

ESB 1190

THE HOUSE OF REPRESENTATIVES
Monday, April 7, 2008

ENGROSSED

Senate Bill No. 1190

As Amended

ENGROSSED SENATE BILL NO. 1190 - By: WYRICK of the Senate and GLENN of the House.

[lead-impacted communities - relocation and rental assistance grants -
emergency]

1 SECTION 1. AMENDATORY Section 3, Chapter 371, O.S.L. 2004, as amended
2 by Section 2, Chapter 226, O.S.L. 2006, and as renumbered by Section 6, Chapter 226,
3 O.S.L. 2006 (27A O.S. Supp. 2007, Section 2203), is amended to read as follows:

4 Section 2203. A. The Department of Environmental Quality is hereby authorized
5 to make grants, from monies appropriated for that purpose, to state beneficiary public
6 trusts serving communities affected by historic lead and zinc mining and located within
7 the boundaries of federal Superfund sites; provided, that any trust receiving such a grant
8 shall accept the following grant conditions:

9 1. Funds shall be used to assist individuals or married couples living within the
10 most affected area of the site and who are parents or legal guardians of children six (6)
11 years of age and younger. For purposes of the Lead-Impacted Communities Relocation
12 Assistance Act, "most affected area" shall mean the communities in which lead poses the

1 greatest threat to children's health and shall include a reasonable buffer area around
2 such communities. To be eligible for assistance under this subsection an individual or
3 married couple shall have both:

- 4 a. continually resided in the most affected area of the site since December
5 1, 2003, and
- 6 b. on December 1, 2003, either been pregnant or had residing with them
7 a child or children six (6) years of age and younger;

8 2. For those eligible for relocation assistance who have rented their living quarters
9 since December 1, 2003, and who can produce a valid rental contract or other proof of
10 rental arrangement, assistance shall be in an amount equal to the average cost of twelve
11 (12) months of rent for comparable housing elsewhere in the county. The trust shall
12 provide such assistance in periodic payments and not in a single lump sum. In addition,
13 eligible individuals or married couples shall receive reimbursement up to One Thousand
14 Dollars (\$1,000.00) for payment to a company in the moving business for at least two (2)
15 years or for reimbursement of actual moving expenses as demonstrated by receipts.

16 Recipients must agree, prior to accepting such assistance, that they will not again reside
17 within one-half (1/2) mile of the most affected area of the site until the State
18 Commissioner of Health formally determines that the area is safe for children six (6)
19 years of age and younger;

20 3. For those individuals and married couples eligible for relocation assistance who
21 have owned their homes since December 1, 2003, the trust shall purchase their homes for
22 an amount equal to the average cost of comparable housing elsewhere in the county. In

1 addition, such individuals shall receive reimbursement up to One Thousand Dollars
2 (\$1,000.00) either for payment to a company in the moving business for at least two (2)
3 years or for reimbursement of actual moving expenses as demonstrated by receipts.
4 Recipients must agree, prior to accepting such assistance, that they will not again reside
5 within one-half (1/2) mile of the most affected area of the site until the State
6 Commissioner of Health formally determines that the area is safe for children six (6)
7 years of age and younger;

8 4. In determining the purchase price of a recipient's home, the trust shall deduct
9 any amounts received by the recipient in compensation for damage to the home caused
10 by remedial action on the property; and

11 5. Funds shall also be used to assist landlords whose tenants take advantage of the
12 relocation assistance provided in paragraph 2 of this subsection. Landlords shall be
13 eligible for an amount equal to twelve (12) months of rent at a monthly rate equal to the
14 average monthly rent received by the landlord for the vacated unit over the previous
15 twelve (12) months. Recipients of such assistance must agree, prior to accepting such
16 assistance, that they will not permit any family with children six (6) years of age and
17 younger to occupy any vacated unit until the State Commissioner of Health formally
18 determines that the area is safe for children of such an age.

19 6. The trust shall agree to place a restriction which shall run with the land on the
20 deeds to all property obtained pursuant to paragraph 3 of subsection A of this section
21 providing that the property may not be occupied by children six (6) years of age and

1 younger until the State Commissioner of Health formally determines that the area is
2 safe for children of such an age.

3 B. ~~Upon the effective date of this act~~ Beginning June 6, 2006, the Department of
4 Environmental Quality is authorized to make grants to state beneficiary public trusts
5 serving communities affected by historic lead and zinc mining and located within the
6 boundaries of federal Superfund sites; provided that any trust receiving such a grant
7 shall accept the following conditions:

8 1. Funds shall be used to assist those persons owning or renting property within
9 the area of greatest subsidence risk. For purposes of ~~this act~~ the Lead-Impacted
10 Communities Relocation Assistance Act, “area of greatest subsidence risk” shall mean
11 the communities in which subsurface lead and zinc mine caverns pose the greatest threat
12 to public safety and shall include a reasonable buffer area around such communities;

13 2. To be eligible for ~~rental~~ residential assistance under this subsection, an
14 individual must have continually resided in the area of greatest subsidence risk since
15 January 31, 2006. For those eligible for relocation assistance who have rented their
16 living quarters since January 31, 2006, and who can produce a valid rental contract or
17 other proof of rental arrangement, assistance shall be in an amount equal to the average
18 cost of twelve (12) months of rent for comparable housing elsewhere in the county. The
19 trust may, in its discretion, provide such assistance in periodic payments rather than in
20 a single lump sum. In addition, eligible individuals may receive up to One Thousand
21 Dollars (\$1,000.00) for moving expenses. Recipients must agree, prior to accepting such

1 assistance, that they will not again reside within the area of greatest subsidence risk
2 until the Secretary of the Environment determines that the area is safe for habitation;

3 3. For those individuals eligible for relocation assistance under this subsection who
4 own ~~homes~~ their place of residence, the trust shall purchase such homes for an amount
5 equal to the ~~average cost~~ value of comparable housing elsewhere in the county. In
6 addition, such individuals may receive up to One Thousand Dollars (\$1,000.00) for
7 moving expenses. Recipients must agree, prior to accepting such assistance, that they
8 will not again reside within the area of greatest subsidence risk until the Office of the
9 Secretary of the Environment determines that the area is safe for habitation;

10 4. To be eligible for commercial ~~rental~~ assistance under this subsection, an
11 individual or legal entity must have continually operated in the area of greatest
12 subsidence risk since January 31, 2006. For those eligible for relocation assistance who
13 have rented their business or nonprofit organization premises continually since January
14 31, 2006, and who can produce a valid rental contract or other proof of rental
15 arrangement, assistance shall be in an amount equal to the average cost of twelve (12)
16 months of rent for comparable premises elsewhere in the county. The trust may, in its
17 discretion, provide such assistance in periodic payments rather than in a single lump
18 sum. In addition, such businesses or organizations may receive up to Two Thousand
19 Dollars (\$2,000.00) for moving expenses. Recipients must agree, prior to accepting such
20 assistance, that they will not again operate within the area of greatest subsidence risk
21 until the Office of the Secretary of the Environment determines the area is safe for
22 occupation;

1 5. For those individuals or legal entities eligible for relocation assistance under this
2 subsection that operate businesses or nonprofit organizations in structures they own
3 which are located in the area of greatest subsidence risk, the trust shall purchase the
4 property for an amount equal to the ~~average cost~~ value of comparable commercial
5 property elsewhere in the county. In addition, such businesses or organizations may
6 receive up to Two Thousand Dollars (\$2,000.00) for moving expenses. Recipients must
7 agree, prior to accepting such assistance, that they will not again operate within the area
8 of greatest subsidence risk until the Office of the Secretary of the Environment
9 determines the area is safe for occupation; and

10 6. All other owners of real property in the area of greatest subsidence risk may be
11 eligible under this subsection to sell their property to the trust for an amount equal to
12 the ~~average cost~~ value of comparable property elsewhere in the county.

13 C. ~~Payments made pursuant to the provisions of this act may be issued to any~~
14 ~~eligible individual, married couple or head of household, provided not more than one~~
15 ~~payment agreement shall be provided per eligible residential or commercial unit~~ Where
16 application for relocation assistance is made by one of multiple owners or lessees of a
17 particular property or rental unit, the sum of all payments for acquisition of such
18 property shall not exceed the amount that would have been paid had the property
19 belonged to a single owner and the sum of all rental assistance shall not exceed the
20 amount that would have been paid had the unit been rented by a single lessee.

1 D. Participation in the assistance program shall be voluntary. No person shall be
2 required to relocate under the provisions of ~~this act~~ the Lead-Impacted Communities
3 Relocation Assistance Act.

4 E. In addition to the relocation assistance program described in subsections A and
5 B of this section, funds granted to the trust may be used for the following purposes:

6 1. To provide grants to municipalities, public trusts, or other public entities
7 operating utility systems located within the most affected area of the site in order to
8 lessen the debt burden on such entities as a result of the relocation of families pursuant
9 to ~~this act~~ the Lead-Impacted Communities Relocation Assistance Act. The amount of
10 such grants ~~shall~~ may be based on the outstanding debt of such entities and the
11 proportion that the number of persons relocated bears to the total population of the
12 community served by such entity; and

13 2. To benefit public school districts, public trusts, and other public entities located
14 within the most affected area of the site or area of greatest subsidence risk;

15 F. Real property acquired by the trust pursuant to the relocation assistance
16 provisions of ~~this act~~ the Lead-Impacted Communities Relocation Assistance Act may be
17 utilized or disposed of in the manner that the trust determines shall best serve the public
18 interest.

19 G. A trust receiving a grant from the Department of Environmental Quality shall
20 be authorized to establish appropriate procedures for eligible residents to apply for the
21 relocation assistance described in this section; provided, however, that such a trust must
22 set a deadline requiring eligible residents to submit their initial application for

1 assistance. The trust is further authorized to make reasonable use of grant funds for the
2 administration of the relocation assistance program.

3 H. In addition to the expenditure of funds according to the provisions of ~~this act~~ the
4 Lead-Impacted Communities Relocation Assistance Act, a trust receiving a grant from
5 the Department of Environmental Quality, shall be authorized to seek and expend funds
6 from any other source, whether public or private, to further the purposes of the trust.
7 The funds granted to a trust by the state shall be transferred in periodic payments
8 rather than a single lump sum.

9 I. Prior to determining what constitutes the most affected area or area of greatest
10 subsidence risk, the trust shall consult with the Department of Environmental Quality,
11 which shall provide a recommendation regarding what it believes the boundaries of such
12 an area should be.

13 J. Any trust receiving funds under ~~this act~~ the Lead-Impacted Communities
14 Relocation Assistance Act shall be subject to the provisions of the Oklahoma Open
15 Meeting Act and the Oklahoma Open Records Act.

16 K. At no time shall a majority of the trustees of a trust receiving funds under ~~this~~
17 ~~act~~ the Lead-Impacted Communities Relocation Assistance Act be residents of the most
18 affected area or area of greatest subsidence risk. All trustees shall abstain from
19 participating in any decision in which they have a direct pecuniary interest.

20 L. A trust receiving funds under the Lead-Impacted Communities Relocation
21 Assistance Act is authorized to purchase property belonging to a trustee or a member of
22 the trustee's immediate family provided such purchase meets the requirements of the

1 Lead-Impacted Communities Relocation Assistance Act, such trustee discloses the
2 trustee's interest in the transaction, such trustee plays no role in the discussions or vote
3 approving such purchase and the value of the purchase is based upon an independent
4 appraiser's determination of the value of comparable property elsewhere in the county.

5 M. The trust shall establish priorities among those seeking assistance, making
6 certain that those at the greatest risk for loss of life and property receive the highest
7 priority. All assistance programs shall be contingent upon the availability of funds.

8 SECTION 2. It being immediately necessary for the preservation of the public
9 peace, health and safety, an emergency is hereby declared to exist, by reason whereof
10 this act shall take effect and be in full force from and after its passage and approval.

11 COMMITTEE REPORT BY: COMMITTEE ON NATURAL RESOURCES, dated 04-03-
12 08 - DO PASS, As Amended.