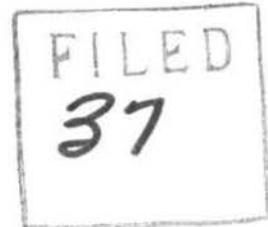


December 13, 1973

OPINION LETTER NO. 37  
Answer by Letter Lindholm

Honorable N. William Phillips  
Prosecuting Attorney  
Sullivan County  
Milan, Missouri 63556



Dear Mr. Phillips:

This letter is to acknowledge receipt of your request for an opinion from this office with regard to whether a fourth class city in Missouri may comply with the requirements of the Uniform Relocation Assistance and Real Property Acquisition Act, Public Law No. 91-646, so that the city may be eligible for a grant from the Economic Development Agency for water system improvements.

Public Law 91-646 which may be cited as the "Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970" and hereinafter referred to as the Act, was legislation passed by Congress to provide for uniform and equitable treatment of persons displaced from their homes, businesses, or farms by federal and federally assisted programs and to establish uniform and equitable land acquisition policies for federal and federally assisted programs. See U.S. Code Congressional and Administrative News, Volume 2, page 2222.

Title II of the Act refers to uniform relocation assistance. In general, the following categories of assistance are provided for: (1) moving expenses from homes, businesses and farm operations (Section 202); (2) replacement housing for tenants (Section 204). This assistance is required to be provided by any state agency receiving federal funds for any project resulting in displacement of any person after July 1, 1972 (Section 210).

Title III of the Act refers to uniform real property acquisition policy. In this regard, Section 305 of the Act provides

Honorable N. William Phillips

that state agencies administering programs receiving federal financial assistance must be guided to the greatest extent practicable under state law, by the land acquisition policies set forth in Sections 301 and 302 of the Act, as a condition of such federal assistance. In addition, Section 306 of the Act provides that state agencies administering programs receiving federal financial assistance must provide for reimbursement of the owner for expenses incidental to transfer of title and for reasonable expenses of litigation. The economic Development Administration must have assurances of this assistance from Milan before making any grant.

We understand that at least a substantial portion of the funds which would be used for the water system improvements contemplated in your request would be provided through the EDA grant under consideration. In Opinion Letter No. 314, rendered September 29, 1971, to Robert L. Dunkeson, we reached the following conclusion:

"Article III, Section 38(a), Constitution of Missouri, provides in part:

' . . . Money or property may also be received from the United States and be re-distributed together with public money of this state for any public purpose designated by the United States.'

"While we are not aware of any legislative implementation of this constitutional provision applicable to state agencies and political subdivisions generally that would specifically authorize use of state or local funds for the relocation assistance contemplated by the federal act, we believe the constitutional provision is a self-executing grant of power and adequate to authorize all state agencies and political subdivisions to use their funds, in combination with federal outdoor recreational funds, for such relocation assistance purposes.

"Accordingly, we are of the opinion that the Inter-Agency Council for Outdoor Recreation can require assurances from each state agency and political subdivision applying for, and receiving federal funds administered by the Council through the Inter-Agency Council Fund, that the agency or public entity will provide the relocation assistance described in the

Honorable N. William Phillips

Uniform Relocation Assistance Act. (P.L. 91-646). We are further of the opinion that the Inter-Agency Council may assure the Bureau of Outdoor Recreation, United States Department of the Interior, that state and local funds may, consistent with the laws of Missouri, be used together with federal funds to provide the relocation assistance required by such federal law."

While that Opinion No. 314 specifically dealt with a state agency instead of a political subdivision, its reasoning clearly is applicable to political subdivisions, which would therefore enable a fourth class city, to provide the relocation assistance described in the Uniform Relocation Assistance Act (P.L. 91-646) and give the assurances to the Economic Development Administration necessary as a condition to receipt of federal grant funds from the Economic Development Administration to be used with public funds of a fourth class city for the water system improvements contemplated in your request.

Very truly yours,

JOHN C. DANFORTH  
Attorney General