RULE NO.: R161-17.13

NOTICE OF RULE ADOPTION **ADOPTION DATE: May 22, 2017**

By: Rosie Truelove, Interim Director
Neighborhood Housing & Community Development

The Director of the Office of Neighborhood Housing & Community Development has adopted the following rule. Notice of the proposed rule was posted on February 28, 2017. Public comment on the proposed rule was solicited in the February 28, 2017 notice. This notice is issued under Chapter 1-2 of the City Code. The adoption of a rule may be appealed to the City Manager in accordance with Section 1-2-10 of the City Code as explained below.

A copy of the complete text of the adopted rule is available for public inspection and copying at the following locations. Copies may be purchased at the locations at a cost of ten cents per page:

Neighborhood Housing & Community Development, located at 1000 East 11th Street, Suite 200, Austin, Texas 78702; and

Office of the City Clerk, City Hall, located at 301 West 2nd Street, Austin, Texas.

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AUSTIN CITY CLERK
RECEIVED

EFFECTIVE DATE OF ADOPTED RULE

A rule adopted by this notice is effective on May 22, 2017.

TEXT OF ADOPTED RULE

R161-17.13: Tenant Relocation Assistance Program Rules

Changes to the text of the rule have been made in response to public comment for clarification purposes. A brief explanation of changes made are:

16.2 Applicability – Clarification that "currently occupied" units means units occupied at time of application submittal;

16.3 Notification & Submittal Requirements – Changes made to clarify applicants' requirements in providing notice to tenants

16.4 Tenant Relocation Assistance – Language inserted to clarify that this section applies to both the City-funded Tenant Relocation Assistance Fund, and to funds paid by applicants required to pay a tenant relocation fee; List of eligible expenses eligible updated; Information added on tenant eligibility criteria

16.5 Collection of Tenant Relocation Assistance Fees – Section amended to allow applicants who paid a tenant relocation fee to request a refund of unspent funds after the last tenant has relocated from the development for which the applicant was required to pay a fee

16.6 Methodology for Determining Fees – Formula clarified to make clear that only bedrooms within units affected by an applicable zoning or land use application would be used to calculate a fee, not all bedrooms on a site; Citation of "bedroom" in City Code inserted

SUMMARY OF COMMENTS

Written comments and comments submitted online to Neighborhood Housing & Community Development's Tenant Relocation Assistance Rules Review webpage were received regarding Rule R161-17.13. Neighborhood Housing & Community Development has reviewed the comments and determined that additional information was needed to provide clarification on tenant notification requirements, tenant eligibility criteria, and relocation fee calculation and collection, and made the applicable changes. A summary of the responses to comments is attached.

A copy of the comments and responses is available for public inspection and copying at the following locations. Copies may be purchased at the locations at a cost of ten cents per page:

Neighborhood Housing & Community Development, located at 1000 East 11th Street, Suite 200, Austin, Texas 78702; and

Office of the City Clerk, City Hall, located at 301 West 2nd Street, Austin, Texas.

AUTHORITY FOR ADOPTION OF RULE

The authority and procedure for adoption of a rule to assist in the implementation, administration, or enforcement of a provision of the City Code is provided in Chapter 1-2 of the City Code.

APPEAL OF ADOPTED RULE TO CITY MANAGER

A person may appeal the adoption of a rule to the City Manager. **AN APPEAL MUST BE FILED WITH THE CITY CLERK NOT LATER THAN THE 30TH DAY AFTER THE DATE THIS NOTICE OF RULE ADOPTION IS POSTED. THE POSTING DATE IS NOTED ON THE FIRST PAGE OF THIS NOTICE.** If the 30th day is a Saturday, Sunday, or official city holiday, an appeal may be filed on the next day which is not a Saturday, Sunday, or official city holiday.

An adopted rule may be appealed by filing a written statement with the City Clerk. A person who appeals a rule must (1) provide the person's name, mailing address, and telephone number; (2) identify the rule being appealed; and (3) include a statement of specific reasons why the rule should be modified or withdrawn.

Notice that an appeal was filed and will be posted by the city clerk. A copy of the appeal will be provided to the City Council. An adopted rule will not be enforced pending the City Manager's decision. The City Manager may affirm, modify, or withdraw an adopted rule. If the City Manager does not act on an appeal on or before the 60th day after the date the notice of rule adoption is posted, the rule is withdrawn. Notice of the City Manager's decision on an appeal will be posted by the city clerk and provided to the City Council.

On or before the 16th day after the city clerk posts notice of the City Manager's decision, the City Manager may reconsider the decision on an appeal. Not later than the 31st day after giving written notice of an intent to reconsider, the City manager shall make a decision.

CERTIFICATION BY CITY ATTORNEY

By signing this Notice of Rule Adoption (R161-17.13), the City Attorney certifies that the City Attorney has reviewed the rule and finds that adoption of the rule is a valid exercise of the Director's administrative authority.

REVIEWED AND APPROVED

Date: 5/2/17

Rosie Truelove, Interim Director
Neighborhood Housing & Community Development

Date: 5/19/17

Anne L. Morgan
City Attorney

TENANT RELOCATION PROGRAM – FINAL RULES

16.1 – PURPOSE

(A) These rules govern the implementation of the Tenant Relocation Program, as required under City Code § 25-1-714 (*Tenant Relocation Assistance Program).* The rules are used by the director in administering the Tenant Notification and Relocation Assistance Ordinance, codified in Chapter 25-1, Article 15, Division 3, or its successor Code.

(B) The criteria and standards adopted in the rules:

(1) Establish submittal requirements for applications requiring tenant relocation notification or assistance, including requirements to provide tenant notification and payment of a tenant relocation assistance fee;

(2) Specify procedures for collecting and disbursing financial tenant relocation assistance; and

(3) Provide general policy direction, for the benefit of applicants, advocates, tenants, property owners, and City departments regarding the administration and enforcement of the Tenant Relocation Assistance Ordinance.

(C) Terms in this document are as defined in the City's Land Development Code, Chapter 25-1, Article 15.

16.2 – APPLICABILITY OF NOTIFICATION & RELOCATION REQUIREMENTS

A) These rules apply to any development permit application or discretionary land use approval for which tenant notification or payment of a tenant relocation fee is required under the Tenant Notification and Relocation Assistance Ordinance.

B) An applicant must provide tenant notification as required by City Code § 25-1-712 (*Tenant Notification*) to the tenant households described in City Code § 25-1-712 (C) if filing an application for one or more of the following development approvals:

1) For a multi-family building, any of the following permits, where the permit will affect five (5) or more residential units occupied on the date that the application was filed with the City of Austin:

   a) Commercial Demolition Permit Application

   b) Commercial Building Application

2) For an existing mobile home park, where the permit will affect five (5) or more residential units occupied on the date that the application was filed with the City of Austin, any of the following applications:

   a) Consolidated Site Plan Application or Land Use Commission Site Plan Application

   b) Site Plan Exemption Form

   c) Zoning Application or Zoning Amendments Application

C) As noted in City Code § 25-1-712(C), the notice must be provided to tenant households in all units that are proposed for demolition in a multi-family building, or located in a mobile home park for which notice is required under City Code § 25-1-712(A). The notice is not required to be sent to any of these units that are unoccupied on the date that the notice period begins.

D) When new tenants rent a unit that is entitled to notice under City Code § 25-1-712(C), the landowner or landowner's agent must provide the new household with notice, as required by § 25-1-713(D).

16.3 – TENANT NOTIFICATION AND SUBMITTAL REQUIREMENTS

A) Applicants for any of the permit types listed in Section 16.2(B) of these rules must provide notice to tenants in accordance with the requirements of this rule.

B) Applicants must use **Tenant Notification Packets** provided by the City of Austin and approved by the director. If the applicant wishes to use an alternative form, the applicant must receive approval from the Neighborhood Housing and Community Development Office prior to providing notice.

C) Applicants must provide Tenant Notification Packets to tenants in English, Spanish, or another language the tenant understands if the tenant understands

neither English nor Spanish well. The applicant must work with the Neighborhood Housing and Community Development Office to obtain Tenant Notification Packets and other tenant notification documentation required by the Tenant Notification and Relocation Assistance Ordinance in the languages needed to ensure tenants can understand the notice, if they are not already available.

D) Prior to the approval of the application, applicants must submit a modified rent roll to the Neighborhood Housing and Community Development Office of tenant households that are being displaced by the project along with their proof of tenant notification as required by Section 16.3(E) of these rules. If the City's **Tenant Relocation Rent Roll Form** is not used, an alternative form can be used; however, it must be approved by the Neighborhood Housing & Community Development Office prior to submittal.

1) The rent roll form must include:

a) Predominant languages other than English spoken at the property;

b) Total number of units from which tenants will be displaced; and

c) For each unit, provide the following information:

(i) Name of each member of the tenant household who is a signatory on a written lease or rental agreement for that unit (where there is no written agreement, the owner shall provide the name of the person occupying the unit as a tenant as defined in City Code § 25-1-701 *(Definitions)*);

(ii) The number of household members included on the lease or rental agreement; and

(iii) The number of bedrooms in each unit (efficiency, 1-bedroom, 2-bedroom, etc.).

2) The rent roll information will be used as part of the verification that notices have been delivered and to help confirm eligibility of tenant households that apply for financial assistance by indicating that they were tenants of the property at the time that notice was delivered.

E) Tenant Notification Packets must be hand delivered to each affected tenant household or sent by both: 1) regular *and* 2) certified or registered mail, postage prepaid, with return receipt requested. If using the mail option, the notices must be mailed by both regular and certified (or registered) mail methods on the same day. The applicant must submit evidence of compliance with this section in the following manner:

1) Proof of delivery: Applicants must provide proof of notice delivery to the Neighborhood Housing and Community Development Office in the following manner:

a) For hand delivery – the applicant or applicant's representative must provide the Tenant Notification Packet to the lease holder or any resident of the household that is at least 16 years old. The applicant must obtain a signature from the resident at time of delivery.

(i) If the tenant cannot be reached after two separate attempts, or if the tenant refuses to sign that the Tenant Notification Packet has been received, the applicant must mail the Tenant Notification Packet to the tenant via regular and certified or registered mail. To demonstrate that this has been done, the applicant must provide a copy of the certified or registered mail delivery receipt to the Neighborhood Housing and Community Development Office, in compliance with Section 16.3(E)(1)(b) of these rules.

b) For regular and certified or registered mail delivery – the applicant must provide copies of the delivery receipts to the Neighborhood Housing and Community Development Office. For units where the return receipt indicates that the Tenant Notification Packet was undeliverable, the applicant must attach the Tenant Notification Packet to the door of the unit and provide an affidavit to the Neighborhood Housing and Community Development Office describing the methods used to deliver the Tenant Notification Packet and the date the notice packet was affixed to the door.

c) The Tenant Notification Packet is considered delivered on the date the last eligible tenant signature is obtained, or the date the regular and certified (or registered) mail is delivered. The notice of intent period is considered

to begin on the date the Tenant Notification Packet is delivered in compliance with the requirements of this section.

2) The applicant must submit to the Neighborhood Housing and Community Development Office one copy of a completed Tenant Notification Packet for each language delivered to tenants along with proof of delivery documentation.

3) Once the applicant has submitted the proof of delivery documentation and the Tenant Relocation Rent Roll Form, in compliance with the requirements of Section 16.3 of these rules and City Code § 25-1-712 *(Tenant Notification Required)*, to the Neighborhood Housing and Community Development Office, the Neighborhood Housing and Community Development Office will issue the applicant a compliance letter confirming notice has been provided to all tenant households entitled to receive notification pursuant to the terms required under City Code § 25-1-712(B). Where notification is required, this compliance letter must be provided to the Development Services Department by the applicant before the application can be approved, or the rezoning application can be scheduled for third reading by the city council, as required by City Code § 25-2-283(F)(2).

F) Applications affecting multifamily buildings cannot be approved until at least 120 days have elapsed from the date the notice period begins, as defined in Section 16.3(E)(1)(c) of these rules. Applications affecting mobile home parks cannot be approved until at least 270 days have elapsed from the date the notice period begins, as defined in Section 16.3(E)(1)(c) of these rules. This requirement does not preclude City staff from processing applications before the notice period expires.

16.4 – TENANT RELOCATION ASSISTANCE

A) The rules in this section specify the types of assistance that may be available under the Tenant Relocation Assistance Program. Funds may be available from the City of Austin Tenant Relocation Fund for tenant displacement as described in City Code § 25-1-716 and, for a project that requires a rezoning or other discretionary land use approval (as described in City Code § 25-1-715), the Developer Fund for Tenant Relocation Assistance.

B) Depending on available funding, the following types of assistance may be available to eligible tenants who are being displaced:

1) Housing location services to assist tenants in finding replacement housing or a replacement lot for a mobile home that meets their needs;

2) Financial assistance for reasonable relocation and moving expenses within 50 miles of the multifamily or mobile home park site, including the following:

   a) Application fees for replacement housing;

   b) Application deposits for replacement housing;

   c) Security deposit at replacement housing;

   d) First month's rent at replacement housing;

   e) Rental of moving truck and movers;

   f) Reimbursement for moving materials such as boxes, moving pads;

   g) Outstanding utility debt or rental debt, but only through funds available from the City of Austin Tenant Relocation Assistance Fund

   h) Utility connection or disconnection fees or deposits, where these cannot be waived; and

   i) Costs specific to moving mobile homes, including:

      (i) Relocation of a mobile home within a radius of 50 miles of the mobile home site,

      (ii) Storage of items while the home is being transported,

      (iii) Mobile home park fees, and

      (iv) Site preparation (including preparing a pad, utility connections, skirting).

3) Financial assistance may be provided through a third party payer contracted with the City of Austin for the purpose of providing relocation assistance.

C) Tenant eligibility for financial assistance will be determined in accordance with City Code § 25-1-714. To be eligible for financial assistance, a tenant household must:

1) Have a household income at or below:

a) 70 percent of the Austin-Round Rock Metropolitan Statistical Area median family income, as determined by the US Department of Housing and Urban Development, if the household resides in a multifamily unit, or

b) 80 percent of the Austin-Round Rock Metropolitan Statistical Area median family income, as determined by the US Department of Housing and Urban Development, if the household residents in a mobile home or manufactured home unit; and,

2) Maintain primary residence at the property tenant notification under City Code § 25-1-712 on the date that the application was filed with the City of Austin.

3) For mobile home tenants, the following eligibility criteria also apply:

(i) The tenant household must own the mobile home and have a tenancy of a lot in a mobile home park, or

(ii) The tenant household must be in lease-purchase, rent-to-own, seller financed, or a similar type of agreement for the mobile home, have been making payments in accordance with this agreement for a year prior to the notice of park closure, and are able to work with the owner of the mobile home in which they live to relocate the mobile home

16.5 – COLLECTION OF TENANT RELOCATION ASSISTANCE FEES

A) If applicants are required to pay a fee for tenant relocation assistance under City Code § 25-1-715 *(Tenant Relocation Assistance – Developer Funded)*, the following rules shall apply:

1) The applicant must pay the fee to the Neighborhood Housing and Community Development Office at least three business days prior to:

a) the City Council's third reading of the zoning ordinance; or

b) for a discretionary land use approval not requiring a rezone, but requiring approval by City Council, before the meeting at which the approval is granted.

2) If the approval is not granted, the funds will be returned to the applicant within 30 days.

3) Tenant relocation fee payments made by applicants will be deposited in a Developer Fund for Tenant Relocation Assistance, as established under City Code § 25-1-715(B).

4) Applicants may request a refund of unused funds after the last tenant household qualified to receive financial assistance has relocated from the property and all eligible expenses have been paid.

   a) The applicant may request information on the amount of money the applicant paid in tenant relocation fees and the amount remaining at the time the refund is requested.

16.6 – METHODOLOGY FOR DETERMINING FEES

A) Where tenant relocation assistance is required under City Code § 25-1-715 *(Tenant Relocation Assistance – Developer Funded)*, NHCD shall calculate the fee by applying the following formula to all existing multi-family buildings or mobile home parks included in the zoning or land use application:

TOTAL NUMBER OF BEDROOMS x FEE = TOTAL FEE

where: (1) "Bedrooms" is the number of rooms within a multi-family building or mobile home park that meet the City's definition of a "bedroom" under Section 6.3.0 of the Building Criteria Manual, and an efficiency unit will count as 1 bedroom; and (2) "Fee" is an amount established by the City Council in the annual Fee Schedule. The fee amount must be based on a nexus study that accounts for the costs of tenant displacement, to the City of Austin and to affected tenant communities, which are reasonably attributable to the loss of residential units resulting from the demolition or conversion of multi-family buildings and mobile home parks. The fees may differ for mobile home units and multifamily units.

B) NHCD shall present a proposed fee to the City Council for approval. The City Council may update the fee annually, after receiving a recommendation from the director, to reflect changes in costs of services provided by the City of Austin or other factors identified by the nexus study.

16.7 – USE AND EXPENDITURE OF TENANT RELOCATION FEES PROVIDED BY APPLICANTS

A) The rules in this section specify how NHCD uses fees for tenant relocation assistance (provided by applicants) consistent with the requirements of City Code § 25-1-715 *(Tenant Relocation Assistance – Developer Funded).*

B) If the land use approval that requires payment of a tenant relocation fee under City Code § 25-1-715 *(Tenant Relocation Assistance – Developer Funded)* is granted, the funds will be disbursed on behalf of eligible low-income tenants consistent with the **Tenant Relocation Assistance Program Guidelines** developed by the director of the Neighborhood Housing and Community Development Office and City Code § 25-1-715(B). The funds will be disbursed only to eligible low-income tenants being displaced from the development or site for which the payment was made, consistent with requirements of City Code § 25-1-714 *(Tenant Relocation Program).*

C) The maximum amount that an applicant may be required to pay to cover eligible expenses for income-eligible tenant households will be determined based on the results of a nexus study and will be included in the fee presented to City Council for adoption.

TENANT RELOCATION PROGRAM – FINAL RULES

16.1 – PURPOSE

(A) These rules govern the implementation of the Tenant Relocation Program, as required under City Code § 25-1-714 (*Tenant Relocation Assistance Program).* The rules are used by the director in administering the Tenant Notification and Relocation Assistance Ordinance, codified in Chapter 25-1, Article 15, Division 3, or its successor Code.

(B) The criteria and standards adopted in the rules:

(1) Establish submittal requirements for applications requiring tenant relocation notification or assistance, including requirements to provide tenant notification and payment of a tenant relocation assistance fee;

(2) Specify procedures for collecting and disbursing financial tenant relocation assistance; and

(3) Provide general policy direction, for the benefit of applicants, advocates, tenants, property owners, and City departments regarding the administration and enforcement of the Tenant Relocation Assistance Ordinance.

(C) Terms in this document are as defined in the City's Land Development Code, Chapter 25-1, Article 15.

16.2 – APPLICABILITY OF NOTIFICATION & RELOCATION REQUIREMENTS

A) These rules apply to any development permit application or discretionary land use approval for which tenant notification or payment of a tenant relocation fee is required under the Tenant Notification and Relocation Assistance Ordinance.

B) An applicant must provide tenant notification as required by City Code § 25-1-712 (*Tenant Notification*) to the tenant households described in City Code § 25-1-712 (C) if filing an application for one or more of the following development approvals:

1) For a multi-family building~~ consisting of five (5) or more currently occupied residential units~~, any of the following permits, where the permit will affect five (5) or more ~~currently occupied~~ residential units occupied on the date that the application was filed with the City of Austin:

   a) Commercial Demolition Permit Application

   b) Commercial Building Application

2) For an existing mobile home park, where the permit will affect five (5) or more residential units occupied on the date that the application was filed with the City of Austin, any of the following applications:

   a) Consolidated Site Plan Application or Land Use Commission Site Plan Application

   b) Site Plan Exemption Form

   c) Zoning Application or Zoning Amendments Application

C) As noted in City Code § 25-1-712-(C), the notice must be provided to tenant households in all units that are proposed for demolition in a multi-family building, or located in a mobile home park for which notice is required under City Code § 25-1-712-(A). The notice is not required to be sent to any of these units that are unoccupied on the date that the notice period begins~~ (i.e. the date that the notice is delivered to the tenant households)~~.

D) When new tenants rent a unit that is entitled to notice under City Code § 25-1-712-(C), the landowner or landowner's agent must provide the new household with notice, as required by § 25-1-713-(D).

16.3 – TENANT NOTIFICATION AND SUBMITTAL REQUIREMENTS

A) Applicants for any of the permit types listed in Section 16.2(B) of ~~this document~~these rules must provide notice to tenants in accordance with the requirements of this rule.

B) Applicants must use **Tenant Notification Packets** provided by the City of Austin and approved by the director. If the applicant wishes to use an

alternative form, the applicant must receive approval from the Neighborhood Housing and Community Development Office ~~staff~~ prior to providing notice.

C) Applicants must provide ~~notice packets~~Tenant Notification Packets to tenants in English, Spanish, or another~~a~~ language the tenant understands if the tenant understands neither English nor Spanish well. The applicant must work with the Neighborhood Housing and Community Development Office to obtain ~~notice packets~~Tenant Notification Packets and other tenant notification documentation required by the Tenant Notification and Relocation Assistance Ordinance in the languages needed to ensure tenants can understand the notice, if they are not already available.

D) ~~E)~~ Prior to the approval of the application, applicants must submit a modified rent roll to the Neighborhood Housing and Community Development Office of tenant households that are being displaced by the project along with their proof of tenant notification as required by Section 16.3(E) of these rules. If the City's **Tenant Relocation Rent Roll Form** is not used, an alternative form can be used; however, it must be approved by the Neighborhood Housing & Community Development Office ~~Staff~~ prior to submittal.

1) The rent roll form must include:

a) Predominant languages other than English spoken at the property;

b) Total number of units from which tenants will be displaced; and

c) For each unit, provide the following information:

(i) Name of each member of the tenant household who is a signatory on a written lease or rental agreement for that unit (where there is no written agreement, the owner shall provide the name of ~~each person the owner considers to be a resident under an oral lease/agreement~~the person occupying the unit as a tenant as defined in City Code § 25-1-701 *(Definitions)*);

(ii) The number of household members included on the lease or rental agreement; and

(iii) The number of bedrooms in each unit (efficiency, 1-bedroom, 2-bedroom, etc.).

2) The rent roll information will be used as part of the verification that notices have been delivered and to help confirm eligibility of tenant households that apply for financial assistance by indicating that they were ~~occupants~~ tenants of the property at the time that notice was delivered.

E) ~~D) Notice~~ Tenant Notification Packets must be hand delivered to each affected tenant household or sent by both: 1) regular *and* 2) certified or registered mail, postage prepaid, with return receipt requested. If using the mail option, the notices must be mailed by both regular and certified (or registered) mail methods on the same day. The applicant must submit evidence of compliance with this section in the following manner:

1) Proof of delivery: Applicants must provide proof of notice delivery to the Neighborhood Housing and Community Development Office in the following manner:

a) For hand delivery – the applicant or applicant's representative must provide the ~~notice~~ Tenant Notification Packet to the lease holder or any resident of the household that is at least 16 years old. The applicant must obtain a signature from the resident at time of delivery.

(i) If the tenant cannot be reached after two separate attempts, or if the tenant refuses to sign that the ~~notice~~ Tenant Notification Packet has been received, the applicant must mail the ~~notice~~ Tenant Notification Packet to the tenant via regular and certified or registered mail. To demonstrate that this has been done, the applicant must provide a copy of the certified or registered mail delivery receipt to the Neighborhood Housing and Community Development Office, in compliance with Section 16.3(E)(1)(b) of these rules.

b) For regular and certified or registered mail delivery – the applicant must provide copies of the delivery receipts to the Neighborhood Housing and Community Development Office. For units where the return receipt indicates that the Tenant Notification Packet was undeliverable, the applicant must attach the Tenant Notification Packet to the door of the

unit and provide an affidavit to the Neighborhood Housing and Community Development Office describing the methods used to deliver the Tenant Notification Packet and the date the notice packet was affixed to the door.

~~b)~~c) The Tenant Notification Packet is considered delivered on the date the last eligible tenant signature is obtained, or the date the regular and certified (or registered) mail is delivered. The notice of intent period is considered to begin on the date the Tenant Notification Packet is delivered in compliance with the requirements of this section.

2) The applicant must submit to the Neighborhood Housing and Community Development Office one copy of a completed ~~notice~~ Tenant Notification ~~p~~Packet for each language delivered to tenants along with proof of delivery documentation.

3) Once the applicant has submitted the proof of delivery documentation and the Tenant Relocation Rent Roll Form, in compliance with the requirements of Section 16.3 of these rules and City Code § 25-1-712 *(Tenant Notification Required)*, to the Neighborhood Housing and Community Development Office, the Neighborhood Housing and Community Development Office will issue the applicant a compliance letter confirming notice has been provided to all tenant households entitled to receive notification pursuant to the terms required under City Code § 25-1-712(B). ~~The applicant must submit to the Development Services Department a compliance letter from the Neighborhood Housing & Community Development Office confirming that all tenant households entitled to notice have received notification, pursuant to the terms required under City Code § 25-1-712(B).~~ Where notification is required, this ~~statement~~ compliance letter must be provided to the Development Services Department by the applicant before the application can be approved, or the rezoning application can be scheduled for third reading by the city council, as required by City Code § 25-2-283(F)(2).

F) ~~The notice period is considered to begin on the date that applicants deliver notice to all tenant households entitled to receive notification under City Code § 25-1-712(C).~~ Applications affecting multifamily buildings cannot be approved

until at least 120 days have elapsed from the date the notice ~~was delivered to all tenant households entitled to receive notification~~period begins, as defined in Section 16.3(E)(1)(c) of these rules. Applications affecting mobile home parks cannot be approved until at least 270 days have elapsed from the date the notice ~~was delivered to all tenant households entitled to receive notification~~period begins, as defined in Section 16.3(E)(1)(c) of these rules. This requirement does not preclude City staff from processing applications before the notice period expires.

16.4 – TENANT RELOCATION ASSISTANCE

A) The rules in this section specify the types of assistance that may be available under the Tenant Relocation Assistance Program. Funds may be available from the City of Austin Tenant Relocation Fund for tenant displacement as described in City Code § 25-1-716 and, for a project that requires a rezoning or other discretionary land use approval (as described in City Code § 25-1-715), the Developer Fund for Tenant Relocation Assistance. ~~Depending on the nature of the redevelopment project, funds may be available from the City of Austin Tenant Relocation Fund and, for a project that required a rezoning or other discretionary approval, the Developer Fund for Tenant Relocation Assistance (as required by City Code § 25-1-715).~~

B) Depending on available funding, the following types of assistance may be available to eligible tenants who are being displaced:

1) Housing location services to assist tenants in finding replacement housing or a replacement lot for a mobile home that meets their needs;

2) Financial assistance for reasonable relocation and moving expenses within 50 miles of the multifamily or mobile home park site, including the following:

a) Application fees for replacement housing;

b) Application deposits for replacement housing;

c) Security deposit at replacement housing;

d) First month's rent at replacement housing;

e) Rental of moving truck and movers;

f) Reimbursement for moving materials such as boxes, moving pads;

g) Outstanding utility debt or rental debt, but only through funds available from the City of Austin Tenant Relocation Assistance Fund

h) Utility connection or disconnection fees or deposits, where these cannot be waived; and

i) Costs specific to moving mobile homes, including:

(i) Relocation of a mobile home within a radius of 50 miles of the mobile home site,

(ii) Storage of items while the home is being transported,

(iii) Mobile home park fees, and

~~(i)~~(iv) Site preparation (including preparing a pad, utility connections, skirting).

~~f) Financial assistance to relocate a mobile home within a radius of 50 miles of the mobile home site, for the following types of tenant income eligible tenant households:~~

~~(i) Mobile home owners with a tenancy of a lot in a mobile home park,~~

~~(ii)(i) Households in lease-purchase, rent-to-own, seller financed, or a similar type of agreement for the mobile home, that have been making payments in accordance with this agreement for a year prior to the notice of park closure, and that are able to work with the owner of the mobile home in which they live to relocate the mobile home~~

3) Financial assistance may be provided through a third party payer contracted with the City of Austin for the purpose of providing relocation assistance.

C) Tenant eligibility for financial assistance will be determined in accordance with City Code § 25-1-714. To be eligible for financial assistance, a tenant household must:

1) Have a household income at or below:

a) 70 percent of the Austin-Round Rock Metropolitan Statistical Area median family income, as determined by the US Department of Housing and Urban Development, if the household resides in a multifamily unit, or

b) 80 percent of the Austin-Round Rock Metropolitan Statistical Area median family income, as determined by the US Department of Housing and Urban Development, if the household residents in a mobile home or manufactured home unit; and,

2) Maintain primary residence~~,~~ at the property tenant notification under City Code § 25-1-712 on the date that the application was filed with the City of Austin.

3) For mobile home tenants, the following eligibility criteria also apply:

(i) The tenant household must own the mobile home and have a tenancy of a lot in a mobile home park, or

(ii) The tenant household must be in lease-purchase, rent-to-own, seller financed, or a similar type of agreement for the mobile home, have been making payments in accordance with this agreement for a year prior to the notice of park closure, and are able to work with the owner of the mobile home in which they live to relocate the mobile home

~~C) Assistance need only be provided after the receipt of the required tenant notification.~~

16.5 – COLLECTION OF TENANT RELOCATION ASSISTANCE FEES

A) If applicants are required to pay a fee for tenant relocation assistance under City Code § 25-1-715 *(Tenant Relocation Assistance – Developer Funded)*, the following rules shall apply:

1) The applicant must pay the fee to the Neighborhood Housing and Community Development Office at least three business days prior to:

a) the City Council's third reading of the zoning ordinance; or

b) for a discretionary land use approval not requiring a rezone~~an ordinance~~, but requiring approval by City Council, before the meeting at which the approval is granted.

2) If the approval is not granted, the funds will be returned to the applicant within 30 days.

3) Tenant relocation fee payments made by applicants will be deposited in a Developer Fund for Tenant Relocation Assistance, as established under City Code § 25-1-715(B).

4) Applicants may request a refund of unused funds after the last tenant household qualified to receive financial assistance has relocated from the property and all eligible expenses have been paid. ~~no earlier than 10 years after the fees were paid to the City for the purpose of relocating income-eligible tenants.~~

a) The applicant may request information on the amount of money the applicant paid in tenant relocation fees and the amount remaining at the time the refund is requested.

16.6 – METHODOLOGY FOR DETERMINING FEES

A) Where tenant relocation assistance is required under City Code § 25-1-715 *(Tenant Relocation Assistance – Developer Funded)*, NHCD shall calculate the fee by applying the following formula to all existing multi-family buildings or mobile home parks included in the zoning or land use application:

TOTAL NUMBER OF BEDROOMS ~~ON SITE~~ x FEE = TOTAL FEE

where: (1) "Bedrooms" is the number of rooms within a multi-family building or mobile home park that meet the City's definition of a "bedroom" under ~~applicable regulations~~ Section 6.3.0 of the Building Criteria Manual, and an efficiency unit will count as 1 bedroom; and (2) "Fee" is an amount established by the City Council in the annual Fee Schedule. The fee amount must be based on a nexus study that accounts for the costs of tenant displacement, to the City of Austin and to affected tenant communities, which are reasonably attributable to the loss of residential units resulting from the demolition or conversion of multi-family

buildings and mobile home parks. The fees may differ for mobile home units and multifamily units.

B) NHCD shall present a proposed fee to the City Council for approval. The City Council may update the fee annually, after receiving a recommendation from the director, to reflect changes in costs of services provided by the City of Austin or other factors identified by the nexus study.

16.7 – USE AND EXPENDITURE OF TENANT RELOCATION FEES PROVIDED BY APPLICANTS

A) The rules in this section specify how NHCD uses fees for tenant relocation assistance (provided by applicants) consistent with the requirements of City Code § 25-1-715 *(Tenant Relocation Assistance – Developer Funded)*.

B) If the land use approval that requires payment of a tenant relocation fee under City Code § 25-1-715 *(Tenant Relocation Assistance – Developer Funded)* is granted, the funds will be disbursed on behalf of eligible low-income tenants consistent with the **Tenant Relocation Assistance Program Guidelines** developed by the director of the Neighborhood Housing and Community Development Office and City Code § 25-1-715(B). The funds will be disbursed only to eligible low-income tenants being displaced from the development or site for which the payment was made, consistent with requirements of City Code § 25-1-714 *(Tenant Relocation Program)*.

C) The maximum amount that an applicant may be required to pay to cover eligible expenses for income-eligible tenant households will be determined based on the results of a nexus study and will be included in the fee presented to City Council for adoption.

Comments to Proposed Rule R161-17.13 and Responses from the Neighborhood Housing & Community Development Office				
Comment #	Rule Section	Submitted By	Comment	Response
1	16.1	Susan Pantell	I support collecting a fee to help low-income tenants with relocation	Comment noted.
2	16.2	Bob Thompson	It appears that the primary "safe harbor" is the restriction in Sec. 16.2 (B)(1) that the notification regime only applies if the building consists of "five (5) or more currently occupied residential units" and where "the permit will affect 5 or more currently occupied units". This safe harbor appears to allow such gradual renovations to proceed free of TRO requirements if they are broken up into chunks of 4 units or less, per permit application. More than 4 units might be renovated in a year, if additional permit(s) were obtained at a later date within the year for the prupose of the additional renovations, covering less than 4 of the units to be renovated, or otherwise "affected", are "currently occupied". One presumes that "currently" means "at the time of the permit application". If my interpretations of these "safe harbor" provisions are correct, I believe that they would prove acceptable to most all providers of affordable older housing, who wish to gradually renovate it as described earlier. However, I suggest these rules be clarified by stating that "currently" means "at the time of the permit application", and that they be further clarified by stating that multiple building permits obtained within the same year, but covering different units, will not be construed to be "one permit" or "one project" so as to trigger the notification requirements.	Comments noted. The rule text has been updated to replace "currently" with "at time of permit application." The tenant notification requirement applies to permits authorizing work described in City Code § 25-1-712 (A) that impacts five or more occupied residential units. Permits may be amended to include additional units if they are within the same building; if the submitted amendment results in the permit affecting five or more occupied residential units, the tenant notification requirements would apply.
3	16.2	A.J. Bingham	Section (B)(1) Revise to read: "For a multi-family building consisting of five (5) or more units which are occupied at the time notice is delivered under Section 25-1-712 (Tenant Notification), where the permit will cause tenant displacement in 5 or more residential units."	The rule text has been updated to replace "currently" with "at time of permit application."
4	16.2	Stephanie Trinh	Section (B)(2) Is the Consolidated Site Plan Application, Land Use Commission Site Plan Application, and/or Site Plan Exemption Form required for when a mobile home park applies for a "change of use"? Please confirm that the three applications under (B)(2) would catch all situations where there is a "change of use" of a mobile home park.	Change of use submittals require an approved site plan, or approved exemption form, which asks applicants for information regarding occupied residential units and potential tenant displacement, and lets them know they may be subject to the notification requirements under City Code § 25-1-712.
5	16.3	Susan Pantell	I support 120 days notice for all tenants who will have to relocate	Comment noted.
6	16.3	A.J. Bingham	Section C) Revise the first sentence to read: "Applicants must provide notice packets to tenants in a language known by the Landlord to be a language the Tenant understands (for clarification, English, Spanish or a language designated by the Director)."	Section C has been updated to specify that notification packets must be provided in the languages needed to ensure that tenants understand the notice. The applicant must work with the City's Neighborhood Housing Office to ensure these languages are represented.

Comment #	Rule Section	Submitted By	Comment	Response
7	16.3	Juliana Gonzales	Section C) states "Applicants must provide packets to tenants in a language the tenant understands." The ordinance states that information must be provided "in English, Spanish, and such other language as may be required by the director." Since many Spanish speakers understand English but are not as proficient in English as they are in Spanish, we'd suggest restoring the original ordinance language in addition to the requirement that "Applicants must provide packets to tenants in a language the tenant understands."Proposed revised language: "Applicants must provide packets to tenants in English and Spanish, as well as in a language the tenant understands well in cases where the tenant understands neither English nor Spanish well...."	Section C has been updated to specify that notification packets must be provided in the languages needed to ensure that tenants understand the notice. The applicant must work with the City's Neighborhood Housing Office to ensure these languages are represented.
8	16.3	Juliana Gonzales	Section (D) indicates that "...the applicant must provide a copy of the certified or registered mail delivery receipt....." as proof of delivery. Will only receipts that indicate affirmative delivery to the tenant be accepted? How should the applicant handle "undeliverable" return receipts or certified/registered mail that is not received or accepted from the post office?	The draft rule text has been updated to provide more clarity to Section 16.3 dealing with applicants' requriements in providing notice to tenants. Drawing on regulations from the federal and state codes, as well as other cities' tenant relocation program requirements, the draft rules have been clarified to stipulate that in situations where the return receipt for registered/certified mail delivery shows that the packet was undeliverable, the applicant will be required to post the notice packet on the door of the housing unit and provide an affidavit to Neighborhood Housing & Community Development certifying that this was done. Applicants will still be required to send the packet via regular mail if they select the mail (rather than in-person signature) delivery option. Please see Section 16.3 for other clarifications regarding provision of notice packets to tenants.
9	16.3	Paul Cauduro	Section D) 1. (a) Should be amended to include language that provides for notice delivery to only those responsible for rent payments as identified on a valid lease. It is suggested that any language that allows any resident of the household older than 16 to accept the notice be removed from the rules. Suggested language change: "For hand or mail delivery - the applicant or applicant's representative must provide the notice to each lease holder living in the unit. The applicant must, obtain a signature from the lease holder at the time of delivery."	It is the City's intention that all tenant households occupying units affected by a development permit that requires tenant notification should receive notice of the property owner's intent to demolish or close a property. This notification requirement is separate from any requirement to pay a tenant relocation fee and provides all tenants the advance notice that is needed to make plans to save or budget money and to relocate; this is especially important for low-income tenants who have less income to save and fewer housing options to consider. The current rules would give an applicant the ability to provide notice to any person in an affected household older than 16 years old, instead of having to potentially visit the housing unit multiple times to deliver the notice while the lease holder is at home.
10	16.3	Stephanie Trinh	Section (D)(2) A copy of a completed notice packet for each language distributed should be submitted to NHCD.	This change has been incorporated.

Comment #	Rule Section	Submitted By	Comment	Response
11	16.3	Paul Cauduro	Section D) 3. Should be cut and re-written and then moved to after section E). By moving this section, the steps in the process become clear that both confirmation of packet delivery and submittal of the Tenant Rent Roll Form are both needed to receive project approval. A section re-write would also provide the opportunity to clarify that the "compliance letter" and "statement to be provided to Development Services" are one and same. Suggested language change: "Upon receipt of both the applicant's packet delivery confirmations and Tenant Relocation Rent Roll Form, the Neighborhood Housing & Community Development Office will issue a letter confirming the all tenant households entitled to notice have received notification, pursuant to the terms required under City Code 25-1-712(B). The applicant must present the NHCD compliance letter to the Development Services Department before the application can be approved."	These suggestions have been incorporated into the rules. See Section 16.3 (E)(3).
12	16.3	A.J. Bingham	Section (D)(3) Revise to read: "The applicant must submit to the Development Services Department a compliance letter from the Neighborhood Housing & Community Development Office confirming that applicant delivered notice in accordance with the methods in subsection (D) above to all tenant households entitled to notice under Section 25-1-712(B). Where notification is required, this statement must be provided to the Development Services Department before the application can be finally approved or submitted for third reading by the council in the case of a rezoning under Section 25-2-283."	The draft rule text has been updated to provide more clarity to Section 16.3 dealing with applicants' requriements in providing notice to tenants. Subsection (D) (now Subsection E) has been revised to be consistent with these clarifications. Please see Section 16.3 for other clarifications regarding provision of notice packets to tenants.
13	16.3	Stephanie Trinh	Section E) The rent roll contains tenants' private information. Names, contact information, and any other identifying personal information should not be available to the public or made available under public information rules. NHCD should take the precaution in protecting tenants' private information.	Comment noted. NHCD will utilize the personally identifiable information contained in the rent roll to verify a household's residence at a property triggering tenant notification for purposes of providing assistance under the Tenant Notification and Relocation Assistance Ordinance. NHCD will endeavor to keep this information private in accordance with state law and city procedure regarding public information requests and privacy.
14	16.3	Juliana Gonzales	Section E) regarding rent rolls should be moved before 16.3 (D) which includes (1) Proof of Delivery, so that it is evident that the rent rolls will be using to create an inventory of return receipts that will be required.	This suggestion has been incorporated into the rules.
15	16.3	A.J. Bingham	Section E)(1)(a) Insert "if known by applicant" at the end of such subsection.	Change not recommended as this information will be important to establish tenant eligibility in the event that there is funding available for financial assistance.
16	16.3	A.J. Bingham	Section E)(1)c)(i) Revise to read: "Name of each member of the tenant household is a signatory on the written lease or rental agreement for that unit (where there is no written agreement, a person who is occupying the unit as a tenant under Section 92.001 or 94.001 of the Texas Property Code)."	This section's language has been clarified to match the definiton of tenant in the Tenant Notification and Relocation Assistance Ordinance ("...any person who occupies a residential unit primarily for living or dwelling purposes under a rental agreement or lease, including those persons who are considered to be tenants under Section 92.001 or 94.001 of the Texas Property Code...").

Comment #	Rule Section	Submitted By	Comment	Response
17	16.3	A.J. Bingham	Section E)(2) Replace the word "occupants" with "Tenants"	This change has been incorporated.
18	16.3	Paul Cauduro	Section F) Should be edited for the following clarifications: 1. The notice period begins when the applications for which Tenant Notifications are delivered or sent via postal service 2. The applicant's permit submittal can be processed by city staff during the notice period but cannot be approved. Suggested language change: "The notice period is considered to begin on the date that applicants deliver or send notice to all tenant households entitled to receive notification under City Code 25-1712(C). Applications affecting multifamily buildings can be processed by city staff and made ready for approval but cannot be approved until at least 120 days have elapsed from the date the notice was delivered to all tenant households entitled to receive notification. Applications affecting mobile home parks cannot be approved until at least 270 days have elapsed from the date the notice was delivered to all tenant households entitled to receive notification."	The draft rule text has been updated to provide more clarity to Section 16.3 dealing with applicants' requriements in providing notice to tenants. In keeping with federal and state regulations regarding provision of notice, the clarification has been added that notice is considered to be delivered on the date the last tenant signature is received, or the date the regular and certified/registered mail is sent. Please see Section 16.3 for other clarifications regarding provision of notice packets to tenants. The clarification that applications can be processed, but not approved, until the end of the notice of intent period has been incorporated into the rule text in Subsection F.
19	16.3	Stephanie Trinh	Section (F) Please clarify which date the certified or registered notice is considered delivered: when deposited in the mail or when it is received. Because the mail option requires both regular and certified/registered mail, the mailings could potentially occur on different dates. Please specify that delivery of notice is not complete until both requirements are met.	The draft rule text has been updated to provide more clarity to Section 16.3 dealing with applicants' requriements in providing notice to tenants. In keeping with federal and state regulations regarding provision of notice, the clarification has been added that notice is considered to be delivered on the date the last tenant signature is received, or the date the regular and certified/registered mail is sent. Please see Section 16.3 for other clarifications regarding provision of notice packets to tenants.
20	16.3	Juliana Gonzales	Section (F) states that "The notice period is considered to begin on the date that the applicants deliver notice to all tenant households....." In cases of certified or registered mail, is notice considered to be delivered when the letter is mailed or when it is received by the tenant according to the return receipt?	The draft rule text has been updated to provide more clarity to Section 16.3 dealing with applicants' requriements in providing notice to tenants. In keeping with federal and state regulations regarding provision of notice, the clarification has been added that notice is considered to be delivered on the date the last tenant signature is received, or the date the regular and certified/registered mail is sent. Please see Section 16.3 for other clarifications regarding provision of notice packets to tenants.
21	16.4	Jill Smith	For many low-income residents, past rental debt and utility debt can be significant barriers to housing. Could Paying off rental debt (to a previous landlord) or utility debt be added to the eligible moving expenses?	The source of funding for financial assistance may dictate what activities can be covered. Where City funding from the General Fund is used, past debts may be eligible to be covered. Past rental/utility debt has been added to the list of eligible expenses with this caveat.

Comment #	Rule Section	Submitted By	Comment	Response
22	16.4	Allyson Evans	Could you please clarify what is meant by "depending on the nature of the redevelopment project?" This sentence is a little unclear.	The rules in Section 16.4 apply to both funds provided by the City of Austin Tenant Relocation Fund (funded through City Council appropriations) and to funds provided by developers/property owners through the Developer-Funded Tenant Relocation Fund. Under the terms of the ordinance, the Director of Neighborhood Housing & Community Development can decide to provide financial assistance to eligible tenants in situations where no tenant notification would have been required (for example, in cases of displacement caused by extensive repairs or renovations that did not require demolition) - see City Code § 25-1-716. The section has been rewritten to clarify that the section covers both City- and developer-provided funds. This sentence has been rephrased to provide more clarification: Funds may be available from the City of Austin Tenant Relocation Fund for tenant displacement as described in City Code § 25-1-716 and, for a project that requires a rezoning or other discretionary land use approval (as described in City Code § 25-1-715), the Developer Fund for Tenant Relocation Assistance.
23	16.4	Susan Pantell	It is not clear from the summary I read how the money will be allocated, who will qualify and which particular types of assistance they will qualify for	Income eligibility requirements for tenants are described in City Code § 25-1-714. Section 16.4 of the draft rules has been updated to include these requirements. Section 16.4 also lists the types of activities for which financial assistance from the Tenant Relocation Assistance Program can be used. The Neighborhood Housing and Community Development Office (NHCD) will develop program guidelines for administering the Tenant Relocation Assistance Program. The guidelines will specify how the City of Austin will contract with third-party organization(s) to provide housing location assistance, income verification, and/or disbursement of financial assistance on behalf of eligible tenants and will further specify the procedures needed to determine eligibility of tenants and uses of funds. Funding amounts that tenants can qualify for will be established and incorporated into the Program Guidelines as they are developed, taking into consideration the findings of the pending Tenant Relocation Fee Nexus Study.

Comment #	Rule Section	Submitted By	Comment	Response
24	16.4	Paul Cauduro	Section A) Should make it clear that the rules in this section specify the types of assistance that may be available under a Tenant Relocation Assistance Program to anyone that received a Tenant Notification Packet. Suggested language change: "The rules in this section specify the types of assistance that may be available under the Tenant Relocation Packet. Depending on the nature of the redevelopment project, funds may be available from the City of Austin Tenant Relocation Fund and, for a project that required a rezoning or other discretionary approval, the Developer Fund for Tenant Relocation Assistance (as required by City Code 25-1-715)."	The rules in this section apply to both funds provided by the City of Austin Tenant Relocation Fund (funded through City Council appropriations) as well as to funds provided by developers/property owners through the Developer-Funded Tenant Relocation Fund. Under the terms of the ordinance, the Director of Neighborhood Housing & Community Development can decide to provide financial assistance to eligible tenants in situations where no tenant notification would have been required (for example, in cases of displacement caused by extensive repairs or renovations that did not require demolition - see City Code § 25-1-716). The section has been rewritten to clarify that the section covers both City- and developer-provided funds. Section 16.7 (B) speaks to the fact that funds provided by developers/property owners can only be used for relocation of tenants from the development for which the fee payment was made.
25	16.4	A.J. Bingham	Section (a) Revise the second sentence to read: "Depending on the nature of the redevelopment project, funds may be available from the City of Austin Tenant Relocation Fund and, unless waived by city council, for a multi-family redevelopment project that required a rezoning or other discretionary land use approval (required to be approved by either city council or a land use commission) that is reasonably likely to result in a result in a tenant displacement, the Developer Fund for Tenant Relocation Assistance (as required by City Code Section 25-1-715). In no event shall discretionary land use approval be deemed to mean a party merely initiating historic zoning as a result of a demolition permit or other building permit being filed)."	The rules in this section apply to both funds provided by the City of Austin Tenant Relocation Fund (funded through City Council appropriations) and to funds provided by developers/property owners through the Developer-Funded Tenant Relocation Fund. Under the terms of the ordinance, the Director of Neighborhood Housing & Community Development can decide to provide financial assistance to eligible tenants in situations where no tenant notification would have been required (for example, in cases of displacement caused by extensive repairs or renovations that did not require demolition) - see City Code § 25-1-716. The section has been rewritten to clarify that the section covers both City- and developer-provided funds.
26	16.4	Stephanie Trinh	Section (B)(1) & (B)(2) "replacement housing" should be broadened to include locations for mobile homes. E.g., "replacement housing or lots"	This change has been incorporated.
27	16.4	A.J. Bingham	Section (B)(2) Insert "out-of-pocket" after "reasonable" and before "relocation" in the first line.	Change not recommended.
28	16.4	Stephanie Trinh	Section (B)(2) Financial assistance should include any fees for disconnection and connecting utilities if not waived. This section should provide a catchall category where tenants can apply for financial assistance for expenses not specifically listed.	The list of eligible expenses has been updated to include utility connection/deposit fees where not waived. The inclusion of a catchall category is not recommended due to funding and administration procedures and constraints.
29	16.4	Stephanie Trinh	Section (B)(2)(g) The rules do not list certain costs specific to moving mobile homes other than the actual relocation of the home, including, but not limited to: utility connections, storage of items while the mobile home is being moved, and other fees imposed by new and old landlords.	Costs specific to moving mobile homes have been incorporated into Section 16.4.

Comment #	Rule Section	Submitted By	Comment	Response
30	16.4	A.J. Bingham	Section (B)(3) Revise to read: "Financial assistance funded under the City of Austin Tenant Relocation Fund may be provided through a third-party payer contracted with the City of Austin for the purpose of providing relocation assistance."	The City of Austin may contract with a social service organization qualified to act as fiscal agent and housing locator on behalf of eligible tenants in cases where financial assistance is being provided by the City Fund or where a tenant relocation fee has been paid. It is City staff's intention that this third party organization will act as fiscal agent to directly pay property owners/managers, moving companies, or others for eligible expenses incurred on behalf of the qualified tenant.
31	16.4	Paul Cauduro	Section C) Needs editing to insert the world "will". Suggested language change: "Assistance will only be provided after the receipt of the required tenant notification."	This section has been removed from the draft rules.
32	16.4	A.J. Bingham	Section c) Add "and shall not be provided to persons exempted under Section 25-1-711" to the end of such section.	Section 16.4 (C) has been removed to prevent confusion; deadlines for payment of the tenant relocation fee by developers/applicants are discussed in Section 16.5. The requirement for the City to provide financial assistance to eligible tenants will be included in the program guidelines developed by Neighborhood Housing and Community Development and will ensure that financial assistance will be made available to tenant households that qualify in a timely manner. The rules in Section 16.4 apply to both funds provided by the City of Austin Tenant Relocation Fund (funded through City Council appropriations) and to funds provided by developers/property owners through the Developer-Funded Tenant Relocation Fund. Under the terms of the ordinance, the Director of Neighborhood Housing & Community Development can decide to provide financial assistance to eligible tenants in situations where no tenant notification would have been required (for example, in cases of displacement caused by extensive repairs or renovations that did not require demolition) - see City Code § 25-1-716. The section has been rewritten to clarify that the section covers both City- and developer-provided funds. Section 16.7 (B) speaks to the fact that funds provided by developers/property owners can only be used for relocation of tenants from the development for which the fee payment was made. See City Code § 25-1-715 for a description of instances where a tenant relocation fee can be charged.
33	16.4	Juliana Gonzales	Section C) states "Assistance need only be provided after the receipt of the required tenant notification." We recommend adding ".....but must be provided prior to incurring relocation expenses."	Section 16.4 (C) has been removed to prevent confusion; deadlines for payment of the tenant relocation fee by developers/applicants are discussed in Section 16.5. The requirement for the City to provide financial assistance to eligible tenants will be included in the program guidelines developed by Neighborhood Housing and Community Development and will ensure that financial assistance will be made available to tenant households that qualify in a timely manner.

Comment #	Rule Section	Submitted By	Comment	Response
34	16.5	Bob Thompson	Only a fraction of affected households may actually be "income-qualified". Hence, if the Relocation Fee collected from owners is not also related to the total number of such "income-qualified" households, then it will very likely be excessive. Given that excessive fees are likely to be collected from Owner-Applicants, it is completely unreasonable to require them to wait 10 years [c.f., Sec. 16.5(A)(4) of the rules] before even requesting a refund of the unused funds! Presumably, all necessary relocations can be accomplished within less than 1 year.	The rule text has been updated to allow applicants who have paid the tenant relocation fee to request a refund of unspent funds after all eligible tenants from the property have been provided the financial assistance they qualify for under the program and have relocated from the property.
35	16.5	A.J. Bingham	Section (A)(1)(b) Revise to read: "for a discretionary land use approval not requiring an ordinance but requiring approval by a land use commission, before the meeting at which the approval is granted in non-appealable proceeding."	This section has been edited to ensure greater clarity and consistency with City Code § 25-1-715, governing when a tenant relocation fee can be charged. The ordinance stipulates that this fee can be charged only in instances where City Council (not land use commission) approval is required.
36	16.5	Paul Cauduro	The ten year wait period before an applicant can request a refund of unused funds as cited in Section A) 4. is excessive. It should be abundantly clear within twelve months after the applicant's permit has been approved that a refund is due to the applicant for unused funds paid into the Developer Fund for Tenant Relocation Assistance. We strongly suggest that rules be written to reflect a one year wait period before a refund can be requested, and that staff initiate a change to the ordinance to match this timeline.	The rule text has been updated to allow applicants who have paid the tenant relocation fee to request a refund of unspent funds after all eligible tenants have been provided the financial assistance they qualify for under the program and have relocated from the property.
37	16.5	A.J. Bingham	Section (A)(4) Revise to read: "Applicants may request a refund of unused funds no earlier than 3 years after the later of (i) the date the fees were paid to the City for the purpose of relocating income-eligible tenants and (ii) the date the eligible tenants in the multi-family redevelopment or mobile home park were required to vacate such redevelopment or mobile home park. The fee paid by a Developer under Section 25-1-715 (Tenant Relocation Assistance – Developer Funded) shall be used to fund any eligible tenant relocation assistance to tenants displaced at the project for which the applicant paid the fee."	The rule text has been updated to allow applicants who have paid the tenant relocation fee to request a refund of unspent funds after all eligible tenants have been provided the financial assistance they qualify for under the program and have relocated from the property. The stipulation that any funds collected from a developer/applicant may only be used to relocate tenants from that property is included in Section 16.7 - Use and Expenditure of Tenant Relocation Fees Provided by Applicants.

Comment #	Rule Section	Submitted By	Comment	Response
38	16.5	A.J. Bingham	Section (A)(4)(A) The fee should be calculated on "Total Number of Displaced Units that will result in the applicable rezoning or permit being granted multiplied by the fee less the number of new affordable units to be developed as a result of the rezoning or permit being granted." The term "Bedroom" should be stricken. Only displaced units are to be considered; the fee itself will take into account # of bedrooms. Only the displaced units will be used in the calculation of the fee, and only tenants under 92.001 and 94.001 of the Texas Property Code occupying the premises on the date the notice is delivered will be entitled to the fee."	It is the City's intention that the calculation of the fee be based on the full number of bedrooms affected by the redevelopment work, not on the number of occupied bedrooms, to prevent incentivizing property owners from ending leases with tenants sooner than necessary to avoid paying a larger fee. The number of bedrooms is specified rather than the total number of units because relocation costs are typically different depending on the size of the unit a household is relocating from. The City assumes the tenant household will relocate to a similarly sized unit (i.e. from a two-bedroom unit to another two-bedroom unit). This is consistent with other cities' methodologies for calculating financial assistance for displaced tenants. Exploration of potential waivers or reductions in fees for provision of affordable housing will be pursued following the completion of the tenant relocation fee nexus study. Tenant eligibility for financial assistance is discussed in City Code § 25-1-714 and Section 16.4 of these rules. "Tenant" is defined in the Tenant Notification and Relocation Assistance Ordinance (Ordinance No. 20160901-050) and includes the stipulation that there be a rental agreement or lease.
39	16.6	Bob Thompson	The Fee Methodology is specified to be based "per bedroom". At the very least, "bedroom" should be clearly defined within these rules, not deferred to some unspecified place elsewhere in "applicable regulations". In general, "bedroom" is somewhat ambiguous, given the variety of housing configuration. There exist a wide variety of rooms other than rooms clearly configured as bedrooms with adequate square footage, ample closet space and nearby bathrooms. For example, there are loft rooms, bonus rooms, TV rooms, rooms too small to accommodate beds, rooms very distant from bathrooms, room without adequate closet space, etc. The population density of rooms may vary from less than 1 person per room to more than 5 persons per room.	This section has been updated to include a citation in City Code for the definition of "bedroom."
40	16.6	Bob Thompson	Part 10 on the TRO directs the city manager to seek guidance on whether this penalty should be "per unit" or "per building", and on whether proof of a culpable mental state should be required for prosecution. It seems appropriate to me that these rules should contain such guidance. I suggest that the penalty be reduced by making it apply "per building" or "per permit application" where improper notification has occurred, and that a culpable mental state should indeed be required to be proved before prosecution. I also suggest that the rules prescribe some robust avenue of appeals which owners might pursue.	Comments noted. Part 10 of the ordinance also directs staff to seek input regarding the calculation of the relocation assistance fee following the completion of the nexus study. Both the penalties and enforcement issues and the relocation assistance fee will be discussed with stakeholders at that time.

Comment #	Rule Section	Submitted By	Comment	Response
41	16.6	Paul Cauduro	Section A) Should be edited to make clear that only affected units are used in the calculations and not "all" units at the property as currently written. Suggested language change: "Where tenant relocation assistance is required under City Code 25-1-715 (Tenant Relocation Assistance - Devloper Funded), NHCD shall calculate the fee by applying the following formula to all affected units existing in multi-family buildings or mobile home parks included in the zoning or land use application."	It is the City's intention that the calculation of the fee be based on the full number of bedrooms affected by the redevelopment work, not on the number of occupied bedrooms, to prevent incentivizing property owners from ending leases with tenants sooner than necessary to avoid paying a larger fee. The rule text has been updated to allow applicants who have paid the tenant relocation fee to request a refund of unspent funds after all eligible tenants have been provided the financial assistance they qualify for under the program and have relocated from the property. The formula has been updated to reflect the fact that only bedrooms in units covered under the PUD, zoning, or other discretionary land use application triggering payment of the tenant relocation fee will be used to calculate the fee, making it consistent with what is already stated in the section.
42	16.6	Paul Cauduro	For the methodology, it is unclear why bedrooms are used to determine the amount of developer fees owed to the Developer Fund for Tenant Relocation Assistance. The city will know the precise number of affected residents as well as have a rent roll form that identifies the affected residents. With this information, the city will be able to determine a fee amount that directly corresponds to the number of affected residents. Moreover, since developer funds collected will "be disbursed only to eligible low-income tenants being displaced from the development or site for which the payment was made, consistent with requirements of City Code § 25-1-714 (Tenant Relocation Program)" (as stated in section 16.7 USE AND EXPENDITURE OF TENANT RELOCATION FEES PROVIDED BY APPLICANTS), in order to prevent overpayment of fees the methodology must also be refined to reflect fee payment responsibility only for eligible residents. Finally, the methodology calculation presents an opportunity to provide a credit for those situations when any Low-Income Tax Credit units or other income restricted units that will be built at the site exceeds the number of units removed from the site. Suggested methodology: Number of Notification Packets Delivered to Eligible Low-Income Tenants x Fee = Total Fee* *25% Fee Credit will be given to any applicant when the number of income restricted units delivered to the site exceeds the number of units removed from the site.	It is the City's intention that the calculation of the fee be based on the full number of bedrooms affected by the redevelopment work, not on the number of occupied bedrooms, to prevent incentivizing property owners from ending leases with tenants sooner than necessary to avoid paying a larger fee. The number of bedrooms is specified rather than the total number of units because relocation costs are typically different depending on the size of the unit a household is relocating from. The City assumes the tenant household will relocate to a similarly sized unit (i.e. from a two-bedroom unit to another two-bedroom unit). This is consistent with other cities' methodologies for calculating financial assistance for displaced tenants. The rule text has been updated to allow applicants who have paid the tenant relocation fee to request a refund of unspent funds after all eligible tenants have been provided the financial assistance they qualify for under the program and have relocated from the property. Exploration of potential waivers or reductions in fees for provision of affordable housing will be pursued following the completion of the tenant relocation fee nexus study.
43	16.6	Stephanie Trinh	Section (A) Please clarify whether or not the formula and fee for multi-family units and mobile homes differ. It currently reads as if there will be only one formula for all scenarios. Is the nexus study going to differentiate between mobile home parks and multi-family units?	This section has been updated to clarify that the fees for mobile home units may differ from the fees for multifamily units.

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44	16.6	Juliana Gonzales	Section (A) states that bedrooms will "meet the City's definition of a "bedroom" under applicable regulations....." Because a number of regulations are in play in calculating occupancy in the City, we recommend identifying the regulatory regulation being referenced (i.e., Austin City Code).	This section has been updated to include a citation in City Code for the definition of "bedroom."
45	16.7	Paul Cauduro	It is suggested that an additional provision be added that provides the applicant/developer information about fund disbursements made on behalf of the applicant/developer. Under this proposed new provision, the City would provide an accounting statement that shows the total fees paid by the applicant into the Developer Fund for Tenant Relocation Assistance and the total fees disbursed to eligible tenants upon behalf of the applicant/developer.	When the applicant applies for a refund of tenant relocation fees paid to the City, information on amount paid and amount spent can be provided. This has been added to the draft rule text in Section 16.5.
46	16.7	Stephanie Trinh	This Section should specify who is responsible (NHCD or applicant) for notifying tenants that there are funds available for relocation assistance and how they will be notified.	Information regarding available financial assistance for eligible tenants will be included in the tenant notification packets (once funding is available), which will be distributed to tenants as specified in Section 16.3.
47	16.7	Allyson Evans	Where are the Tenant Relocation Assistance Program Guidelines? How will these guidelines be developed? How is eligible low-income tenant defined?	The Neighborhood Housing and Community Development Office (NHCD) will develop program guidelines for administering the Tenant Relocation Assistance Program. The guidelines will specify how the City of Austin will contract with third-party organization(s) to provide housing location assistance, income verification, and/or disbursement of financial assistance on behalf of eligible tenants and will further specify the procedures needed to determine eligibility of tenants and uses of funds. Funding amounts that tenants can qualify for will be established and incorporated into the Program Guidelines as they are developed, taking into consideration the findings of the pending Tenant Relocation Fee Nexus Study. Once created, the guidelines will be available on the City's website. Income eligibility requirements for tenants are described in City Code § 25-1-714. Section 16.4 has been updated to include these requirements.
48	16.7	Juliana Gonzales	Section (B) references "eligible low income tenants."What standard for determining income eligibility will be used?	Income eligibility requirements for tenants are described in City Code § 25-1-714. Section 16.4 of the rules has been updated to include these requirements. Income eligibility is based on the Austin-Round Rock Metropolitan Statistical Area's median family income as measured by the US Department of Housing and Urban Development.

Comment #	Rule Section	Submitted By	Comment	Response
49	16.7	A.J. Bingham	Section (B) Add the following to the end of such section "in no event will persons exempted in Section 25-1-711 be entitled to any relocation benefits under the Tenant Relocation Assistance – Developer Funded. It being agreed that the fee paid by the developer shall actually be used to fund relocation assistance at the project for which such developer pays its fee."	No change recommended; this information is already contained in Section 16.7 of these rules and City Code § 25-1-715 (which stipulate that funds paid for tenant relocation by developers or applicants will only be used to provide relocation assistance to eligible tenants residing at the property for which the application triggering the fee was filed), and in City Code § 25-1-711 (which lists instances to which the ordinance requirements would not apply).
50	16.7	A.J. Bingham	Section C) Change the term "income-eligible households" to "income-eligible tenant households"	This change has been incorporated.