

## LOCAL HOUSING INCENTIVES ACCOUNT

Project Name: \_\_\_\_\_

Applicant's Name: \_\_\_\_\_

### **CERTIFICATION OF COMPLIANCE REGARDING METROPOLITAN COUNCIL POLICY RESTRICTING LCA GRANTS FOR PROJECTS USING EMINENT DOMAIN**

The "Applicant" is a statutory or home rule charter city or town that has negotiated affordable and life-cycle housing goals pursuant to the Metropolitan Livable Communities Act and is participating in the Local Housing Incentives Account program, or is a housing and redevelopment authority, economic development authority, or port authority.

On January 25, 2006, the Metropolitan Council adopted a "Policy Restricting Metropolitan Council LCA Grants for Projects Using Eminent Domain for Economic Development." The policy applied to LCA grants awarded after January 25, 2006 and private property that was acquired through eminent domain proceedings after January 25, 2006. As of May 20, 2006 governmental units may use eminent domain only for a "public use or public purpose" as that term is defined in Minnesota Statutes section 117.025, subdivision 11. On June 28, 2006 the Metropolitan Council revised its eminent domain policy to make its policy consistent with the new state law. The Metropolitan Council's January 25, 2006 policy applies to LCA grant awards and grant agreements made on or after January 25, 2006 and before June 28, 2006. The Metropolitan Council's June 28, 2006 eminent domain policy applies to LCA grant awards and grant agreements made on and after June 28, 2006. The two policies can be reviewed at: <http://www.metrocouncil.org/services/livcomm/EminentDomainPolicy.htm>

The Council's revised eminent domain policy states that if a notice of petition was served in connection with an Applicant's project between January 25, 2006 and May 20, 2006, the project is not eligible for LCA funding unless the project: (1) would have been eligible under the Metropolitan Council's January 25, 2006 policy; or (2) qualifies for an exemption under Minnesota Statutes section 117.012, subdivision 3 or 2006 Minnesota Laws chapter 214, section 22, clauses (b) through (e). See the legislation at: <http://ros.leg.mn/bin/getpub.php?type=law&year=2006&sn=0&num=214>

Please check (☐) at least one of the following as appropriate for the Project. The Project will not be eligible for LCA grant funding unless the appropriate certifications are made by the Applicant:

- ON BEHALF OF THE APPLICANT and to the best of my knowledge, I CERTIFY that with regard to the Project for which LCA funding is requested, no eminent domain authority was used after January 25, 2006 to acquire any private property in connection with the Project.**
  
- A notice of petition was served during the time period from January 25, 2006 to May 20, 2006, to acquire private property associated with the Project but, ON BEHALF OF THE APPLICANT and to the best of my knowledge, I CERTIFY that: (1) the Project would have been eligible under the Metropolitan Council's January 25, 2006 policy because it qualifies for one of the six exceptions stated in that policy; or (2) the Project qualifies for an exemption under Minnesota Statutes section 117.012, subdivision 3 or 2006 Minnesota Laws chapter 214, section 22, clauses (b) through (e).**

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If a notice of petition was served during this four-month time period to acquire private property to remediate or clean up pollution or contamination that threatened public health or safety or the environment as permitted by the Council’s January 25, 2006 policy, then ON BEHALF OF THE APPLICANT, and to the best of my knowledge, I FURTHER CERTIFY that:

- (1) The property owner was/is unable or unwilling to pay for appropriate remediation or clean up; and
- (2) Remediation or clean up must occur expeditiously to eliminate or mitigate the threat to public health or safety or the environment; and
- (3) No Responsible Party has been identified or is financially capable of carrying out the remediation or clean up.

**Eminent domain authority was used on or after May 20, 2006, to acquire property associated with the Project but, ON BEHALF OF THE APPLICANT and to the best of my knowledge, I CERTIFY that eminent domain was used only for a “public use or public purpose” and otherwise complied with the requirements of Minnesota Statutes chapter 117 and other laws authorizing the exercise of the power of eminent domain.**

**THIS CERTIFICATION MUST BE SIGNED BY THE APPLICANT’S AUTHORIZED OFFICIAL:**

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_