

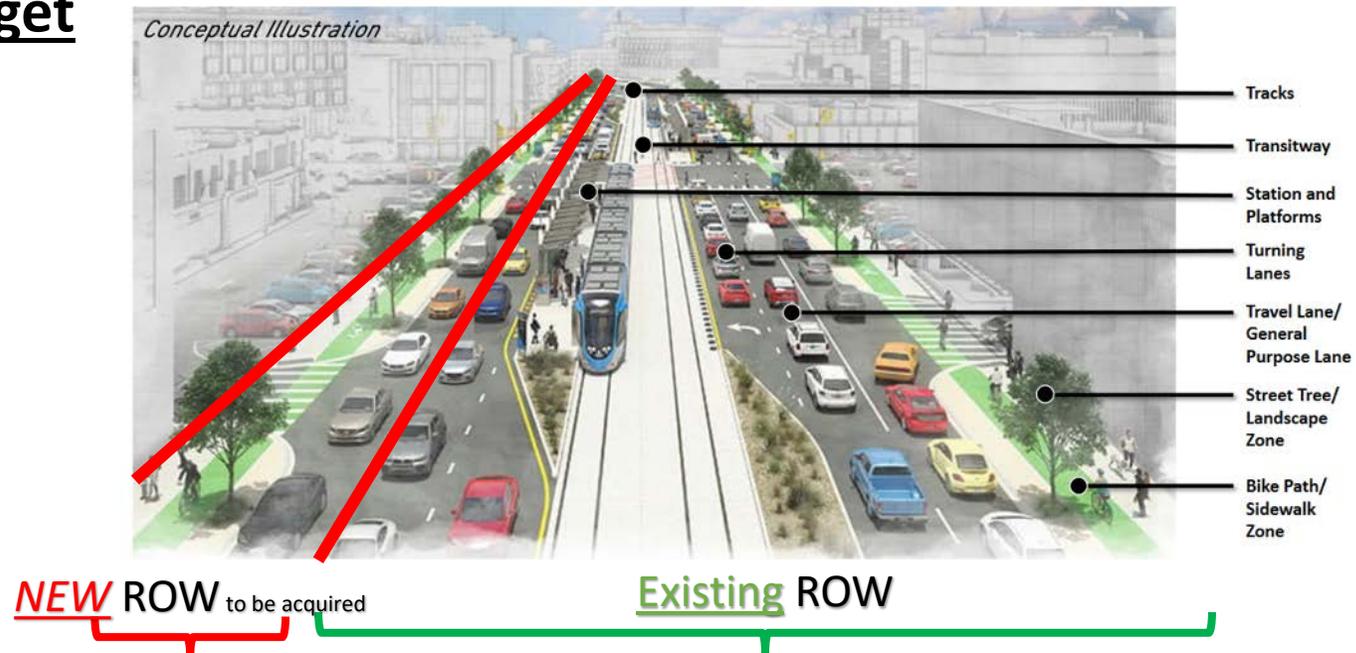


Right-of-Way and Real Property Acquisition Process Overview

Community Advisory Committee
July 14, 2022

Property Rights and Risk

- Before a project can be developed, land and other real property interests not already owned by the agency (or partner) will have to be identified and eventually acquired
- Real Property and Right-of-Way (ROW) Acquisition is a significant risk to both project **Schedule** and **Budget**



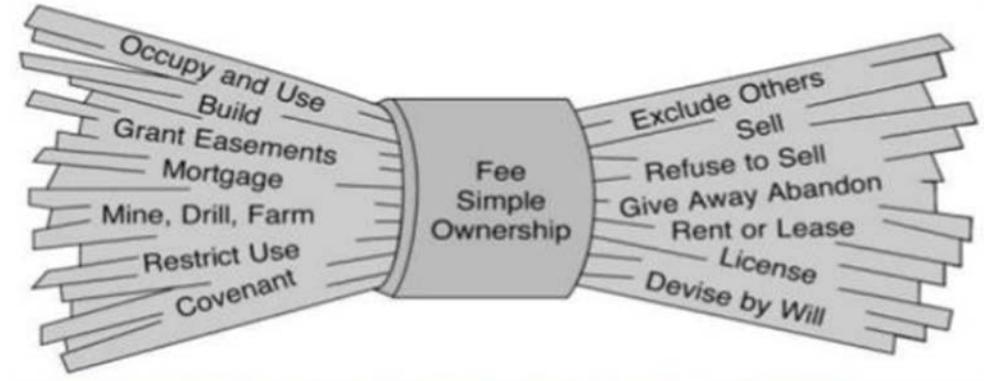
Property Rights

- Real Property needs vary

- Fee Simple (Full Fee)
- Less than Full Fee (Easement, Encroachment Agreement)
- Temporary Interests (Temporary Construction Easement, License Agreement)

- The Federal Transit Authority (FTA) requires Satisfactory Continuing Control

- Legal assurance that the project property will remain available to be used for its originally authorized purpose throughout its useful life or until disposition



Easement Types

Right of Way

Utility

Access

Subterranean/Underground/Tunnel

Aerial

Sidewalk

Uniform Relocation and Real Property Acquisition Act of 1970 (URA/Uniform Act)

- Federally assisted projects require Uniform Act policies are followed
- Establishes minimum standards for real property acquisition and relocation of those displaced
 - Ensures people whose real property is acquired or who are displaced as a result are treated fairly and equitably and receive just compensation for, and assistance in moving from, the property they occupy
 - Ensure agencies implement regulations in an efficient and cost-effective manner
 - Just Compensation
 - Relocation Assistance

Texas Property Code/Landowner's Bill of Rights



1. Entitled to Just Compensation
2. Only for Public Use
3. Only by governmental entity authorized by law
4. Entity must notify
5. Written appraisal from certified appraiser
6. Bona fide offer (good faith offer)
7. Landowner may hire an appraiser or other for help in condemnation proceeding
8. Landowner may hire an attorney to represent them
9. Prior to litigation, entitled to an administrative hearing with 3 special commissioners to determine compensation owed
10. If unsatisfied with compensation awarded, right to trial by judge or jury and appeal.

NEPA Clearance

- Agencies may not acquire real property in advance of NEPA Clearance (Record of Decision/ROD)
- Real Estate Acquisition Management Plan (RAMP): FTA approval of plan prior to acquisition

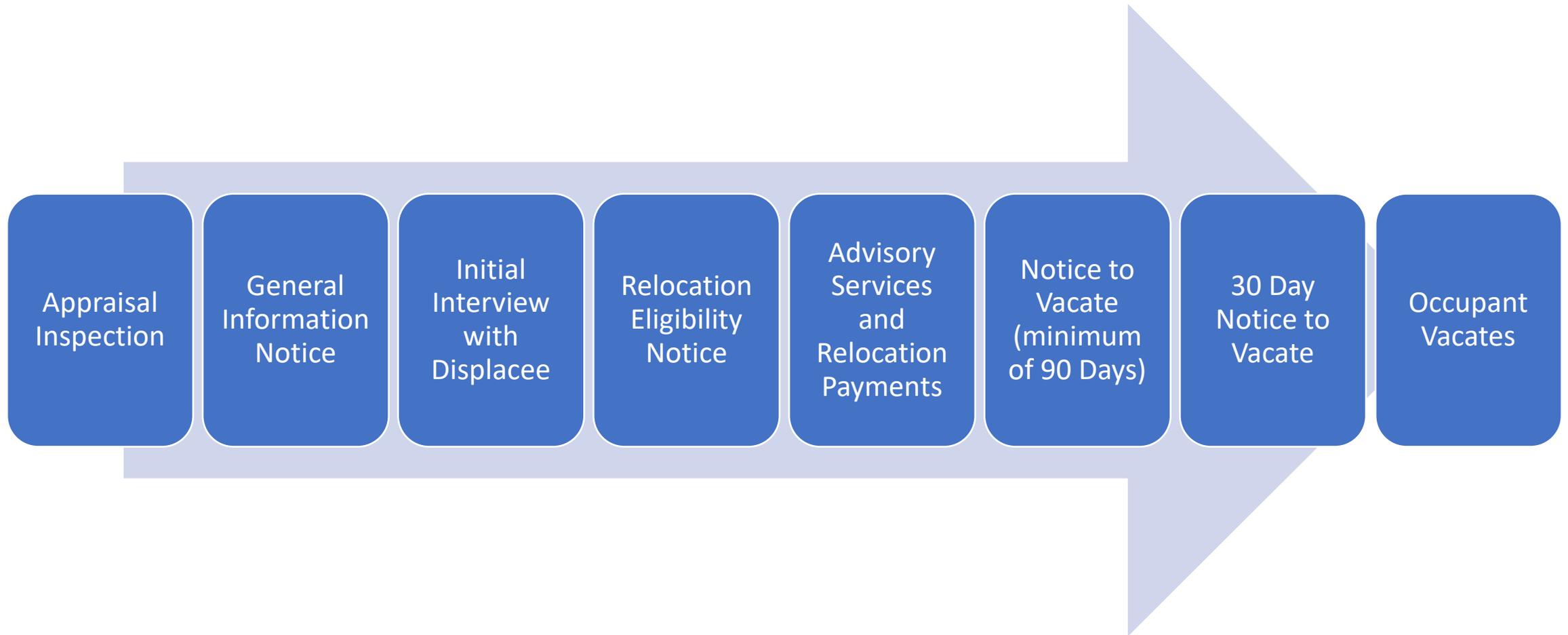
...unless

- 2 Categories of limited exception with FTA Approval
 - Corridor Preservation
 - Hardship or Protective Acquisition

Acquisition Process Under the Uniform Act

- Board approval of acquisition and/or use of eminent domain
- Notice to property owner
- Right of entry/Survey of property to be acquired/Environmental Site Assessment
- Establishing Just Compensation
 - Appraisal (right for property owner to accompany the appraiser)
 - Appraisal Review
 - Agency establishes just compensation (no less than appraised value) *Requires FTA concurrence over \$1M
- Initial Offer
- Negotiation
- Settlement or Condemnation *Requires FTA concurrence over \$1 Million or Settlement \$50,000 above appraised value
- Closing and Title to property and Possession

Relocation Process Under the Uniform Act



Types of Displacements

Residential

- Owner-Occupant (Homeowner)
- Tenant

Non-Residential: Business/Farm/Non-Profit

- Property Owner
- Landlord
- Tenant

What is Relocation Assistance? Residential

Advisory Services

Replacement Housing
Payment (RHP) up to
\$31,000* (owner-
occupants)

Rental Assistance
Payment (RAP/Down-
payment Assistance) up
to \$7,200* (tenants)

Incidental Expenses
(closing costs)

Moving expenses
(personal property)

- Fixed or Actual/Reasonable

*Housing of Last Resort

What is Relocation Assistance? Non-Residential/ Business/Farm/Non-Profit

Advisory Services

Re-establishment Expense Payment, up to \$25,000

Moving Expenses (personal property)

- Actual and Reasonable
- Searching expenses, up to \$2,500

Fixed payment, up to \$40,000

Timeline

Rights of Entry: approximately 90 days

Title/Survey: approximately 90 days

Appraisal: approximately 90 days

Negotiation: approximately 9 months (from initial offer made to petition filed/closing)

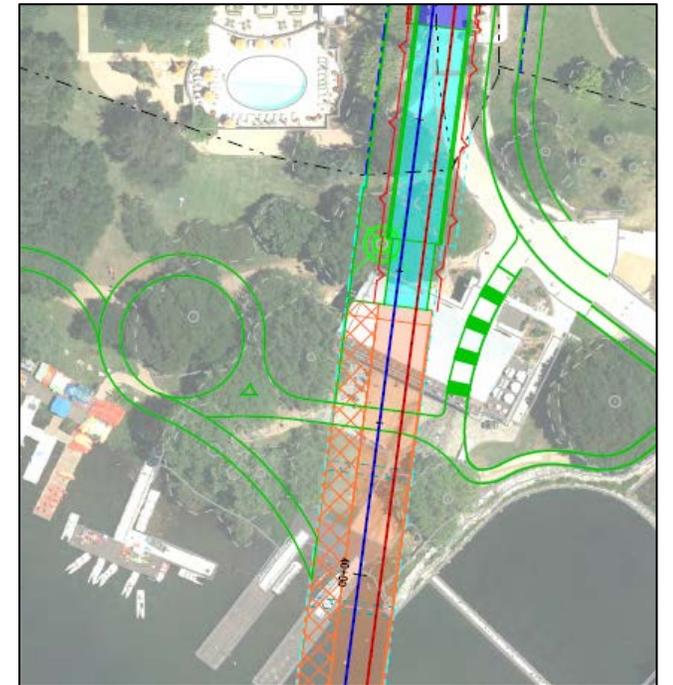
Condemnation: approximately 8 months (from petition filed to deposit/possession)

Relocation: ongoing during negotiation process with a minimum of 30 days from possession for displacee to vacate

Questions and Comments?

Waller Beach and Boathouse Acquisition

- City cannot convey parkland without voter approval
 - Acquisition process with need for eminent domain to change ownership
 - Fair market value for land and improvements received by the City
- 6F conversion of parkland
 - City/ATP must find replacement parkland of equal value (\$)
- Chapter 26 Hearing for change of use from parkland





**HOUSING &
PLANNING**

Project Connect Anti-Displacement Community Acquisition Program

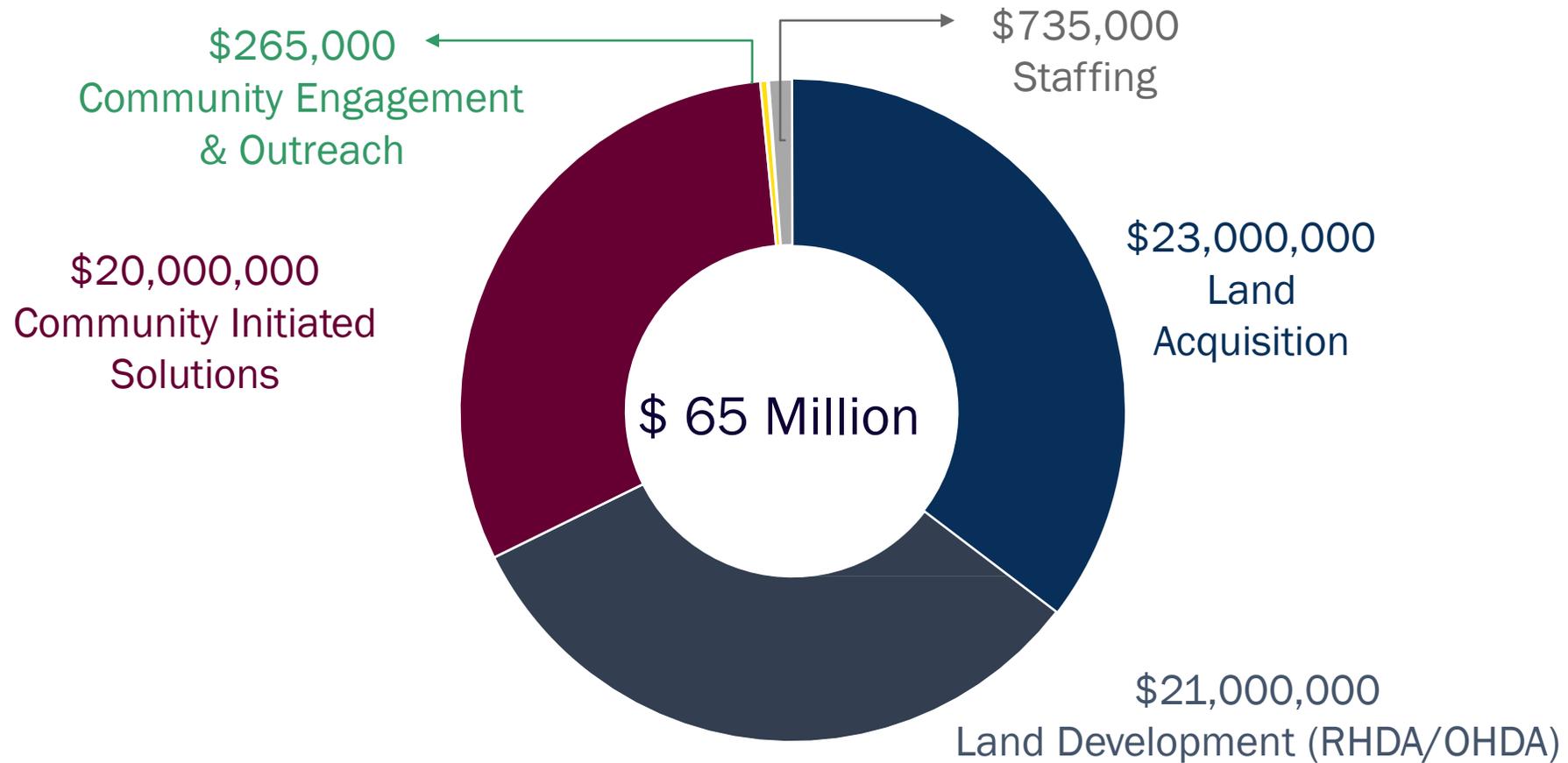
Presentation to Project Connect Citizen Advisory Committee

Jamey May, Housing and Community Development Officer

July 14, 2022

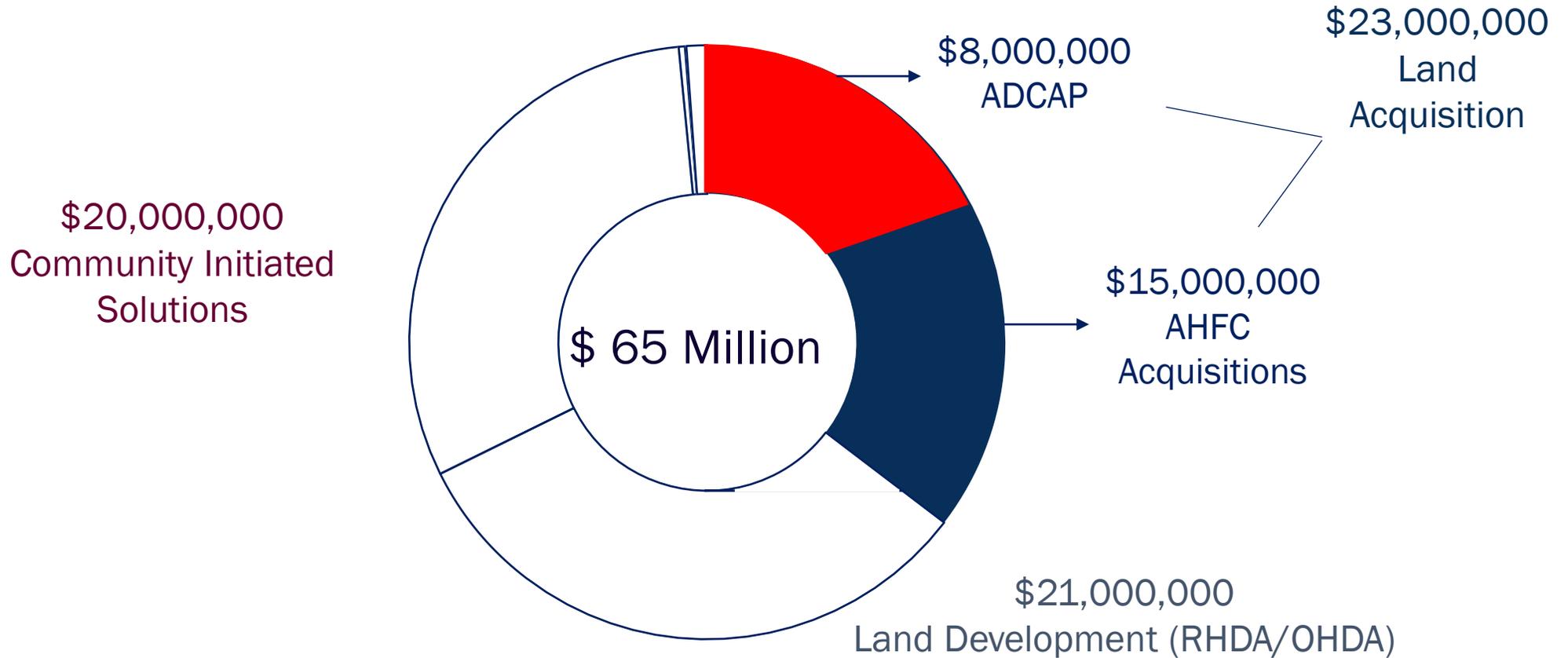


Anti-Displacement Investment Budget – Years 1 & 2





Anti-Displacement Investment Budget – Years 1 & 2





Austin Housing Finance Corporation (AHFC)

- AHFC is a quasi-public non-profit instrumentality of the City of Austin created in 1979 and authorized by State law, to implement strategies to increase the supply of low-income housing in Austin.
- Staffed by City of Austin Housing and Planning Department staff
- AHFC Board of Directors is the Austin City Council
- AHFC has expended between \$20 million to \$50m per year (since 2013) towards meeting its housing mission



AHFC Acquired Properties





Project Connect Anti-Displacement Community Acquisition Program (ADCAP)

Zero percent interest loans that are available on a rolling basis:

- to “small community-based” 501c3 non-profits with experience renovating, constructing, leasing, and selling affordable housing in Austin
- for the acquisition of vacant and improved property one acre or less in size, to be developed, renovated, leased, and sold as affordable housing to low-income households
- in areas experiencing or vulnerable to displacement no more than one-mile from a proposed Project Connect bus or rail line



Project Connect Anti-Displacement Community Acquisition Program (ADCAP)

Loans may be provided to close on vacant and improved property at 100% of purchase price, or may be provided on a reimbursement basis for up to 90% of the purchase price

These funds can be combined with AHFC Housing Development Assistance (gap financing) to help fund predevelopment and construction, but applicants must apply for that Program separately



HOME Program Income Limits

Income Limit	1 Person	2 Persons	3 Persons	4 Persons	5 Persons	6 Persons	7 Persons	8 Persons
20%	15,450	17,650	19,850	22,050	23,800	25,600	27,350	29,100
* 30%	23,200	26,500	29,800	33,100	35,750	38,400	41,050	43,700
40%	30,900	35,300	39,700	44,100	47,650	51,200	54,700	58,250
* 50%	38,650	44,150	49,650	55,150	59,600	64,000	68,400	72,800
* 60%	46,380	52,980	59,580	66,180	71,520	76,800	82,080	87,360
65%	50,200	57,350	64,550	71,700	77,450	83,150	88,900	94,650
70%	54,050	61,750	69,500	77,200	83,400	89,550	95,750	101,900
* 80%	61,800	70,600	79,450	88,250	95,350	102,400	109,450	116,500
100%	77,200	88,250	99,250	110,300	119,100	127,950	136,750	145,600
120%	92,650	105,900	119,100	132,350	142,950	153,550	164,150	174,700
140%	108,100	123,550	139,000	154,400	166,750	179,150	191,500	203,850

*** Income provided by HUD.**

Other income limits calculated by HPD based on the formula used by HUD.

HUD rounds to the nearest \$50 dollars

MFI Chart was expanded to include other percentages used by HPD.

HOME Program Rent Limits

	Efficiency (1 person)	1 BR (2 persons)	2 BR (3 persons)	3 BR (4 persons)	4 BR (5 persons)	5 BR (6 persons)	6 BR (7 persons)
30% Rent Limit	\$ 580.00	\$ 662.00	\$ 745.00	\$ 827.00	\$ 893.00	\$ 960.00	\$ 1,026.00
* 50% Rent Limit	\$ 966.00	\$ 1,035.00	\$ 1,241.00	\$ 1,434.00	\$ 1,600.00	\$ 1,765.00	\$ 1,930.00
* 65% Rent Limit	\$ 1,235.00	\$ 1,325.00	\$ 1,592.00	\$ 1,830.00	\$ 2,023.00	\$ 2,213.00	\$ 2,404.00
80% Rent Limit	\$ 1,545.00	\$ 1,765.00	\$ 1,986.00	\$ 2,206.00	\$ 2,383.00	\$ 2,560.00	\$ 2,736.00
120% Rent Limit	\$ 2,316.00	\$ 2,647.00	\$ 2,977.00	\$ 3,308.00	\$ 3,573.00	\$ 3,838.00	\$ 4,103.00
* LOW HOME Rent Limit	\$ 966.00	\$ 1,035.00	\$ 1,241.00	\$ 1,434.00	\$ 1,600.00	\$ 1,765.00	\$ 1,930.00
* HIGH HOME Rent Limit	\$ 1,092.00	\$ 1,236.00	\$ 1,451.00	\$ 1,830.00	\$ 2,023.00	\$ 2,213.00	\$ 2,404.00
For Information Only (Below)							
* FAIR MARKET RENT	\$ 1,092.00	\$ 1,236.00	\$ 1,451.00	\$ 1,867.00	\$ 2,194.00	\$ 2,523.00	\$ 2,852.00

*** Rents provided by HUD.**

Other rent limits calculated by HPD.



Roundtable Discussion

- July 27
- Community Organizations
- Discuss Funding availability – ADCAP, RHDA, OHDA, etc.



HOUSING &
PLANNING



**HOUSING &
PLANNING**

Thank you



HOUSING &
PLANNING



**HOUSING &
PLANNING**

Anti-Displacement Investments Updates

CAC General Meeting
July 14, 2022



Community Initiated Solutions

Timeline

Apply

Review

Award



Applications open: April 11
Deadline to apply: June 27

Technical Assistance Workshops
April 27 – June 10

Community Evaluator Applications
April 20 – May 20

Evaluation Panel Review
Summer 2022

CAC Working Group Recommendations
Late Summer/Fall 2020

Recommendations to City Council/ AHFC Board
September 2022

Funds Disbursed
Fall 2022 - Winter 2023



Community Initiated Solutions

Applications

- The solicitation which opened from April 11, 2022 through June 27, 2022, the City of Austin Housing and Planning Department (HPD) in coordination with Austin Housing Finance Corporation (AHFC) received an overwhelming response from nonprofit organizations and partnerships interested in stabilizing tenants and homeowners, building economic mobility, and to address displacement pressures along the Project Connect lines.
- We **Received 37 applications totaling \$68,575,922 in requests.**



Community Initiated Solutions Review Process

The application review process involves multiple evaluations by different groups.



Completeness Check

Applications will be pre-screened by staff to ensure minimum requirements are met.



Community Evaluation Panel

Applications will be reviewed by a community evaluation panel composed of practitioners, academics, and stakeholders from communities most impacted by displacement. The panels will review and score proposals using evaluation criteria informed by the Nothing About Us Without Us report and tool. The review panels will provide a list of scored, ranked proposals to a working group of the CAC.



Review Panel

A working group of the Community Advisory Committee will consider balances between funding categories and recommend proposals for funding to AHFC Board for final approval.



Budget Prioritization & Community Engagement

- HPD staff and CAC anti-displacement working group have been working together on a community engagement plan for the prioritization of funding for the next three years (2022-2025).
- In-person and virtual engagement opportunities expected throughout the Fall 2022, with a geographic focus on the communities most impacted by displacement.
- More details to be shared during the August meeting.



INCLUSIVE OUTREACH

Community Engagement & Involvement

Lonny Stern

July 14, 2022

What is “Community Engagement?”

Liaise with the public to gather information, feedback, frustrations, and approval to make Project Connect (and transit) services better.

- Public meetings and presentations
- At-stop outreach
- Survey intercepts
- Focus groups
- Transit / facility tours
- Conversations with bus riders and operators
- Monitoring social media
- Media appearances, podcasts, radio shows
- Meetings with property owners, business owners
- Meetings with planners, engineers, architects, facilities, consultants
- Meetings with elected officials, commissioners, bureaucrats
- Recommendations to Planners, Exec, Mar/Comm, Govt Relations, and HR



Community Engagement Update

Event	Attendees	Streaming
<ul style="list-style-type: none"> • June 14 The Drag Design Updates 	170	251
<ul style="list-style-type: none"> • June 20 Subway Station Overview 	138	545
<ul style="list-style-type: none"> • June 23 District 1 Townhall 	12	--
<ul style="list-style-type: none"> • June 28 University Area Partners 	26	--
<ul style="list-style-type: none"> • July 1 LULAC/HACA Women's Conference 	76	--
<ul style="list-style-type: none"> • July 5 ADAPT 	6	--
<ul style="list-style-type: none"> • July 11 Heritage Neighborhood 	20	--
<ul style="list-style-type: none"> • July 15 TX Institute of Transportation Engineers 		
<ul style="list-style-type: none"> • July 17 Paramount Theatre – <i>Sister Act</i> 		
<ul style="list-style-type: none"> • July 18 McKalla Station Groundbreaking 		
Advisory Groups		
<ul style="list-style-type: none"> • June 21 PCAN Meeting 		
<ul style="list-style-type: none"> • July 14 CAC Meeting 		



Community Meeting Demographics Overview

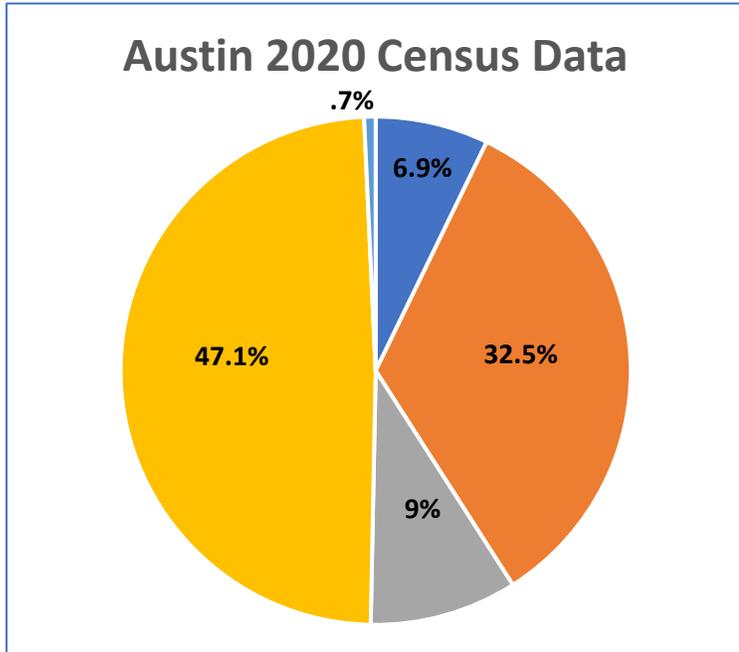
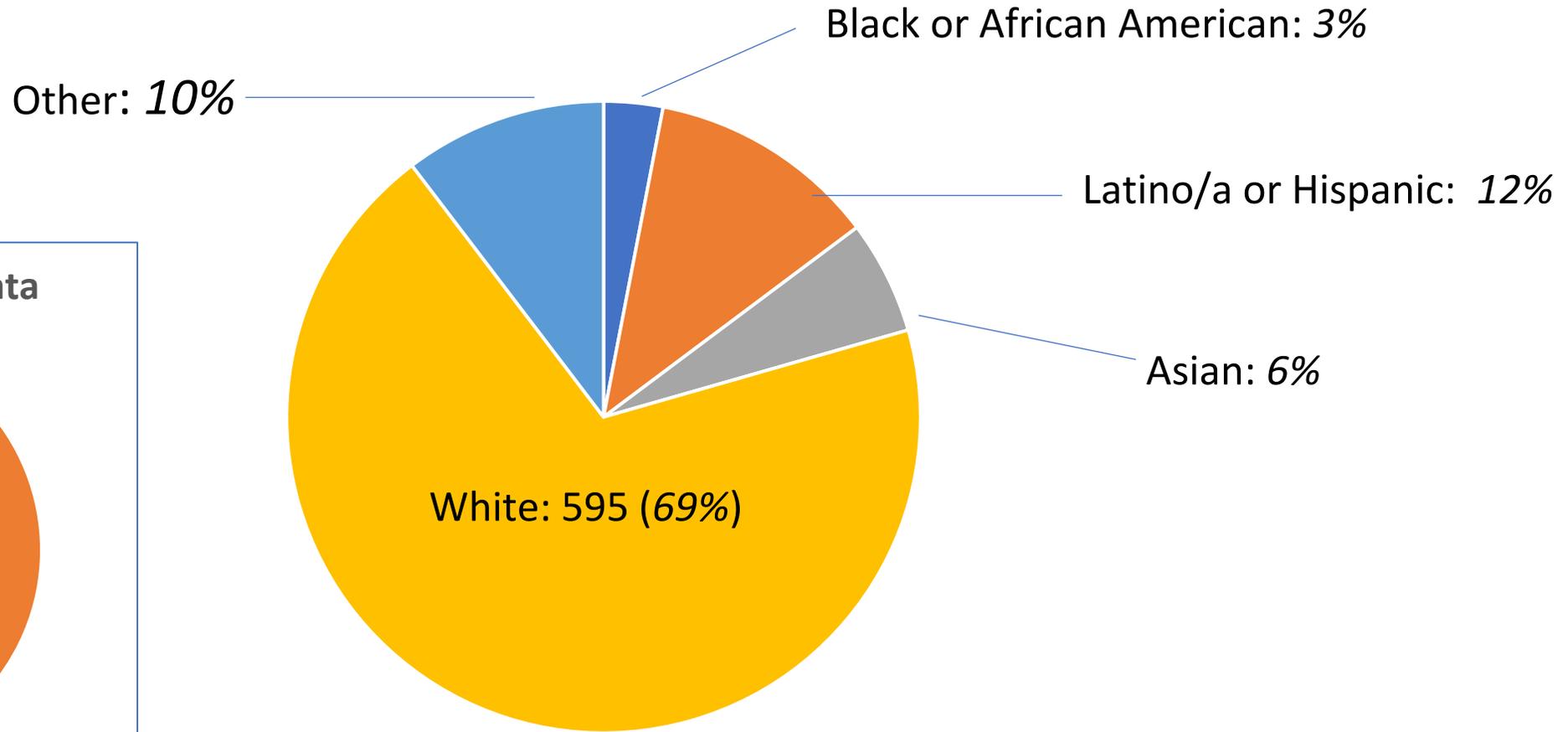
March-June 2022

Key considerations

- Demographic data was not required for participation in meetings.
 - Statistics shown reflect data provided by those who chose to answer.
- ~ 40% of participants did not complete demographic survey questions.
- Requiring responses to demographic questions can be a barrier to participation.
- Nearly all community meetings have been virtual since 2020.
- This data does not reflect in-person engagement or outside events
 - e.g., at-stop outreach, neighborhood associations, special event tabling

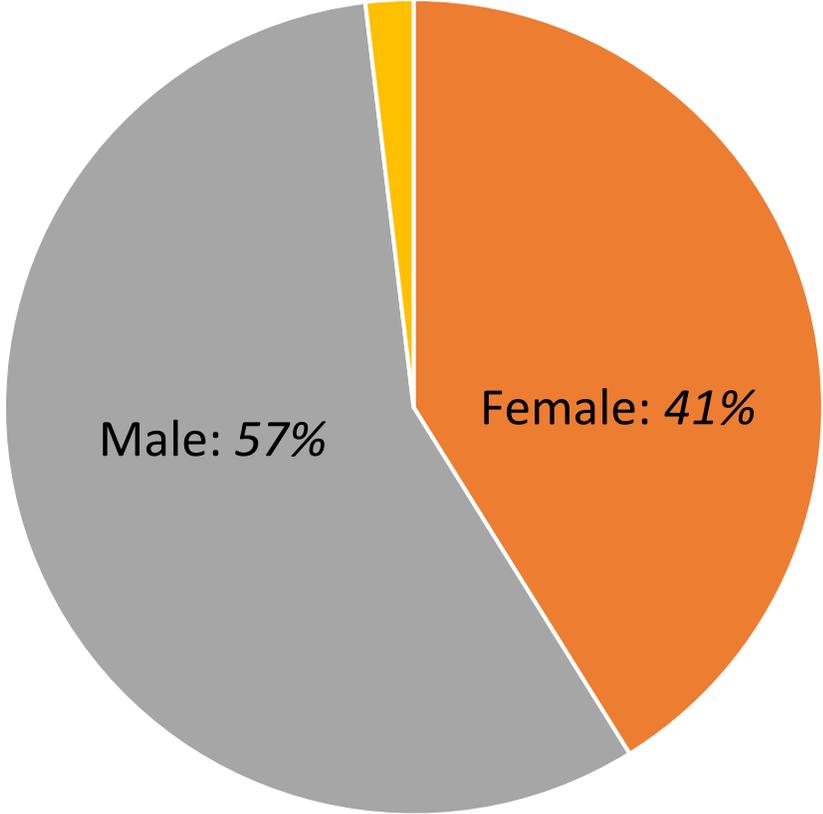


Total Responses to Race/Ethnicity Question: 861



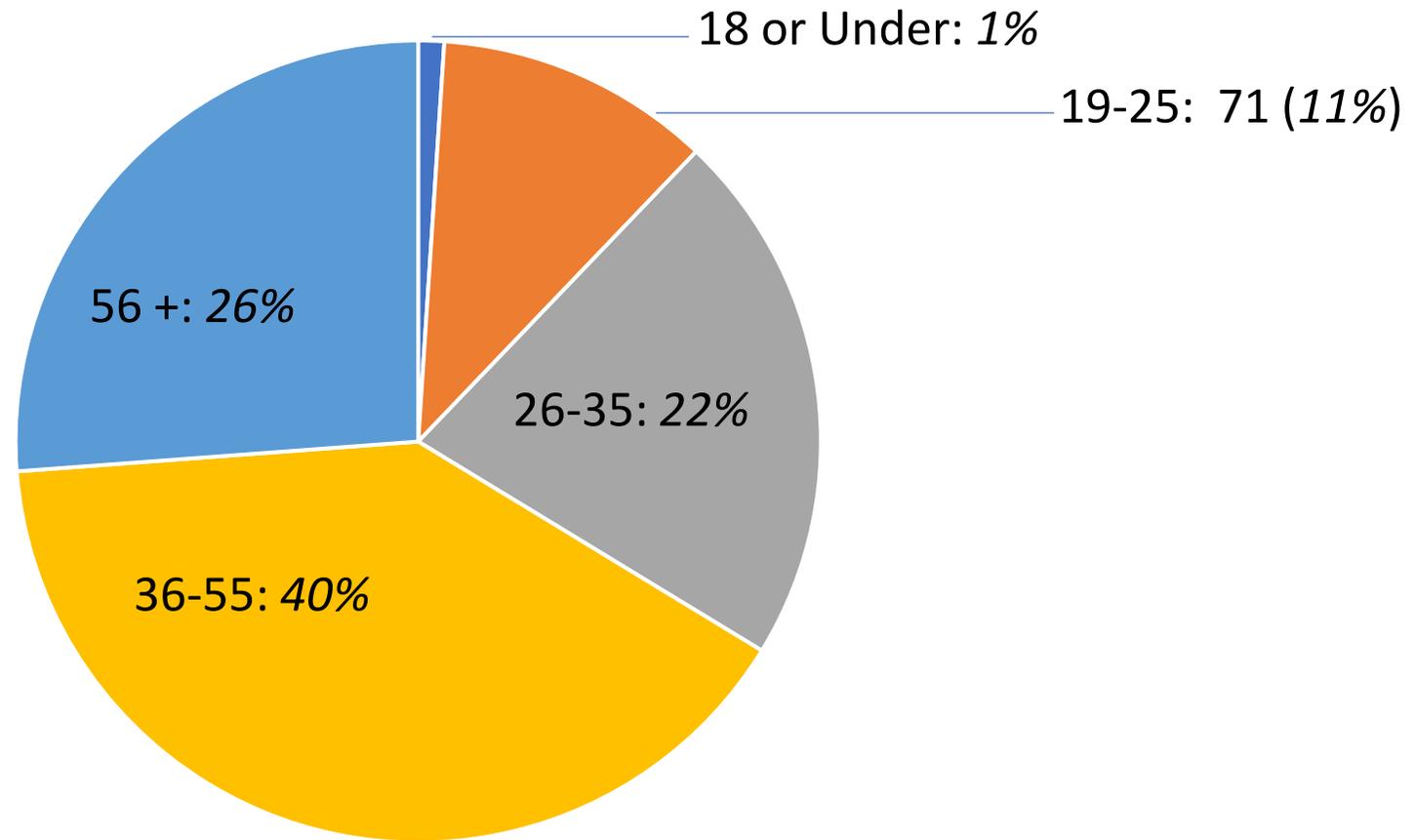
Total Responses to Gender & Sexuality Question: 848

Gender Non-Conforming:

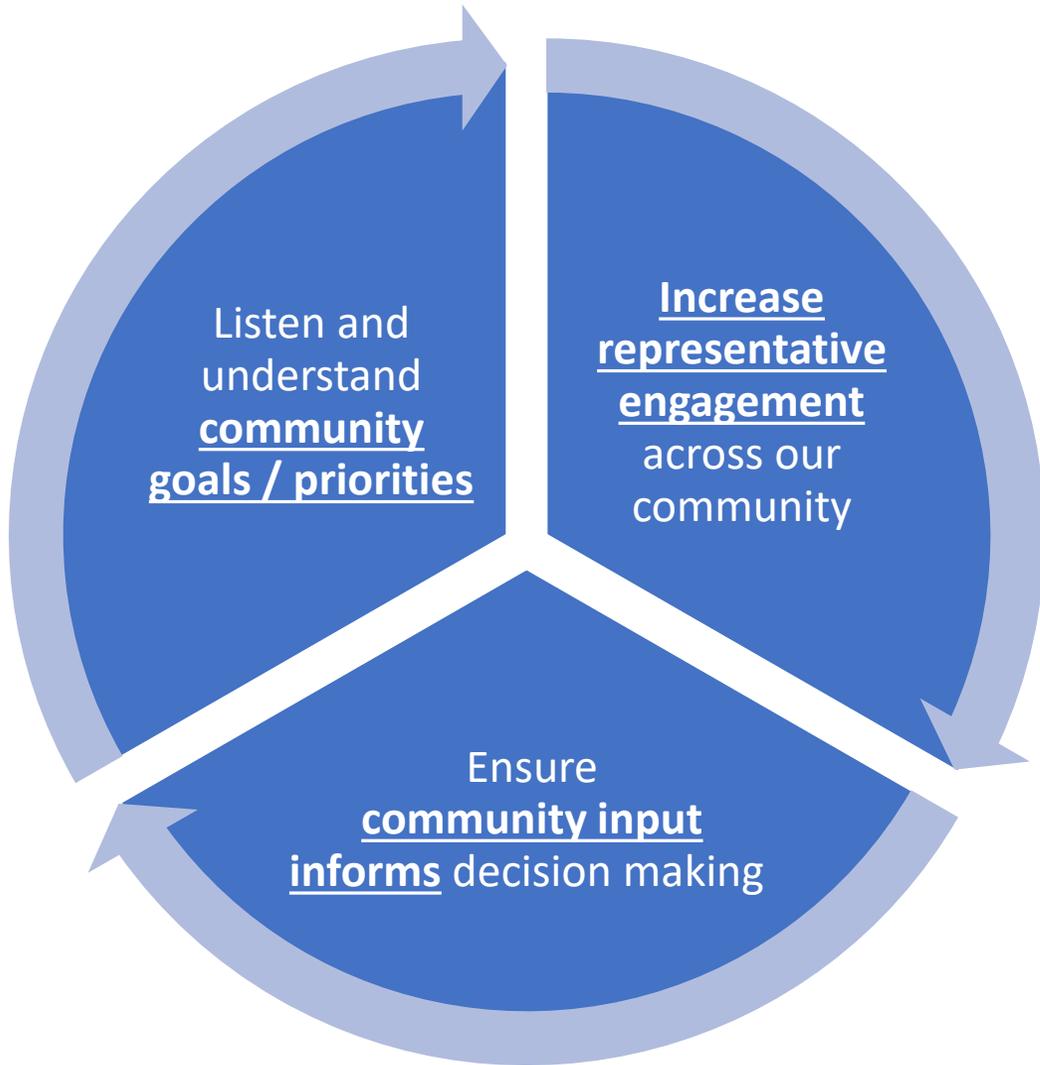


*75 Respondents Identified as LGBTQ+

Total Responses to Age Question: 672



Next Steps



Strategies

- Increase in-person engagement
- Find ways to collect demographics outside Zoom
- Assess weighting of various community goals / priorities

Ongoing work

- Business Empowerment Fund
- Equitable Transit Oriented Development (ETOD) Study
- Briefings / Activation Events
- Community Survey / Focus Groups

**AUSTIN
TRANSIT
PARTNERSHIP**

THANK YOU!



ATP Board slides for CAC

July 14, 2022



Project Connect Ordinance Webinar

- City Council directed staff to review City code, criteria and administrative processes for items that would impede the implementation and construction of Project Connect.
- Staff will be returning to Council with an ordinance containing initial recommendations in December 2022.
- An early round of public outreach in the form of a webinar will take place in August. It will be recorded and saved on the Project Connect website.
- This webinar will share what staff found in their review and preview initial changes that will be needed given what is known at this time.



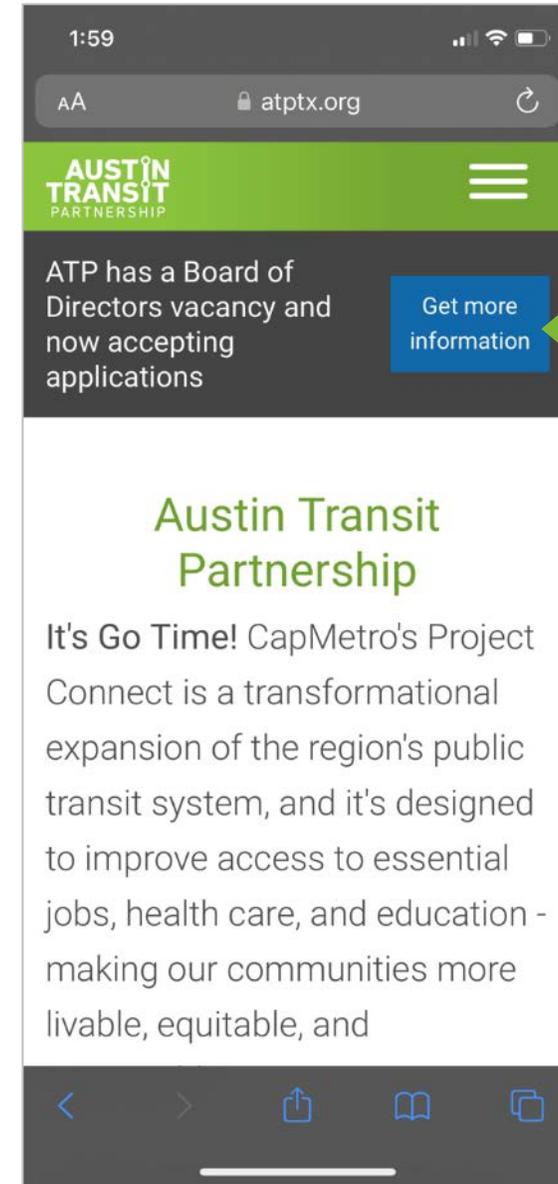
ATP Board Member Application & Appointment Process

- The application and more information about how to apply can be found on the Austin Transit Partnership's at www.atptx.org.
- Vacancy is for the **Community Expert Director in Community Planning or Sustainability**.
- Application will close **August 12th at 5pm**
- **Application Process:**
 - Resume
 - Letter of Interest
 - Optional form for demographic information
- Appointment subject to approval by Austin City Council and CapMetro Board.



Call to Action – *Help Us Spread the Word!*

- **Spread the word to your networks and people who might be interested and qualified**
 - Newsletter Article
 - Social Media Graphics & Content
- **Share content from**
 - @CapMetroATX
 - @ATP_org
 - @AustinTexasGov
- **More information: ATPTX.org**
 - *click the banner at the top of the home page*





ATP Staff Updates

Courtney Chavez

July 14, 2022



ATP Board Meeting – Time and Location Change

Austin Transit Partnership Board of Directors Meeting

Wednesday, July 20, 2022

10:30 AM

203 Colorado, Austin, TX 78701

ATP Board Room

<https://atptx.org/atp-board-meetings> (live stream)



Staff Update – ATP/CapMetro ILA

- CapMetro is applying for a Small Starts Grant Agreement with the FTA for Expo Center and Pleasant Valley MetroRapid bus lines
- ATP is committing to reimburse CapMetro approximately \$35.6 million
- Funding will be allocated from the ATP FY22 budget through a budget amendment
- CapMetro will be responsible for the design and procurement of the buses, stations, and supporting infrastructure
- Park and rides will be covered by a separate agreement

