the meeting and will need an auxiliary aid or service, please contact the City Clerk's Office prior to the meeting so that arrangements may be made.

**ATTENTION PERSONS ATTENDING COUNCIL MEETING:** By entering the City Chambers, you consent to photography, audio recording, video recording and its/their use for inclusion on the City of Las Vegas Web-site, and to be televised on Comcast.

**NOTE:** A final agenda will be posted 72 hours prior to the meeting. Copies of the Agenda may be obtained from City Hall, Office of the City Clerk, 1700 N. Grand Avenue, Las Vegas, N.M 877013

**CITY COUNCIL MEETING AGENDA REQUEST**

**DATE: March 17, 2015    DEPT: Executive    MEETING DATE: March 24, 2016**

**ITEM/TOPIC: Approval/Disapproval of Resolution #16-16 adopting the City of Las Vegas' Section 3 Plan**

**ACTION REQUESTED OF COUNCIL: Approval/Disapproval of Resolution #16-16**

**BACKGROUND/RATIONALE:** The resolution is a Community Development Block Grant program requirement, and must be approved annually. Section 3 of the Housing and Urban Development Act of 1968 encourages the use of small local businesses and the hiring of low income residents of the community.

**STAFF RECOMMENDATION: Approval**

**COMMITTEE RECOMMENDATION:**

**THIS REQUEST FORM MUST BE SUBMITTED TO THE CITY MANAGER'S OFFICE NO LATER THAN 5:00 P.M. ON FRIDAY ONE AND A HALF WEEKS PRIOR TO THE CITY COUNCIL MEETING.**

  
SUBMITTER'S SIGNATURE

**REVIEWED AND APPROVED BY:**

  
ALFONSO E. ORTIZ, JR.  
MAYOR

ANN MARIE GALLEGOS  
FINANCE DIRECTOR  
(PROCUREMENT)

  
ELMER J. MARTINEZ  
CITY MANAGER

PURCHASING AGENT  
(FOR BID/RFP AWARD)

DAVE ROMERO  
CITY ATTORNEY  
(ALL CONTRACTS MUST BE REVIEWED)

**CITY OF LAS VEGAS ANNUAL CDBG REQUIREMENTS**

**RESOLUTION NO. 16-16**

**RESOLUTION APPROVING THE CITY OF LAS VEGAS  
SECTION 3 PLAN**

**WHEREAS**, the City of Las Vegas is required to comply with Community Development Block Grant program requirements, and

**WHEREAS**, it is required that the City of Las Vegas' Section 3 Plan is adopted annually by resolution, and

**WHEREAS**, the City of Las Vegas has prepared plans that is in compliance with the CDBG requirements;

**NOW THEREFORE BE IT RESOLVED** by the City of Las Vegas City Council that the City of Las Vegas' Section 3 Plan is approved for implementation.

**PASSED, APPROVED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2016

\_\_\_\_\_  
Mayor Alfonso E. Ortiz, Jr.

ATTEST:

\_\_\_\_\_  
Casandra Fresquez, City Clerk

**APPROVED AS TO LEGAL SUFFICEIENCY ONLY**

\_\_\_\_\_  
Dave Romero, Jr., City Attorney

## EXHIBIT 1-T

### EXAMPLE SECTION 3 PLAN WITH REQUIRED ELEMENTS

The City of Las Vegas is committed to comply with Section 3 of the Housing and Urban Development Act of 1968. This Act encourages the use of small local businesses and the hiring of low income residents of the community.

The City of Las Vegas has appointed the Public Works Director or his/her designee as the Section 3 Coordinator, to advise and assist key personnel and staff on Section 3, to officially serve as focal point for Section 3 complaints, and as the on-site monitor of prime contractors and sub-contractors to insure the implementation and enforcement of their Section 3 plans. The approval or disapproval of the Section 3 plan is the ultimate responsibility of the City of Las Vegas. Documentation of efforts will be retained on file for monitoring by the state.

Therefore, the City of Las Vegas shall:

1. Hiring
  - a. Advertise for all the City of Las Vegas positions in local newspapers
  - b. List all the City of Las Vegas job opportunities with the State Employment Service
  - c. Give preference in hiring to lower income persons residing in the City of Las Vegas. This means that if two equally qualified persons apply and one is a resident of the City of Las Vegas and one is not, the resident will be hired
  - d. Maintain records of the City of Las Vegas hiring as specified on this form

ANTICIPATED		HIRING YEAR 2015-2016		
PLANNED		ACTUAL		
Job Classification	# of Positions to be Filled	# of Positions to be Filled by Lower Income County/Municipality Residents	# of Positions Filled	Positions Filled by Lower Income County/Municipality Residents
Office/Clerical	0	0	17	8
Laborer	0	0	12	9
Seasonal	45	25	45	27

- Chart for Section 3 Plan **MUST** be filled out in its entirety.

## 2. Contracting

- a. The City of Las Vegas will compile a list of businesses, suppliers and contractors located in the City of Las Vegas.
- b. These vendors will be contacted for bid or quotes whenever the City of Las Vegas requires supplies, services or construction.
- c. Preference will be given to small local businesses. This means if identical bids/quotes are received from a small business located within the City of Las Vegas and one from outside the City of Las Vegas, the contract will be awarded to the business located within the community.

## 3. Training

The City of Las Vegas shall maintain a list of all training programs operated by the City of Las Vegas and its agencies and will direct them to give preference to the City of Las Vegas residents. The City of Las Vegas will also direct all CDBG sponsored training to provide preference to the City of Las Vegas residents.

## 4. CDBG Contracts

All CDBG bid proposals and contracts shall include the following Section 3 language.

- a. The work to be performed under this contract is on a project assisted under a program providing direct federal financial assistance from the Department of Housing and Urban Development and is subject to the requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u. Section 3 requires that the greatest extent feasible, opportunities for training and employment be given lower income residents of the project areas, and contracts for work in connection with the project be awarded to business concerns residing in the project area.
- b. The parties to this contract will comply with the provision of said Section 3 and the regulations issued pursuant thereto by the Secretary of Housing and Urban Development set forth in 24 CFR and all applicable rules and orders of the Department issued there-under prior to the execution of this contract. The parties to this contract certify and agree that they are under no contractual or other disability which would prevent them from complying with these requirements.
- c. The contractor will send to each labor organization or representative of workers with which he has a collective bargaining agreement or other contract or understanding, if any, a notice advising the said labor organization or workers' representative of his commitments under the Section 3 clause, and shall post copies of the notice in conspicuous places available to employees and applicants for employment or training.
- d. The contractor will include this Section 3 clause in every subcontract for work in connection with the project and will, at the direction of the applicant for, or recipient of federal financial assistance, take appropriate action pursuant to the subcontract upon a finding that the subcontractor is in violation of regulations issued by the Secretary of Housing and Urban Development, 24 CFR 135. The contractor will not subcontract with any subcontractor where it has notice or knowledge that the latter has been found in violation of regulations under 24 CFR

135, and will not let any subcontract unless the subcontractor has first provided it with the requirements of these regulations.

- e. Compliance with the provisions of Section 3, the regulations set forth in 24 CFR 135, and all applicable rules and orders of the Department, issued thereunder prior to the execution of the contract, shall be a condition of the federal financial assistance provided to the project, binding upon the applicant or recipient for such assistance, its successors and assigns. Failure to fulfill these requirements shall subject the applicant or recipient, its contractors and subcontractors, its successors and assigns to those sanctions specified by the grant or loan agreement or contract through which federal assistance is provided, and to such sanctions as are specified by 24 CFR 135.

The City of Las Vegas shall require each contractor to prepare a written Section 3 plan as a part of their bids on all jobs exceeding \$100,000. All Section 3 plans shall be reviewed and approved by the City's Equal Opportunity Section 3 Compliance Officer and retained for monitoring by the state.

The City of Las Vegas will maintain all necessary reports and will insure that all contractors and subcontractors submit required reports.

#### LOWER INCOME CLARIFICATION

A family who resides in Las Vegas, NM and whose income does not exceed the income limit for the size of family as per the attached Section 8 Income Limit for the San Miguel County. Information contained in our Section 3 Plan reflects the status of the City of Las Vegas employees regarding lower income considerations based on their salary paid by the City of Las Vegas.

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Alfonso E. Ortiz Jr., Mayor

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Date



## STATE:NEW MEXICO

## ----- I N C O M E    L I M I T S -----

	PROGRAM	1 PERSON	2 PERSON	3 PERSON	4 PERSON	5 PERSON	6 PERSON	7 PERSON	8 PERSON
Roosevelt County, NM FY 2015 MFI: 48100	EXTR LOW INCOME	11770	15930	20090	24200	26150	28100	30050	31950
	VERY LOW INCOME	16950	19400	21800	24200	26150	28100	30050	31950
	LOW-INCOME	27100	31000	34850	38700	41800	44900	48000	51100
San Miguel County, NM FY 2015 MFI: 43200	EXTR LOW INCOME	11770	15930	20090	24200	26150	28100	30050	31950
	VERY LOW INCOME	16950	19400	21800	24200	26150	28100	30050	31950
	LOW-INCOME	27100	31000	34850	38700	41800	44900	48000	51100
Sierra County, NM FY 2015 MFI: 45300	EXTR LOW INCOME	11770	15930	20090	24200	26150	28100	30050	31950
	VERY LOW INCOME	16950	19400	21800	24200	26150	28100	30050	31950
	LOW-INCOME	27100	31000	34850	38700	41800	44900	48000	51100
Socorro County, NM FY 2015 MFI: 45500	EXTR LOW INCOME	11770	15930	20090	24200	26150	28100	30050	31950
	VERY LOW INCOME	16950	19400	21800	24200	26150	28100	30050	31950
	LOW-INCOME	27100	31000	34850	38700	41800	44900	48000	51100
Taos County, NM FY 2015 MFI: 46800	EXTR LOW INCOME	11770	15930	20090	24200	26150	28100	30050	31950
	VERY LOW INCOME	16950	19400	21800	24200	26150	28100	30050	31950
	LOW-INCOME	27100	31000	34850	38700	41800	44900	48000	51100
Union County, NM FY 2015 MFI: 46900	EXTR LOW INCOME	11770	15930	20090	24200	26150	28100	30050	31950
	VERY LOW INCOME	16950	19400	21800	24200	26150	28100	30050	31950
	LOW-INCOME	27100	31000	34850	38700	41800	44900	48000	51100

**CITY COUNCIL MEETING AGENDA REQUEST**

**DATE:** March 17, 2015    **DEPT:** Executive    **MEETING DATE:** March 24, 2016

**ITEM/TOPIC:** Approval/Disapproval of Resolution #16-17 adopting the City of Las Vegas' Citizen Participation Plan

**ACTION REQUESTED OF COUNCIL:** Approval/Disapproval of Resolution #16-17

**BACKGROUND/RATIONALE:** The resolution is a Community Development Block Grant requirement, and must be approved annually. In accordance with the 1987 revisions to the Housing and Community Development Act and in an effort to encourage citizen participation, the City of Las Vegas is required to prepare and adopt a citizen participation plan.


**STAFF RECOMMENDATION:** Approval


**COMMITTEE RECOMMENDATION:**

**THIS REQUEST FORM MUST BE SUBMITTED TO THE CITY MANAGER'S OFFICE NO LATER THAN 5:00 P.M. ON FRIDAY ONE AND A HALF WEEKS PRIOR TO THE CITY COUNCIL MEETING.**

  
SUBMITTER'S SIGNATURE

**REVIEWED AND APPROVED BY:**

  
ALFONSO E. ORTIZ, JR.  
MAYOR

  
ELMER J. MARTINEZ  
CITY MANAGER

\_\_\_\_\_  
ANN MARIE GALLEGOS  
FINANCE DIRECTOR  
(PROCUREMENT)

\_\_\_\_\_  
PURCHASING AGENT  
(FOR BID/RFP AWARD)

\_\_\_\_\_  
DAVE ROMERO  
CITY ATTORNEY  
(ALL CONTRACTS MUST BE  
REVIEWED)

**CITY OF LAS VEGAS ANNUAL CDBG REQUIREMENTS**

**RESOLUTION NO. 16-17**

**A RESOLUTION APPROVING THE CITY OF LAS VEGAS  
CITIZEN PARTICIPATION PLAN**

**WHEREAS**, the City of Las Vegas is required to comply with Community Development Block Grant program requirements, and

**WHEREAS**, it is required that the City of Las Vegas' Citizen Participation Plan is adopted annually by resolution, and

**WHEREAS**, the City of Las Vegas has prepared a plan that is in compliance with the CDBG requirements;

**NOW THEREFORE BE IT RESOLVED** by the City of Las Vegas City Council that the City of Las Vegas' Citizen Participation Plan is approved for implementation.

**PASSED, APPROVED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2016

\_\_\_\_\_  
Mayor Alfonso E. Ortiz, Jr.

ATTEST:

\_\_\_\_\_  
Casandra Fresquez, City Clerk

**APPROVED AS TO LEGAL SUFFICEIENCY ONLY**

\_\_\_\_\_  
David Romero, Jr., City Attorney

# EXHIBIT 1-P

## CITIZEN PARTICIPATION PLAN WITH REQUIRED ELEMENTS

### Introduction

In accordance with the 1987 revisions to the Housing and Community Development Act and in an effort to further encourage citizen participation, City of Las Vegas has prepared and adopted this Citizen Participation Plan.

### Objective A

City of Las Vegas will provide for and encourage citizen participation within its area of jurisdiction, with particular emphasis on participation by persons of low and moderate income. *Action items:*

1. *Adopt and circulate an Open Meetings Resolution which provides citizens with reasonable notice of county/municipality upcoming meetings, actions and functions.*
2. *Develop press releases on county/municipality meetings, actions and hearings, and circulate to newspapers, radio and television media.*
3. *Develop and maintain listing of groups and representative of low and moderate income persons, and include on mailing lists of announcements, notices, press releases, etc.*

### Objective B

City of Las Vegas will provide citizens with reasonable and timely access to local meetings, information and records relating to the proposed and actual use of CDBG funds. *Action items:*

1. *Public notices, press releases, etc., should allow for a maximum length of notice to citizens.*
2. *Appropriate information and records relating to the proposed and actual use of CDBG funds must be available upon request to all citizens. Personnel and income records may be exempted from these requirements.*
3. *Meetings, hearing, etc., should be conducted at times and locations conducive to public attendance, e.g., evenings, Saturdays.*

### Objective C

City of Las Vegas will provide technical assistance to groups and representatives of low and moderate income persons that request assistance in developing proposals. *Note: the level and type of assistance is to be determined by the county/municipality. Action items:*

1. *Low and moderate income groups should be advised that technical assistance, particularly in the area of community development, is available from the county/municipality upon request.*
2. *Document technical assistance provided to such groups and has documentation available for review.*

### Objective D

City of Las Vegas will provide a minimum of two public hearings to obtain citizen participation and respond to proposals and questions at all stages of the Community Development Block Grant Program. *Action items:*

1. *Advise citizens of the CDBG program objectives, range of activities that can be applied for and other pertinent information.*
2. *Conduct a minimum of two public hearings:*
  - a. *One public hearing will be held to advise citizens of the program objectives and range of activities that can be applied for, and to obtain the citizen's views on community development and housing needs, to include the needs of low and moderate income people. This hearing will take place prior to the selection of the project to be submitted to the state for CDBG funding assistance.*
  - b. *A second public hearing will be held to review program performances, past use of funds and make available to the public its community development and housing needs, including the needs of low and moderate income families, and the activities to be undertaken to meet such needs.*
3. *Publish public hearing notices in the non-legal section of newspapers or in other local media. Evidence of compliance with these regulations will be provided with each CDBG application, i.e., hearing notice minutes of public meetings, list of needs and activities to be undertaken, etc. Amendments to goals, objectives and applications are also subject to public participation.*

#### Objective E

City of Las Vegas will provide timely written answers to written complaints and grievances within 15 working days where practical. *Action items:*

1. *Adopt complaint handling procedures or policies to insure that complaints or grievances are responded to within 15 days, if possible.*
2. *Allow for appeal of a decision to a neutral authority.*
3. *File a detailed record of all complaints or grievances and responses in one central location with easy public access.*

#### Objective F

City of Las Vegas will identify how the needs of non-English speaking residents will be met in the case of public hearings where a significant number of residents can be reasonably expected to participate. *Action items:*

1. *Identify areas where large majorities of non-English speaking persons reside and make appropriate provisions when issues affecting these areas are to be discussed at public meetings, hearings, etc. Appropriate provisions will include having interpreters available at the meeting and having briefing material available in the appropriate language.*
2. *Maintain records/rosters of public hearing attendees and proceedings to verify compliance with this objective.*

**CITY COUNCIL MEETING AGENDA REQUEST**

**DATE: March 17, 2015    DEPT: Executive    MEETING DATE: March 24, 2016**

**ITEM/TOPIC: Approval/Disapproval of Resolution #16-18 adopting the City of Las Vegas' Residential Anti-Displacement and Relocation Assistance Plan**


**ACTION REQUESTED OF COUNCIL: Approval/Disapproval of Resolution #16-18**

**BACKGROUND/RATIONALE:** The resolution is a Community Development Block Grant requirement, must be approved annually, and must certify that it has in effect and is following a "residential Anti-displacement and relocation assistance plan".

**STAFF RECOMMENDATION: Approval**

**COMMITTEE RECOMMENDATION:**

**THIS REQUEST FORM MUST BE SUBMITTED TO THE CITY MANAGER'S OFFICE NO LATER THAN 5:00 P.M. ON FRIDAY ONE AND A HALF WEEKS PRIOR TO THE CITY COUNCIL MEETING.**

  
SUBMITTER'S SIGNATURE

**REVIEWED AND APPROVED BY:**

  
ALFONSO E. ORTIZ, JR.  
MAYOR

ANN MARIE GALLEGOS  
FINANCE DIRECTOR  
(PROCUREMENT)

  
ELMER J. MARTINEZ  
CITY MANAGER

PURCHASING AGENT  
(FOR BID/RFP AWARD)

DAVE ROMERO  
CITY ATTORNEY  
(ALL CONTRACTS MUST BE  
REVIEWED)

**CITY OF LAS VEGAS ANNUAL CDBG REQUIREMENTS**

**RESOLUTION NO. 16-18**

**RESOLUTION APPROVING THE CITY OF LAS VEGAS  
RESIDENTIAL ANTI-DISPLACEMENT  
AND RELOCATION ASSISTANCE PLAN**

**WHEREAS**, the City of Las Vegas is required to comply with Community Development Block Grant program requirements, and

**WHEREAS**, it is required that the City of Las Vegas' Residential Anti-Displacement and Relocation Assistance Plan is adopted annually by resolution, and

**WHEREAS**, the City of Las Vegas has prepared a plan that is in compliance with the CDBG requirements;

**NOW THEREFORE BE IT RESOLVED** by the City of Las Vegas City Council that the City of Las Vegas' Citizen Participation Plan is approved for implementation; Residential Displacement and Relocation Plans applicable to the Las Vegas Housing Authority must be adopted by a specific and separate resolution.

**PASSED, APPROVED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Mayor Alfonso E. Ortiz, Jr.

ATTEST:

\_\_\_\_\_  
Casandra Fresquez, City Clerk

**APPROVED AS TO LEGAL SUFFICEIENCY ONLY**

\_\_\_\_\_  
David Romero, Jr., City Attorney

# Exhibit 1-R

## RESIDENTIAL ANTI-DISPLACEMENT AND RELOCATION ASSISTANCE PLAN WITH REQUIRED ELEMENTS

### Residential Anti-Displacement and Relocation Assistance Plan

#### I. Background/Introduction

Section 104(d) of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5304(d)(4)), Section 105(b)(16) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12705(b)(16)), and implementing regulations at 24 CFR Part 42, specify that a grantee under the Community Development Block Grant (CDBG) must certify that it has in effect and is following a “residential Anti-displacement and relocation assistance plan” (Plan). As a CDBG grantee, **the City of Las Vegas** must certify to State of New Mexico Department of Finance and Administration Local Government Division that it has and is following such a Plan.

The Plan must include three components: 1) one-for-one replacement requirements for lower-income housing units, 2) relocation assistance, and 3) a description of the steps **the City of Las Vegas** will take to minimize displacement.

#### II. Activities Covered by the Plan

All activities involving the use of CDBG funds that cause displacement as a direct result of demolition or conversion of a lower-income dwelling are subject to the requirements specified in the Plan. Activities for which funds are first obligated on or after September 30, 1988 are subject to the requirements specified in the Plan, without regard to the source year of the funds.

#### III. Uniform Relocation Act

The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (URA) govern displacement that directly results from acquisition, rehabilitation, or demolition of real property when federal funds are used. **the City of Las Vegas** Residential Anti-displacement and Relocation Assistance Plan is in no way intended to supersede the URA. CDBG assisted activities may still be subject to the requirements of the URA.

#### IV. One-for-One Replacement Units

All occupied and vacant occupiable lower-income dwelling units that are demolished or converted to a use other than as lower-income dwelling units in connection with an assisted activity must be replaced with comparable lower-income units. Replacement lower-income dwelling units may be provided by any governmental agency or private developer and must meet the following requirements:

- A. The units must be located within **City of Las Vegas** to the extent feasible, the units shall be located within the same neighborhood as the units replaced



- B. The units must be sufficient in number and size to house no fewer than the number of occupants who could have been housed in the units that are demolished or converted. The number of occupants who could have been housed in the units shall be in accordance with applicable local housing occupancy codes. The units may not be replaced with smaller units (e.g., a 2-bedroom unit with two 1-bedroom units), unless the City of Las Vegas has provided information demonstrating that such a proposed replacement is consistent with the needs assessment contained State of New Mexico Department of Finance and Administration Local Government Division HUD-approved Consolidated Plan.
- C. The units must be in standard condition and must at a minimum meet Section 8 Program Housing Quality Standards. Replacement lower-income units may include units brought from a substandard condition to standard condition if: 1) no person was displaced from the unit; and 2) the unit was vacant for at least 3 months before execution of the agreement between the City of Las Vegas and the property owner.
- D. The units must initially be made available for occupancy at any time during the period beginning 1 year before the recipient makes public the information required under Section F below and ending 3 years after the commencement of the demolition or rehabilitation related to the conversion.
- E. The units must be designed to remain lower-income dwelling units for at least 10 years from the date of initial occupancy. Replacement lower-income dwelling units may include, but are not limited to, public housing or existing housing receiving Section 8 project-based assistance
- F. Before the City of Las Vegas enters into a contract committing it to provide CDBG funds for any activity that will directly result in the demolition of lower-income dwelling units or the conversion of lower-income dwelling units to another use, the City of Las Vegas must make public and submit in writing to State of New Mexico

Department of Finance and Administration Local Government Division the following information:

- 1 A description of the proposed assisted activity;
- 2 The location on a map and number of dwelling units by size (number of bedrooms) that will be demolished or converted to a use other than for lower-income dwelling units as a direct result of the assisted activity;
- 3 A time schedule for the commencement and completion of the demolition or conversion;
- 4 The location on a map and the number of dwelling units by size (number of bedrooms) that will be provided as replacement dwelling units. If such data is not available at the time of the submission to State of New Mexico Department of Finance and Administration Local Government Division, the submission shall identify the general location on an area map and the approximate number of dwelling units by size, and information identifying the specific location and number of dwellings units by size shall be submitted and disclosed to the public as soon as it is available;
- 5 The source of funding and time schedule for the provision of replacement dwelling units;
- 6 The basis for concluding that each replacement unit will remain a lower-income dwelling unit for at least 10 years from the date of initial occupancy; and
- 7 Information demonstrating that any proposed replacement of dwelling units

with smaller dwelling units is consistent with the needs assessment contained in the State of New Mexico Department of Finance and Administration Local Government Division Consolidated Plan.

- G. The one-for-one replacement requirements may not apply if HUD determines, based on objective data, that there is an adequate supply of vacant lower-income dwelling units in standard condition available on a non-discriminatory basis within City of Las Vegas. In making such a determination, State of New Mexico Department of Finance and Administration Local Government Division will consider such factors as vacancy rates, numbers of lower-income units in the City of Las Vegas and the number of eligible families on the Section 8 waiting list.

#### V. Relocation Assistance

Each lower-income person who is displaced as a direct result of CDBG assisted demolition or conversion of a lower-income dwelling shall be provided with relocation assistance.

Relocation assistance includes advisory services and reimbursement for moving expenses, security deposits, credit checks, other moving expenses, including certain interim living costs, and certain replacement housing assistance.

Displaced persons have the right to elect, as an alternative to the benefits described in this Plan, to receive benefits under the URA, if they determine that it is in their best interest to do so. The following relocation assistance shall be available to lower-income displacement persons:

- A. Displaced lower-income persons will receive the relocation assistance required under 49 CFR 24, Subpart C (General Relocation Requirements) and Subpart D (Payment for Moving and Related Expenses) whether the person elects to receive assistance under the URA or the assistance required by CDBG regulations. Relocation notices must be distributed to the affected persons in accordance with 49 CFR 24.203 of the URA;
- B. The reasonable and necessary cost of any security deposit required to rent the replacement dwelling unit and for credit checks required to rent or purchase the replacement dwelling unit;
- C. Actual reasonable out-of-pocket costs incurred in connection with temporary relocation, including moving expenses and increased housing costs, if:
  - 1. The person must relocate temporarily because continued occupancy of the dwelling unit constitutes a substantial danger to the health or safety of the person or the public; or
  - 2. The person is displaced from a lower-income dwelling unit, none of the comparable replacement units to which the person has been referred qualifies as a lower-income dwelling unit, and a suitable lower-income dwelling unit is scheduled to become available through one-for-one replacement requirements
- D. Replacement Housing Assistance. Displaced persons are eligible to receive one of the following two forms of replacement housing assistance:
  - 1. Each person shall be offered rental assistance equal to 60 times the amount necessary to reduce the monthly rent and estimated average monthly cost of

utilities for a replacement dwelling to the "Total Tenant Payment", as determined under 24 CFR 813.107. All or a portion of this assistance may be offered through a certificate or housing voucher for rental assistance under the Section 8 program. Where Section 8 assistance is provided to the displaced person, the City of Las Vegas must provide the person with referrals to comparable units whose owners are willing to participate in Section 8 program to the extent that cash assistance is provided, it will be provided in installments.

2. In lieu of the housing voucher, certificate or cash assistance described above, the person may elect to receive a lump sum payment allowing them to secure participation in a housing cooperative or mutual housing association. This lump sum payment shall be equal to the capitalized value of 60 monthly installments of the amount that is obtained by subtracting the

"Total Tenant Payment", as determined under 24 CFR 813.107, from the monthly cost of rent and average monthly cost of utilities at a comparable replacement dwelling unit. To compute the capitalized value, the installments shall be discounted at the rate of interest paid on passbook savings in a federally insured financial institution conducting business within City of Las Vegas.

Displaced lower-income tenants shall be advised of their right to elect relocation assistance pursuant to the URA and the regulations at 49 CFR 24 as an alternative to the relocation assistance available under CDBG regulations.

#### VI. Eligibility for Relocation Assistance

A lower-income person is eligible for relocation assistance if they are considered to be a "displaced person" as defined in 24 CFR 42.305. A displaced person means a lower-income person who, in connection with an activity assisted under the CDBG program, permanently moves from real property or permanently moves personal property from real property as a direct result of demolition or conversion of a lower-income dwelling.

For purposes of this definition, a permanent move includes a move made permanently and:

- A. After notice by the owner to move from the property, if the move occurs on or after the date of the submission of a request to the City of Las Vegas for CDBG assistance that is later approved for the requested activity; or
- B. After notice by the owner to move from the property, if the move occurs on or after the date of the initial official submission to HUD of the consolidated plan under 24 CFR Part 91 describing the assisted activity; or
- C. Before the dates described in A & B above, if the City of Las Vegas or State of New Mexico Department of Finance and Administration Local Government Division determines that the displacement was a direct result of conversion or demolition in connection with a CDBG assisted activity; or
- D. By a tenant-occupant of a dwelling unit, if any one of the following three situations occurs:
  1. The tenant moves after execution of the CDBG agreement covering the acquisition, rehabilitation or demolition and the move occurs before the tenant is

provided written notice offering the tenant the opportunity to lease and occupy a suitable, decent, safe and sanitary dwelling in the same building/complex upon completion of the project under reasonable terms and conditions, including a monthly rent and estimated average monthly utility costs that do not exceed the greater of the tenant's monthly rent before such agreement, or the total tenant payment as determined under 24 CFR 813.107 if the tenant is lower-income, or 30 percent of gross household income if the tenant is not lower-income.

2. The tenant is required to relocate temporarily, does not return to the building/complex, and either is not offered payment for all reasonable out-of-pocket expenses incurred in connection with the temporary relocation, or other conditions of the temporary relocation are not reasonable.
3. The tenant is required to move to another dwelling unit in the same building/complex but is not offered reimbursement for all reasonable out-of-pocket expenses incurred in connection with the move, or other conditions of the move are not reasonable.

If the displacement occurs on or after the appropriate date described in A & B above, the lower-income person is not eligible for relocation assistance if:

- A. The person is evicted for cause based upon a serious or repeated violation of the terms and conditions of the lease or occupancy agreement, violation of applicable federal, State or local law, or other good cause, and the City of Las Vegas determines that the eviction was not undertaken for the purpose of evading the obligation to provide relocation assistance;
- B. The person moved into the property on or after the date described in A & B above after receiving written notice of the expected displacement; or
- C. The City of Las Vegas determines that the displacement was not a direct result of the CDBG assisted activity and the State of New Mexico Department of Finance and Administration Local Government Division concurs with this determination.

## VII. Minimizing Displacement

The CDBG regulations regarding the demolition or conversion of lower-income dwelling units are designed to ensure that lower-income persons are provided with adequate, affordable replacement housing. Naturally, involuntary displacement should be discouraged whenever a reasonable alternative exists. Involuntary displacement is extremely disruptive and disturbing, especially to lower-income persons who do not have the means to locate alternative housing.

There are various ways that displacement can be minimized. The following are steps that will be taken to minimize the involuntary displacement of lower-income persons when CDBG funds are involved:

- A. **Screening of Applications** All CDBG applications will be reviewed to determine whether involuntary displacement is likely to occur. Those applications involving displacement will receive a lower priority recommendation for funding unless it can be shown that alternatives are not available.
- B. **Acquisition of Property** Applicants who apply for CDBG funds to acquire property for the

development of lower-income housing will be encouraged to purchase vacant land. In the case of in-fill and other projects where this is not feasible and the project involves potential displacement, the applicant shall agree to allow the displaced lower-income person(s) to occupy the new housing at an affordable rent.

Applicants who utilize CDBG funds to rehabilitate or convert a lower-income unit to a non-residential use will be required to supply replacement housing consistent with paragraph IV, as well as relocation assistance.

- C. **Cost of Relocation Assistance** The cost of any required relocation assistance and the provision of replacement housing will be borne by the applicant and may be paid for out of CDBG funds awarded to the project.

### VIII. Definitions

- A. "Comparable replacement dwelling unit" means a dwelling unit that:
- 1 Meets the criteria of 49 CFR 24.2(d)(1) through (6); and
  - 2 Is available at a monthly cost for rent plus estimated average monthly utility costs that does not exceed the "Total Tenant Payment" determined under 24 CFR 813.107 after taking into account any rental assistance the household would receive.
- B. "Lower-income dwelling unit" means a dwelling unit with a market rental (including utility costs) that does not exceed the applicable Fair Market Rent (FMR) for existing housing and moderate rehabilitation established under 24 CFR Part 888.
- C. "Standard condition" means units that at a minimum meet the Existing Housing Quality Standards of the Section 8 rental subsidy program.
- D. "Substandard condition suitable for rehabilitation" means units with code violations that can be brought to Section 8 Housing Quality Standards within reasonable monetary amounts.
- E. "Vacant occupiable dwelling unit" means a dwelling unit that is in a standard condition; a vacant dwelling unit that is in substandard condition, but is suitable for rehabilitation; or a dwelling unit in any condition that has been occupied (except by a squatter) at any time within the period beginning 3 months before the date of execution of the agreement by the City of Las Vegas covering the rehabilitation or demolition.

### IX. Grievances

The City of Las Vegas will provide timely written answers to written complaints and grievances within 15 working days where practical. Action items:

- A. Adopt complaint handling procedures or policies to insure that complaints or grievances are responded to within 15 days, if possible.
- B. Allow for appeal of a decision to a neutral authority.

- C. File a detailed record of all complaints or grievances and responses in one central location with easy public access.

**IX. Certification**

The City of Las Vegas herewith certifies to follow the Anti-displacement relocation plan described above and adopt the plan by resolution annually.

Plan Adoption Date: \_\_\_\_\_

Adoption Instrument: \_\_\_\_\_

Certified By: \_\_\_\_\_

Alfonso E. Ortiz Jr.

\_\_\_\_\_

Date

Copy to Local Government Division with attachments