

SUMMARY

The Open Space Land Program assists local governments and States in purchasing and developing land in urban areas for park, recreation, scenic, historic, and conservation purposes. The objectives of the program are to prevent the spread of urban blight, deterioration, and sprawl; to encourage more economic and desirable urban development; and to meet the open space needs of people in the city.

Open Space grants can cover up to 50 percent of the cost of acquiring land. Grants may be made only to public bodies; private organizations are not eligible. The matching funds furnished by the local government may come from any non-Federal source, including private philanthropy. However, donations of land cannot count toward the local share. A project must be based on an open space plan for the community and must be in conformance with areawide comprehensive planning for the entire metropolitan area. The land must be located in an urban area. However, there is no minimum population limitation.

The Department places high priority on land acquisition when it involves undeveloped land, but limited grant-in-aid assistance toward the development of parks and other open space areas is also available. In general, all development activities in central cities and low-income neighborhoods can be assisted with a full 50 percent grant.

The Department places high priority on the development of land for open space use when it involves developed land, and there is no reduction on the 50 percent grant level of assistance for such purposes.

Land for open space may be either vacant and undeveloped or, where no vacant land is available, assistance may be obtained for purchasing already developed land, for demolishing the existing structures on it, and for developing it for park or recreational uses. Demolition expenses are an eligible project cost when developed land is acquired.

In order for a community to obtain an Open Space grant, it must file an application with HUD. The application should be based on local open space plans and priorities and official action by the responsible local government body to authorize the project. Applications cannot retroactively cover land already acquired. Applications may include a number of sites or projects. The Department encourages communities to include the acquisition and development program for a whole year in a single application. Such action reduces everybody's paperwork.

As soon as an application is filed, the Department will acknowledge it and issue a "letter of consent" under which it is possible for a community to go ahead and acquire the open space land at its own risk, even without approval of a grant application. The "letter of consent" does not imply approval, but merely provides that HUD may reimburse the applicant for expenses incurred after the letter of consent is authorized, if the project is approved. Applicants who find it necessary or desirable to go ahead on their own, do so entirely at their own risk.

After an application has been filed with one of the Department's Regional Offices, HUD will review the application and make a decision on whether it can be funded, in terms of priorities and competing applications. A funding analysis process is used to evaluate systematically all applications received. Projects approved for funding then undergo detailed reviews for compliance with all technical program requirements. If a project cannot be approved for funding, HUD will notify the community as soon as possible.

When a grant is approved, the Department's Regional Office promptly advises the community, after which a formal Federal contract is issued. The contract spells out the requirements with which the grantee must comply in order subsequently to receive the authorized grant. Usually the grantee must spend the money within 12 months; exceptions are made for cases involving court actions.

The Federal grant will be paid as a reimbursement after the land is actually purchased or the proposed development completed. Therefore, applicants must be prepared to finance acquisition or development entirely on their own prior to receiving reimbursement for the Federal share. The amount of the Open Space grant will be based on two professional land appraisals. The cost of appraisals will be eligible items in grant computation.

Land acquisition and development must meet Federal standards covering wage rates, non-discrimination, price negotiations, and so forth. Most of these requirements are similar to those of other Federally assisted programs.

HUD has special relocation requirements to assure that anyone displaced by an Open Space project has available good alternative housing. Certain relocation grant payments are made to the displacees. These payments are eligible for 100 percent reimbursement by the Federal Government in addition to the approved grant.

Local communities may buy the entire title to land (fee simple) or they may acquire some limited interest in an open space project site. Easements and life estates are eligible. The Department encourages multiple land uses, including school-park complexes.

air-rights developments, parks in flood plain protection zones, parks in high noise areas near airports, and so forth.

Assistance is not available for the purchase of already developed open space areas, such as golf courses.

Development provided for in an open space project normally is limited to minor construction, landscaping, playground equipment, utilities, grading, and similar activities. Major buildings, swimming pools, golf courses, amphitheaters and other "major construction" are not eligible. Development assistance is available only for lands acquired under the program. Other assistance is available for lands already in public ownership through the HUD Urban Beautification and Improvement Program.

Land acquired with HUD assistance must remain as open space in perpetuity. Strong protections are given by the law on open space projects to discourage intrusions by incompatible land uses. When it is in the public interest to convert all or part of an open space project to another use, approval by the Secretary of HUD must be obtained, and the community must substitute land of equal value and quality serving generally the same people.

Departmental funding priorities stress "putting open space money where the people are." It also stresses meeting urgent needs, especially those of low-income neighborhoods and communities. The Department also encourages projects that will have a demonstrable impact on new urban growth. Large scale projects far from urban centers have, in general, little likelihood of being funded.

The Open Space Land Program has already helped hundreds of communities work toward meeting park, recreation and conservation needs. The program can have special value in helping cities meet the needs of people in inner city and low-income neighborhoods, often related to special summer programs to ease tensions. Many communities have used open space development activities as a source of local employment and training for neighborhood youth and the hard-core unemployed. The Department encourages such programs.

The Department also encourages communities to involve local neighborhood residents in all phases of the planning process -- locating the site, designing the facilities, construction, operation and maintenance. Citizen participation can assure that projects will meet neighborhood needs and be a source of pride to the community.

Outright full fee acquisition of open space land is not always feasible, nor is it always necessary for the Public Body to obtain ownership of land to maintain its open space character. In

developing urban areas, communities can carry out the open space element of the comprehensive plan by preserving open space, where needed, through the use of numerous administrative and legal tools. Good zoning practices, subdivision regulations that encourage clustering, and require builders of new neighborhoods to dedicate land for park and recreation purposes. -- all can do much to assure the availability of open space.

The Department gives special attention to projects designed to meet emergency needs and to serve coordinated programs for improving the urban environment and thereby the lives of people. An example would be small park developments in Model Cities or other small parks in built-up inner city neighborhoods.

Communities should make use of open space standards, either by adopting suggested national standards or by developing their own. The standards should help define priorities and set goals to assure an equality of diverse open space opportunity for all citizens.

Open Space planning and programs should provide for sites, facilities and activities from the block and neighborhood scale, to city-wide areas, and to regional facilities serving several counties or the entire metropolitan area.

Effective open space programs also require intergovernmental coordination between park and recreation agencies, school systems, public utility commissions, cultural agencies, water companies, and other public agencies that own or manage land and facilities having open space and recreational values.

Detailed program requirements are explained in the following pages. Special cases or situations not covered in this guide should be brought to the attention of the appropriate Regional Office.

CHECKLIST FOR APPLICATION FOR GRANT TO ACQUIRE LAND FOR OPEN-SPACE PURPOSES

Code No.	Item To Be Submitted	Refer to
<u>General Information</u>		
OS 101	<p>Form H-6600, <u>Application for Grant To Acquire Open-Space Land</u>. Include 3 copies of Form H-6600 in Binder No. 1 and 1 copy each in Binders No. 2 and 3.</p> <p>Modify Block F, "Computation of Grant Amount," as shown in Attachment B.</p>	<p>OSLP Guide Exhibit A</p> <p>Attachment B.</p>
OS 102	<p>Map of urban area showing location of land to be acquired or, if proposed acquisition relates only to land of local significance, map of locality showing sites to be acquired. A standard city or county street or road map may be used. Include 3 copies of the map in Binder No. 1 and 1 copy each in Binders No. 2 and 3.</p>	<p>OSLP Guide Chapter 3</p>
OS 103	<p>Statement describing <u>specific</u> open-space uses proposed for the land covered by the application. (A phrase such as "park and recreational" is not acceptable.) Show proposed use for each individual site in the application, indicating whether it is a local or regional use. If any existing structure will be retained on land acquired, describe use to be made of the structure.</p>	<p>OSLP Guide Chapter 1</p>
OS 104	<p>Statement explaining nature, source, and amount of non-Federal funds available for the acquisition of land for open-space use, including the date that such funds will be available. Explain any special types of mortgage, installment-payment purchase, or other financial arrangement involving land included in the program. If State assistance will be obtained, indicate the date application for State assistance was submitted and the present status of the application. If funds will be derived from bonds, indicate the length of time required to redeem the bonds. If private or foundation funds are involved, indicate the source, amount, and date funds will be available.</p>	<p>OSLP Guide Chapter 1</p> <p>Letter No. OS-5 Page 9</p>

Code No.	Item To Be Submitted	Refer To
<u>Planning Data</u>		
OS 111	Statement indicating that comprehensive planning for urban area is underway, describing scope of planning, identifying agency or instrumentality carrying on the planning, and indicating nature and extent of local participation and representation in the planning.	Letter No. OS-5 Pages 4, 5
OS 112	Statement describing open-space acquisition and development program for urban area, including (a) standards and criteria, (b) listing of proposed activities for next 5 to 10 years, (c) cost estimate, priority schedule, and financing proposals, (d) coordination procedures, and (e) identification of agency or agencies responsible for preparing program. A copy of the open-space acquisition and development program should be submitted as an exhibit. If an intergovernmental agreement is being or will be used as the coordinating mechanism for the open-space acquisition and development program, include a copy of the executed or proposed agreement. If an agreement previously submitted to EEFA is still current, reference may be made to the previous submission which includes the agreement.	Letter No. OS-5 Pages 5, 6
OS 113	Statement indicating when application was reviewed by other agencies, identifying the agencies, and summarizing their comments.	Letter No. OS-5 Page 7
OS 114	Statement describing present and proposed activities of local governing bodies to preserve open-space land in urban area and citing appropriate portions of any tax provisions or zoning, subdivision, and other regulations.	Letter No. OS-5 Page 6 OSLP Guide Chapter 1
<u>Land Acquisition Data</u>		
OS 121	Plat of each site to be acquired or detailed map of each taking area covered by the application. Plat should clearly identify all structures and improvements on the land being acquired, and indicate any to be retained in accordance with proposed site plan.	

Code No.	Item To Be Submitted	Refer To
OS 121 (con.)	<p>If partial takings are involved, show which areas of total parcel will remain in former owner's possession. If taking areas are involved and legal descriptions are lacking, describe taking area in terms of natural physical boundaries such as roads, rivers, or similar features.</p> <p>If developed land is to be acquired, (a) detailed plat or photograph of each site to be acquired, in sufficient detail to provide a basis for determining that the land is "developed" (i.e., more than 10 percent of the area includes buildings or other structures) and that it is located in a built-up portion of the urban area; and (b) if any standard structure will be acquired and demolished, statement justifying its acquisition and demolition.</p>	Letter No. OS-5 Pages 3, 15
OS 122	Statement indicating the amount, basis, and source of cost of real estate services.	Letter No. OS-5 Pages 8, 12
OS 123	Statement indicating the amount, basis, and source of estimate of acquisition cost of each parcel or group of parcels covered by the application.	Letter No. OS-5 Page 12
OS 124	Land Acquisition Policy Statement	Letter No. OS-5 Pages 13-15
OS 125	Copies of any options or proposed purchase agreements with respect to land proposed to be acquired.	
OS 126	If developed land is to be acquired, statement indicating amount, basis, and source of estimated cost of demolition and removal of structures on the land. If applicable, include (a) description of proposals for relocating structures off site, and costs involved; and (b) copies of bids requested or estimates received from demolition contractors.	Letter No. OS-5 Page 16
OS 127	If historic site will be acquired, statement describing basis for determining that site is of historical significance and proposals for preserving site.	Letter No. OS-5 Page 13

Code No.	Item To Be Submitted	Refer To
	<p style="text-align: center;"><u>Relocation Data</u></p> <p style="text-align: center;">(Submit if application covers acquisition of property from which site occupants will be displaced)</p>	
OS 131	Estimate of number of individuals, families, and business concerns to be displaced from property to be acquired. For individuals and families, include breakdown by race.	Letter No. OS-5 Page 10
OS 132	Statement indicating that adequate relocation housing is or will be available, including basis for determining adequacy of relocation housing.	Letter No. OS-5 Page 10
OS 133	Statement outlining relocation services to be provided, identifying the agency or organization to be responsible, and describing the qualifications of the personnel and/or agency to perform the services. If applicable, include copies of contracts or other agreements with local renewal agency, city relocation staff, or other agency.	Letter No. OS-5 Pages 11, 12
OS 134	Estimate of total amount of relocation payments to be made, in tabular form as shown in Attachment B.	Attachment B Letter No. OS-5 Pages 10, 11
OS 135	Statement indicating the amount, basis, and source of estimated cost of relocation services, excluding relocation payments, which will be included in computing the amount of the grant. If a per capita figure is used, indicate how per capita estimate was derived.	Letter No. OS-5 Pages 11, 12

Code No.	Item To Be Submitted	Refer To
OS 141, et seq.	<p style="text-align: center;"><u>Development Data</u></p> <p>(Submit if application covers development of land)</p> <p style="text-align: center;">[See Letter No. OS-6]</p>	Letter No. OS-5 Page 17
	<p style="text-align: center;"><u>Legal Data</u></p>	
OS 151	Resolution of applicant authorizing filing of application.	Attachment C
OS 152	Opinion of counsel and authenticated copies of all laws and charters referred to in the opinion not available in printed compilation.	Attachment D
OS 153	If developed land is to be acquired and the applicant is not the governing body of the locality, resolution of local governing body that undeveloped or predominantly undeveloped land is not available in the locality for the open-space uses proposed for the land to be acquired.	Attachment C