

ORDINANCE NO. 2014-29

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, AMENDING THE FLAGSTAFF CITY CODE, TITLE 10: FLAGSTAFF ZONING CODE, CHAPTER 20: ADMINISTRATION, PROCEDURES & ENFORCEMENT, DIVISION 50: AMENDMENTS TO THE ZONING CODE TEXT AND THE ZONING MAP PROCEDURES, ADDING THIS SECTION RELATING TO DISPLACEMENT OF TENANTS, PROVIDING FOR PENALTY, SEVERABILITY, AUTHORITY FOR CLERICAL CORRECTIONS, AND ESTABLISHING AN EFFECTIVE DATE

RECITALS:

WHEREAS, Article XIII, Section 8 of the Flagstaff City Charter gives the City Council the plenary power to enact and make all proper and necessary ordinances to carry out and give effect to the implied and express powers granted in the Charter and thereby protect and safeguard the rights, interests, safety, morality, health and welfare of the City and its inhabitants; and

WHEREAS, the State of Arizona authorized, pursuant to Arizona Revised Statutes Section 9-462.01, the legislative body of any municipality to regulate the use of land in order to conserve and promote the public health, safety and general welfare; and

WHEREAS, the City Council intends to supplement the requirements of state law for the purpose of mitigating adverse impacts due to the displacement of tenants in conjunction with a Zoning Map amendment to another use; and

WHEREAS, the City Council requires information from proposed developers or property owners about the assistance a developer may provide to displaced households that have reduced relocation options; and

WHEREAS, the City Council finds that enacting this tenant-displacement ordinance protects the rights, interests, safety and welfare of the inhabitants of the City.

ENACTMENTS:

THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FLAGSTAFF AS FOLLOWS:

SECTION 1. General. The Flagstaff City Code, Title 10, *Flagstaff Zoning Code*, is hereby amended as set forth below:

Insert the following new text into section 10-80.20.030 "C" Definitions:

Comparable Housing: Decent, safe and sanitary housing that is functionally equivalent to the displaced dwelling including square footage and number of bedrooms, adequate in size to accommodate occupants in a location generally not less desirable in relation to utilities, commercial and public facilities, with reasonable access to the person's place of employment on a site that is typical in size for residential development and within the financial means of the displaced person.

Insert the following new text into Subsection C of Section 10-20.50.040 Amendments to the Zoning Code Text and The Zoning Map:

6. Relocation Impact Report (RIR)

a. Applicability.

(1) Division 10-20.50 that will result in the closure of a manufactured home park or multi-family residential property and which displaces residents will require submittal and approval of a Relocation Impact Report (RIR) in accordance with the provisions of this Section. Except as otherwise provided, this Section shall apply to all existing and/or future manufactured home parks and multi-family residential buildings.

(2) This Section shall not apply to:

(a) A resident-owned mobile-home park or multi-family condominium or

(b) Real property owned by the potentially displaced resident; or

(c) A manufactured home park or multi-family-residential building where the applicant has entered into a written agreement with 100 percent of the households providing for a mutually satisfactory relocation plan. The applicant will provide copies of the written agreements executed by all parties.

(d) A proposed redevelopment project that includes comparable housing units that will be offered first to current households and provides interim comparable housing during construction.

b. Application

The applicant will complete an RIR, file it with the Community Development Division and the Division will process it in conjunction with a request to amend the Zoning Map in compliance with this Section. The RIR may be provided with the initial submittal or during completeness review. However, the RIR must be provided prior to beginning substantive review of the requested Zoning Map amendment. The application package shall include all information specified in this section and any supplemental information required by the Director in order to conduct a thorough review of the applicant's proposal regarding relocation assistance. Final acceptance of the RIR will be considered at a public hearing and determined by the City Council in conjunction with, and as a part of the application for Zoning Map amendment. The review

of the RIR by Council, therefore, will be based on the findings required for a Zoning Map amendment established in Section 10-20.50.040.F.

c. Neighborhood Meeting

In addition to a required neighborhood meeting for Zoning Map amendment applications (Section 10-20.30.060), and prior to submitting a RIR the applicant will hold a neighborhood meeting to specifically present, answer questions and take public comment on the proposed RIR. If ten (10) or fewer households are displaced, the RIR neighborhood meeting may be combined with the neighborhood meeting required for the map amendment. If eleven (11) or more households are displaced a separate meeting is required. The applicant will document the relocation meeting proceedings and provide a report consistent with the requirements found in Section 10-20.30.060.F. The Director may require additional neighborhood meetings.

d. Required Notification

The following notification requirements are in addition to any state and local notification requirements relating to the change in use of a manufactured home park or multi-family residential property due to redevelopment that results in the displacement of residents. All required notifications shall be provided in English and Spanish.

- (1) Prior to the first public hearing and after the RIR neighborhood meeting has been held the applicant shall provide written notification to each existing household on the subject property consistent with the requirements found in Section 10-20.30.080 (Notice of Public Hearings). In addition to the content requirements found in 10-20.30.080.A.1 the notification shall include a copy of the proposed RIR and a copy of this Section of the Zoning Code, Section 10-20.50.040.C.6 (Relocation Impact Report). If the property that may be rezoned is for sale or in escrow, the property owner shall place a "for sale" sign in a conspicuous location to allow prospective new residents to be aware of the potential sale of the property.
- (2) After a RIR is filed with the Director, all prospective new residents of the subject property will be notified that such an application has been filed and that any new resident entering the subject property after the filing of the RIR may not be eligible to receive any relocation assistance benefits offered. Such written notification will be provided by the applicant to the prospective resident prior to the purchase of a manufactured home and/or execution of a rental agreement or commencement of the resident's occupancy, whichever occurs first. A copy of such notice will be submitted to the City.
- (3) Applicant must provide notice at least 180 days prior to the date the mobile home owners and residents of the manufactured home

park or multi-family residential complex are required to vacate the premises, applicant shall provide written notification of termination of tenancy, delivered by hand or mailed by registered or certified mail, to all residents. This notice may be combined, when applicable, with the notice required by Arizona Revised Statutes Section 33-1476.01, as may be amended.

e. Relocation Impact Report

(1) Purpose

The purpose of the Relocation Impact Report (RIR) is to identify households that are disadvantaged and have reduced housing options due to income, age, disability, or other circumstance, assess the needs of displaced residents, provide details on relocation assistance offered by the applicant, and identify the assistance available to households by the *Arizona Mobile Home Parks Residential Landlord and Tenant Act*.

(2) Relocation Specialist

The applicant shall select a Relocation Specialist, who is able to communicate with all potentially displaced persons, to prepare a RIR relating to the proposed change of use and impact on displaced households.

(3) Required Content of Report

The RIR shall contain, but need not be limited to the following information:

- (a) A legal description of the subject property.
- (b) The name and contact information of the Relocation Specialist and date of RIR preparation.
- (c) The status of the property and applicant; for example whether the property is for sale, under contract, in escrow; whether the applicant is the property owner, contract purchaser, or other authorized agent.
- (d) A description of the project of the proposed Zoning Map amendment and the proposed schedule for the change of use or closure.
- (e) A vicinity map that identifies the subject property within the surrounding neighborhood; a site plan that includes the location of structures, access points, surrounding streets, easements, utilities and other onsite features and amenities; and a detailed description of the condition of the subject property.

- (f) The number of manufactured home spaces or dwelling units on the subject property and the current lease or rental rate for each space or dwelling unit, including all utilities separately billed by the property to the residents and any utilities that may be included in the lease or rental rate for the space or unit.
- (g) Identify needs for physical accommodations such as ADA bathroom, ADA ramp, assistive/service animals and similar accommodations required by a resident.
- (h) The location of comparable housing, whether manufactured home or dwelling unit, including the properties name, number of spaces or dwelling units, number of vacancies, lease rates and terms, proximity to the subject property (current residence), policies regarding age or other restrictions imposed upon the residents of the comparable property, restrictions on the type of manufactured homes accepted on the property and amenities offered. The proximity to services such as public transit stops, FULTS, grocery stores, daycare, schools and medical facilities. All information is required to be current as of the date of the RIR preparation.
- (i) For manufactured homes owned by the mobile-home park tenant only:
- For each manufactured home within the subject property, the space number, date of manufacture, type, width and size in square feet, and number of bedrooms.
 - A determination of the total number of manufactured homes to be relocated to a comparable manufactured home park. This shall include manufactured homes that qualify for relocation under the *Arizona Mobile Home Parks Residential Landlord and Tenant Act*. An explanation shall be provided for determinations not to relocate a manufactured home or to relocate to a different type of dwelling unit.
 - A determination of which manufactured homes cannot be relocated and will therefore be considered abandoned and eligible for the abandonment fee as determined by the *Arizona Mobile Home Parks Residential Landlord and Tenant Act*. The basis for a conclusion that a manufactured home and all associated fixed

property cannot be relocated to a reasonably comparable manufactured home park.

- An explanation of any relocation assistance that the applicant intends to provide for the estimated cost of relocating manufactured homes to available spaces. The explanation shall include whether the applicant intends to pay for the costs of physically moving or replacing exterior improvements to the manufactured home and movable improvements such as porches, steps, accessible ramps, carports, accessory structures, skirting and tie-downs. The explanation shall identify benefits provided by the *Arizona Mobile Home Parks Residential Landlord and Tenant Act* and those provided directly by the applicant. The explanation of assistance shall also include proposed costs, if any, for packing, moving, and unpacking of all personal property. The schedule for providing relocation assistance benefits and the name, address and contact information of the manufactured home mover.
- (j) For multifamily residential only:
- For each multi-family residential unit, the unit number, size in square feet, and number of bedrooms.
 - The total number of households to be relocated to a comparable housing unit and the basis on which such determination is made.
 - An explanation of any relocation assistance that the applicant intends to provide for the estimated cost of relocating households identified to available dwelling units in comparable housing. The explanation of assistance shall also include proposed costs, if any, for packing, moving, and unpacking of all personal property.
- (k) A list of any additional proposed assistance to adequately mitigate the adverse impacts of displacement upon each household. Additional measures may include rent differential, transportation costs and other expenses caused by the relocation.
- (l) The applicant may provide information for consideration that the relocation assistance is not economically feasible. If an applicant does not intend to provide relocation

assistance, the applicant shall include appropriate financial documentation demonstrating economic hardship.

f. Required Finding

The RIR is treated as any other part of an application for Zoning Map amendment and is approved at the same time and under the same findings as the remainder of the application Section 10-20.50.040.F. No separate finding on acceptance of the RIR is required.

g. Relocation Assistance Verification

The City will provide a list of qualified agents to serve as a compliance officer to confirm and document that all relocation assistance has been provided and completed as accepted by the City Council. Relocation assistance shall be completed prior to the issuance of demolition, grading or building permits. The applicant will be responsible for all costs associated with the compliance officer.

h. Conditions of Approval

In accepting a RIR, the Council may impose conditions in conjunction with the Zoning Map amendment.

SECTION 2. Penalties.

Any person found in violation of this ordinance shall be guilty of a civil infraction and shall be fined a sum not to exceed five hundred dollars (\$500.00). Any violation which is continuing in nature shall constitute a separate offense on each successive date the violation continues, unless otherwise provided.

SECTION 3. Repeal of Conflicting Ordinances.

All ordinances and parts of ordinances in conflict with the provisions of this ordinance or any part of the code adopted herein by reference are hereby repealed.

SECTION 4. Severability.

If any section, subsection, sentence, clause, phrase or portion of this ordinance or any part of the code adopted herein by reference is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

SECTION 5. Clerical Corrections.

The City Clerk is hereby authorized to correct typographical and grammatical errors, as well as errors of wording and punctuation, as necessary related to this ordinance as amended herein, and to make formatting changes needed for purposes of clarity and form, or consistency within thirty (30) days following adoption by the City Council.

SECTION 6. Effective Date.

This ordinance shall become effective thirty (30) days following adoption by the City Council.

PASSED AND ADOPTED by the City Council and approved by the Mayor of the City of Flagstaff this _____ day of _____, 2014.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY