

June 7, 1972

OPINION LETTER NO. 109
Answer by letter-Jones



Mr. Henry Maddox, Director
Division of Commerce &
Industrial Development
P. O. Box 118
Jefferson City, Missouri 65101

Dear Mr. Maddox:

This letter is to acknowledge receipt of your request for an opinion from this office in regard to the authority of a sponsor of an airport to comply fully with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

In connection with the above, it is our understanding that certain constitutional charter cities have made requests for financial assistance from the Federal Aviation Administration of the Department of Transportation for their respective airport projects.

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

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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 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 305 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.

It should be noted that Article VI, Section 19(a) of the Missouri Constitution provides as follows:

"Any city which adopts or has adopted a charter for its own government, shall have all powers which the general assembly of the state of Missouri has authority to confer upon any city, provided such powers are consistent with the Constitution of this State and are not limited or denied either by the charter or [sic] adopted or by statute. Such a city shall, in addition to its home rule powers, have all powers conferred by law."

Therefore, it is our view that the above constitutional provision is a grant of power and adequate to authorize constitutional charter cities to use their funds in combination with federal financial assistance, for such relocation assistance purposes if such use is provided for by a charter provision or by proper enactment by the municipal legislative body. In this regard, we are not aware of any constitutional or statutory provisions, and have not been advised that there are any charter provisions, which will prohibit the constitutional charter cities from giving any such assurances.

It is, therefore, our opinion that constitutional charter cities have the authority to give assurances to the Federal Aviation Administration of the Department of Transportation as are required by the provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 if such assurances are authorized by the charter of such cities or by proper enactment by the municipal legislative bodies.

Yours very truly,

JOHN C. DANFORTH
Attorney General