
City of Fargo Hardship Policy

The City of Fargo approves and establishes the following Hardship Policy for the early acquisition of residential property where it is determined that a property owner suffers from a Serious Health Condition giving rise to a hardship. Applications are encouraged from property owners who feel circumstances warrant consideration.

This Hardship Policy is intended to be effective prior to planned acquisition in accordance with the City of Fargo's Flood Acquisition List as approved by the Board of City Commissioners. This Hardship Policy may be amended to include additional considerations, depending on funding availability.

SECTION 1. DEFINITIONS. For purposes of this Hardship Policy, the following definitions shall apply:

- 1.1 Affected Property** means a parcel which has been identified for possible future acquisition by the city of Fargo to advance its flood mitigation efforts.
- 1.2 Affected Property Owner** means the owner or co-owners in fee of an Affected Property, whether one or more persons, firms or entities.
- 1.3 Early Acquisition List** means the list of Affected Properties for which applications for early acquisition under this Hardship Policy have been approved by the Finance Committee, as described in Section 3, herein.
- 1.4 Finance Committee** shall be the preliminary reviewing body and authorized to exercise the powers described herein.
- 1.5 Program Administrator** means the city of Fargo Finance Director.
- 1.6 Serious Health Condition** shall mean a health condition suffered by a resident of an Affected Property that is:
 - a. a physical or mental health condition that requires assisted living care or significantly impairs a major life function, including but not limited to breathing, mobility or vision; or
 - b. physical or mental health condition that is life-threatening;

which condition shall be certified, in writing using the attached Certificate of Serious Medical Condition form, by a medical professional, including a medical doctor, doctor of osteopathy or licensed psychologist. The death of a resident of an Affected Property shall also be deemed a Serious Health Condition for purposes of this policy.

SECTION 2. PROCEDURE FOR HARDSHIP DETERMINATION. The Finance Committee is authorized to determine whether a property owner is eligible for an early acquisition of residential property as a result of a Serious Health Condition in accordance with the following:

- 2.1 Applications.** An Affected Property Owner may submit an application for determination of hardship to the Finance Committee. The Program Administrator may issue such forms necessary to facilitate the application process and to gather the information needed for review of the hardship application. An application must be accompanied by a qualified medical professional's certification that the Affected Property Owner, or other individual residing within an Affected Property, suffers from a Serious Health Condition. The application must also include an explanation as to the circumstances which, in combination with the Serious Health Condition, require that the occupants of the Affected Property relocate and require that the Affected Property be immediately sold. The applicant must state the reason or reasons why the Serious Health Condition will not allow the Affected Property Owner sufficient time to sell the residence in question in the customary marketplace, but, instead, requires the residence be purchased by the city of Fargo.
- 2.2 Complete Applications.** The Program Administrator is authorized to accept applications and to review the applications for completeness. Applications that do not contain required information may be returned to the applicant as incomplete and no further processing of the application will occur until the deficiencies are corrected. Once a complete application is accepted by the Program Administrator, the Finance Committee will schedule the matter for review. The applicant will be provided with written notice of the time, date and location of the meeting at which the matter will be considered by the Finance Committee.
- 2.3** The Finance Committee shall consider the following criteria in its review of the application:
 - a. The extent to which the Serious Health Condition combines with the surrounding circumstances requires the Affected Property Owner to move away from the Affected Property and require immediate sale of the Affected Property.
 - b. The extent to which the Serious Health Condition combines with the surrounding circumstances to make it difficult for the person with the Serious Health Condition and all other occupants of the Affected Property to continue residing at, and care for, the Affected Property.

- c. The Finance Committee may consider the financial hardship that will result from the continued occupancy and/or ownership of the Affected Property by either the person with the Serious Health Condition, spouse or other occupant of the Affected Property. In other words, if the Serious Health Condition requires admittance to an assisted living facility, long-term health facility or other place for people requiring such special needs, and such relocation will cause a significant financial hardship that requires immediate sale of the Affected Property, the Finance Committee may consider such financial impacts. It is intended however, that the Finance Committee will not consider financial hardships other than those that are related to, or resulting from, a Serious Health Condition.

For purposes of the administration of this Hardship Policy, the Finance Committee need only determine if the Serious Health Condition in combination with the other relevant circumstances warrants prompt or immediate sale and, if so, the Finance Committee may approve an application and place the property on the Early Acquisition List.

If a hardship application is denied by the Finance Committee, the Affected Property Owner may seek review by the Board of City Commissioners. The Affected Property Owner may also reapply if circumstances have changed which the Affected Property Owner feels warrant such reapplication. An Affected Property Owner may not reapply for at least three months from the date of the Board of City Commission's denial of a prior application.

SECTION 3. EARLY ACQUISITION LIST – PROCEDURE FOR DETERMINING PURCHASE OFFER. If the Finance Committee determines that a hardship exists and the Affected Property is eligible for Early Acquisition, a recommendation will be made to the Board of City Commissioners. If approved by the Board of City Commission, an offer will be made to the Affected Property Owner in accordance with the current Voluntary Acquisition Policy.

Purchase Timeframe. Actual purchases will occur as funds are available. The parties will enter into a Purchase Agreement for the Affected Property.

- 3.1 Acquisitions in Chronological Order.** Actual purchase of Early Acquisition List properties shall be acquired based upon the order in which a complete hardship application was approved. The city of Fargo reserves the right to purchase a property out of chronological order where hardship circumstances warrant.
- 3.2 Voluntary Sale and Purchase.** This program is intended to provide a method for identifying those properties that are eligible to be placed on the Early Acquisition List. The Affected Property Owner may reject an offer. This Hardship Policy is a voluntary acquisition process and this is not a program based upon any power of eminent domain.

Physician's Certificate of Serious Health Condition

I hereby certify that _____ of

(Applicant)

(Address)

Has a serious medical condition that impacts a significant life function, such as breathing, walking, and engaging in other everyday life activities.

Physician Comments:

Effective Date of Disability:

Physician

Date: _____

Address

This Physician's Certificate **must** be completed and submitted with the hardship application. A doctor of medicine or licensed psychologist shall sign this statement indicating a serious health condition exists, and that as a result of such condition the homeowner will experience a long term or permanent period of incapacity.

INFORMATION IN THIS FORM IS PUBLIC INFORMATION UNDER NORTH DAKOTA OPEN RECORDS PROVISIONS