

City of Murfreesboro

Tree Removal Program Policies and Procedures

1.00 PURPOSE:

This program will make available funding for the removal of trees on residential property, owned and occupied by low-income households, when the tree(s) pose an imminent danger to persons or residential property. This program will serve to improve safety and help to alleviate blight.

2.00 APPLICABILITY:

Authorization for the use of Community Development Block Grant (CDBG) funds for the purpose of this program is subject to the limitations of 24 CRF Part 570.207(d).

This policy applies when the City's CDBG funds are used to carry out the procedures described herein and is governed by the Department of Housing and Urban Development (HUD) and applicable policies of the City.

All funds disbursed thru this program will be to assist households whose incomes meet the annual income limits for low-income, adjusted for family size, established by HUD for the Murfreesboro area and used for administering the City's CDBG funding.

3.00 PROGRAM RESOURCES:

The source of funds for this program will be CDBG funds as allocated by City Council and may include other funds available to the City deemed applicable to the Program. The program is subject to the availability of CDBG funds and approval by the City Council.

4.00 ADMINISTRATION:

This program will be administered as outlined in this Policy and Procedures statement. It will follow all the rules of approval of expenditure of funds and record keeping as outlined in this policy and other applicable City policy.

The program will be administered in accordance with HUD standards. All HUD grants are subject to audit by HUD. HUD reserves the right to monitor, at any time, the records and the compliance with the policies of this Program.

The Community Development Director will be responsible for the overall Tree Removal Program.

Operational expenses to the City will be repaid from administrative funds of the Community Development Block Grant.

The policy for the Tree Removal Program must be approved by the City Council and any amendments that may be recommended thereto from time to time.

5.00 **SUBSIDY AWARDS AND TERMS:**

Assistance will be awarded to eligible applicants on a first-come first-serve basis.

Subsidy will be awarded for the removal of trees only. There will be no trimming of trees.

Any one individual or household may not be approved for subsidy assistance of more than \$2,500.00 in a program year.

Subsidy amounts will be based on the low bid submitted by an eligible contractor of the program unless a bid exceeding the low bid is justified as acceptable by the City.

Subsidy will be awarded in the form of a one- year forgivable loan. Households must maintain ownership and reside in the home as their primary residence for a period of one (1) year (the Compliance Period) from the date of recording the City's Deed of Trust. The owner must sign a Deed of Trust and Deed of Trust Note for the total subsidy. At the end of the one (1) year Compliance Period the Note and Deed of Trust will be considered as being satisfied. Should the home be rented, vacated or sold prior to the end of the Compliance Period, the total amount of the subsidy must be repaid to the City.

All funding disbursements will be at the discretion of the City. The City Council must approve the amount of subsidy for each eligible applicant based on the recommendation presented to Council by staff of the Community Development (CD) Department.

6.00 **ELIGIBILITY CRITERIA FOR APPLICANT AND PROPERTY:**

All criteria required for eligibility as described in the Policy and Procedures for the Tree Removal Program must be met, *including but not limited to the following:*

- All applicants must complete an application with the City for assistance thru the Tree Removal Program and provide all information requested by the City to determine eligibility for assistance.
- Applicant must be an individual or household meeting the low- income requirements determined by HUD.
- Eligible applicant must own and occupy the home where the tree is located.
- The applicant must agree to sign a Deed of Trust, securing the owner's residence, and Deed of Trust Note in the amount of the total subsidy.
- The condition of the tree, detailed in the Tree Evaluation form received from staff of the Urban Environmental (UE) Department and the recommendation received from that department as to whether or not to remove the tree. A recommendation by the UE department to remove a tree will be the basis for any request presented to City Council for approval of subsidy and expenditure of funds. The benchmark used in this determination is when a tree(s) poses an imminent danger to persons or residential property resulting from the tree being dead or excessively decayed, extensively storm damaged, or having other conditions that warrant removal.

7.00 **ELIGIBILITY CRITERIA FOR CONTRACTORS:**

Only contractors who appear on the pre-approved contractors list for this program are eligible to bid on jobs.

Contractors must be present or have a representative present for the on-site inspection for the purpose of bidding on a job.

Contractors must submit the Bid Proposal form to the Community Development Department as instructed in item one (1) of that same Bid Proposal form. Failure to comply with the instructions in item one (1) may result in the bid not being considered.

The contractor must be prepared to enter a contract with the applicant within ten (10) days after a bid is awarded. If not, the award will go to the next highest bidder.

The contractor must accept and comply with all terms and conditions of the Contract For Tree Removal between the contractor and property owner.

The Contractor shall carry or require that there be carried Workman's Compensation Insurance for all employees and those subcontractors engaged in work at the site in accordance with Tennessee State Workman's Compensation Laws.

7.01 **INSURANCE**

The Contractor shall carry or require that there be carried Manufacturer's and Contractor's Public Liability Insurance in an amount not less than \$100,000.00 for injuries including accidental death to any one person and for one accident, and to protect the Contractor and his subcontractors against claims for injury to or death of one or more than one person because of accidents which may occur or result from operations under the contract. Such insurance shall cover the use of all equipment including but not limited to excavating machinery, trenching machines, cranes, hoists, rollers, concrete mixers, and motor vehicles in the work embraced in their contract. The Contractor shall carry during the life of the contract Property Damage Insurance in the amount of not less than \$50,000.00 to protect him and his subcontractors from claims for property damage which might arise from operations under their contract.

7.02 **INDEMNIFICATION CLAUSE**

The Contractor will at all times hereafter indemnify and hold harmless, the City, its officers, agents and employees, against any and all claims, losses, liabilities, or expenditures of any kind, including court costs and expenses, accruing or resulting from any or all suits or damages of any kind resulting from injuries or damage sustained by any person or persons, corporation or property, by virtue of the performance of this agreement.

NOTE: The Community Development Department will consult with the City Attorney to insure that the extent, limit and amount of contractors insurance is consistent with the scope of the project and current State law.

Before commencing work, the Contractor shall submit evidence of the coverage required to the City. A Certificate of Insurance shall be presented as the evidence.

8.00 **Program Administrative Procedures**

- Staff of the CD department will be responsible for notifying the community of available funds for the program and notifying area contractors for the purpose of selecting a pool of contractors for participation in the program.
- All applications for assistance must be completed by the applicant with staff of the CD department.
- Community development staff will process applications.
- The UE department will be notified by the CD department of eligible applicant.. Urban environmental staff will make an appointment with applicant for inspection of tree to be removed.
- Based on a recommendation to remove the tree, staff of CD will continue to process the application to include the bid process. The CD department will coordinate the bidding process with the applicant and contractor.
- A Bid Award Letter will be submitted to the successful bidder.
- Contracts will be signed and a Notice to Proceed will be issued.
- The contractor will schedule the work with the applicant.
- Upon completion of work, contractor will notify the CD department and UE staff will be notified to inspect the work site.
- Final acceptance and approval of the work will be the responsibility of the UE department. All services performed must meet the terms of the contract and standards acceptable for this program before any disbursement of funds.
- Once services have passed final inspection by the City and the applicant, a Completion Statement must be signed by the applicant.
- Contractor must submit request for payment to CD department and staff will request payment to the Contractor.
- All files must be documented as required by HUD regulations and City policy.

8.01 **Procedures For Selection Of Program Contractors**

The Community Development Department will advertise in the local newspaper at least one time during the program year for contractors to participate in the program. Efforts will be made to contact local contractors and contractors in surrounding counties for program participation. Female and minority contractors will be included in the process to select program contractors. Upon the receipt of inquiries from prospective contractor(s), an Application for Inclusion on the Approved Contractor's List will be mailed.

Upon receipt of a completed application staff will check references and make necessary inquiries in writing or by phone establishing if the application will be accepted or rejected. The contractor will be notified of the decision. With an accepted application an interview will be held with the contractor(s) to fully explain the program.

8.02 **Procedures For Determining Applicant Eligibility:**

All determination for recommendation and approval of subsidy disbursement will be made in accordance with HUD standards and the criteria as established by the City thru this policy for the City's Tree Program. Final determination for subsidy approval will be at the discretion of the City Council.

Eligible applicants must be of low or very-low income as determined by HUD.

Applicants Income:

The methodology used to determine eligibility shall be that of the Income and Allowances for the HOME Program, (affordable housing resource of the Office of Affordable Housing Programs, Community Planning and Development of Housing and Urban Development) as accepted by the Office of Community Planning and Development of HUD, for use of Community Development Block Grant funds.

The applicant must agree to furnish and be responsible for submitting all documentation required by the City to determine income eligibility.

Ownership of Home:

The applicant must own and occupy the home on the property where the tree to be removed is located.

Tree Condition:

The City's UE Department will complete an inspection of the tree and the recommendation made by Urban Environmental staff will be the final recommendation to City Council for determining if the tree should be taken down.

8.03 **Bidding Process Procedures:**

Only pre-approved contractors who appear on the programs list of eligible contractors will be included in the bidding process.

A notice will be sent to all eligible contractors at least one week prior to an on-site inspection for the purpose of bidding on a job. The notice will include the City's Bid Proposal and Scope of Work forms.

Staff will ensure that all bids are in compliance with the terms and conditions detailed in the Invitation To Bid form.