

YUROK INDIAN HOUSING AUTHORITY



Relocation Policy

PURPOSE

The purpose of this policy is to set forth the guidelines and procedures related to the temporary and permanent relocation of housing participants. These guidelines were established as a result of the Uniform Relocation Act (URA) which was made applicable to Indian programs on April 2, 1998. Prior to HUD approval for any grant, contract, or agreement requiring relocation activity under which HUD provides financial assistance, the Yurok Indian Housing Authority must provide a certification that it will comply with the URA as required at 49 CFR Part 24.

The Yurok Indian Housing Authority will take appropriate measures to carry out the requirements contained in this Policy in a manner that minimizes fraud, waste, and mismanagement. Instances of fraud and waste will be handled appropriately by the Yurok Indian Housing Authority or referred to HUD's Office of Inspector General.

I. REFERENCES

- A. **49 CFR Part 24 ("the Relocation Regulations") – Uniform Relocation Assistance and Real Property Acquisition Regulations for Federal and Federally Assisted Programs.**
- B. **24 CFR Part 1000 ("the HUD Relocation Regulations") – Implementation of the Native American Housing Assistance and Self-Determination Act of 1996.**
- C. **HUD Handbook 1378 ("the Handbook") – Tenant Assistance Relocation and Real Property Acquisition.**
- D. **Collectively, the Relocation Regulations, the HUD Relocation Regulations and the Handbook are referred to herein as the Uniform Relocation Laws or "URL."**

II. DEFINITIONS

- A. **Agency:** The entity that causes a person to become displaced, including the Yurok Indian Housing Authority ("YIHA" or "Agency").
- B. **Displaced Person:** Any family or individual who moves out of a dwelling unit at any time after negotiations have commenced for the acquisition of the dwelling or who will be required to relocate, because of a YIHA project paid for in whole or in part with federal funds, except for an Ineligible Displaced Person.
- C. **Ineligible Displaced Person:** A Displaced Person who is not eligible for assistance, because of any of the following:
 1. The participant has been evicted for breach of the lease or occupancy agreement or because the term of the lease has expired;
 2. The person has no legal right to occupy the property under local law (e.g. occupying a Mutual help home without an executed Mutual Help and Occupancy Agreement (MHOA) or sublease;
 3. A person who moves before the initiation of negotiations for the acquisition of the person's dwelling, unless the Agency determines that the person was displaced as a direct result of a federally funded program or project;

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4. A person who initially enters into occupancy of the property after the date of its acquisition for the project;
 5. A person who has occupied the property for the purpose of obtaining assistance under the ULA;
 6. A Temporarily Displaced Person except for the provision to that person of a Temporary Replacement Dwelling.
 8. A person whom the Agency determines is not displaced as a direct result of a partial acquisition;
 9. A person who, after receiving a notice of relocation eligibility (described at Section 24.203 (b)) is notified in writing that he/she will not be displaced for a project. Such notice shall not be issued unless the person has not moved and the Agency agrees to reimburse the person for any expenses incurred to satisfy any binding contractual relocation obligations entered into after the effective date of the notice of eligibility;
 10. An owner-occupant who voluntarily conveys his/her property, after being informed in writing that if a mutually satisfactory agreement on the terms of the conveyance cannot be reached, the Agency will not acquire the property. In such cases, however, any tenant who, as a result, becomes a Displaced Person shall be entitled to the relocation benefits available to Displaced Persons under the URL and this policy;
 11. A person who retains the right of use and occupancy of the real property for life following its acquisition by the Agency;
 13. A person who is not lawfully present in the United States and who has been determined to be ineligible for relocation benefits.
- D. **Permanent Relocation Dwelling:** The dwelling offered to a Displaced Person which has been identified in compliance with the procedures required by the URL and the substantive requirements of the URL, including the requirement that the unit is decent, safe, sanitary and comparable to the dwelling from which the person has been displaced.
- E. **Project or project:** An acquisition of real property or the construction, rehabilitation, demolition or repair of a dwelling undertaken by YIHA and funded in whole or in part by federal funds.
- F. **Temporary Relocation Dwelling:** A dwelling which is suitable, decent, safe, and sanitary to be used by the resident, while the resident's dwelling is being rehabilitated by YIHA under one of its housing programs or when a resident is temporarily displaced from his or her dwelling as a result of a YIHA housing project. A dwelling unit is a Temporary Relocation Dwelling as long as its use does not exceed twelve (12) months, and the Displaced Person is not required to occupy the unit more than 30 days before the start of the work on the Displaced Person's permanent residence.
- G. **Temporarily Displaced Person:** A Displaced Person who requires a Temporary Replacement Dwelling.
- H. **Utility Costs:** Expenses for heat, cooking, light, water and sewer incurred in the reasonable residential use and occupancy of a dwelling.

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III. PROJECT PLANNING

A. Rehabilitation Projects. The Yurok Indian Housing Authority shall take all reasonable steps to minimize relocation as a result of a rehabilitation project. If necessary to accomplish this goal, YIHA will consider the feasibility of carrying out the project in stages.

1. The YIHA will take the steps necessary to ensure cooperation and coordination among government agencies, utility providers,—and affected persons (the partnership process”).

2. During the partnership process, the YIHA will consult with the residents of a house to be rehabilitated. Resident comments will be solicited and receive serious consideration. Resident participation is necessary for accurate budgeting.

3. During the planning stage of the rehabilitation project, the YIHA will review staffing, training, and any special problems associated with the relocation caused by the project and develop a plan to address any deficiencies. In order to accurately budget for temporary and permanent relocation, the YIHA will complete a survey to determine the following information:

- Number of households to be relocated;
- Income of participants and rents/utilities paid;
- Family characteristics;
- Impact of relocation on any elderly or handicapped family members;
- Availability of suitable temporary and permanent relocation dwellings; and
- Need or providing advisory services to the housing participants.

Availability of comparable replacement dwelling before displacement:

B. General. No Displaced Person shall be required to move from his or her dwelling until (a) ninety (90) days after all notices required by the Relocation Regulations have been given to the person by the Agency and (b) at least one comparable replacement dwelling (defined at 49 C.F.R. § 24.2 (a)(6)) has been made available to the person. When possible, three or more comparable replacement dwellings shall be made available. A comparable replacement dwelling will be considered to have been made available to a person if:

1. The person is informed of its location; and
2. The person has sufficient time to negotiate and enter into a purchase agreement or lease of the property; and
3. Subject to reasonable safeguards, the person is assured of receiving the relocation assistance and acquisition payment to which the person is entitled in sufficient time to complete the purchase or lease of the property.

C. Emergency relocation of Displaced Persons.

1. Circumstances permitting waiver. The Federal agency funding the project may grant a waiver of the policy in Section III.B, above, in any case where it is demonstrated that a person must move because of:

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- a. A major disaster as defined in Section 102(c) of the Disaster Relief Act of 1974 (42 U.S.C. 5121); or
 - b. A presidential declared national emergency; or
 - c. Another emergency which requires immediately vacating the real property, such as when continued occupancy of the displacement dwelling constitutes a substantial danger to the health or safety of the occupants or the public.
2. Basic conditions of emergency move. Whenever a person is required to relocate for a temporary period because of an emergency as described in this section, the Agency shall:
- a. Take whatever steps are necessary to assure that a Temporary Replacement Dwelling is made available to the Displaced Person; and
 - b. Pay the actual reasonable out-of-pocket moving expenses and any reasonable increase in rent and utility costs incurred in connection with the temporary relocation; and
 - c. Make available to the Displaced Person, as soon as feasible, at least one comparable replacement dwelling. (For purposes of filing a claim and meeting the eligibility requirements for a relocation payment, the date of displacement is the date the person moves from the Temporary Replacement Dwelling.)

IV. PROJECT IMPLEMENTATION

A. Implementation in Modernization projects.

1. First notice. At the time the Yurok Indian Housing Authority determines to allocate funds for modernization, an initial notice, substantially in the form of Exhibit A, attached hereto, will be issued not less than 120 days before temporary relocation may be required, to all affected housing participants. At a minimum, the notice will include the following items:

- Statement advising the family they will not be displaced;
- A caution for the family not to move at this time;
- A statement that if the family moves at this time, relocation benefits are relinquished;
- Assurance that the family will be able to re-occupy the same house or a replacement house in the same location, if it is a Mutual Help unit or the same or a comparable replacement dwelling, as defined in 49 C.F.R. §24.2(a)(6), in the same project, if the unit being rehabilitated is a low rent unit;
- Assurance that the family will be informed of any occurrences or events that will impact the rehabilitation; and
- Assurance that the housing payment will not increase as a result of the modernization of the unit.

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2. Second notice. Not less than ninety days before the targeted start date of the rehabilitation, a final notice, substantially in the form of Exhibit B, attached hereto, will be issued. The final notice will contain a schedule of eligible costs and the following information:

- Date and approximate duration of the temporary relocation;
- Address of a suitable, decent, safe and sanitary dwelling to be made available for the temporary period;
- Assurance of returning to the same project (or same house if a Mutual Help unit); and
- Identity of contact person for counseling purposes.

B. Permanent Relocation in connection with acquisition of real property.

Whenever displacement results from the Agency's acquisition of real property with federal financial assistance, the right to relocation benefits for occupants then in possession of the property to be acquired, whether as owners or tenants, arises upon the initiation of negotiations for the acquisition of the property. "Initiation of negotiations" means the delivery of the initial written offer by the Agency to the owner or the owner's representative to purchase the real property for the project.

Notice of intent to acquire or notice eligibility for relocation assistance. As soon as is feasible after the initiation of negotiations, the Agency shall provide all occupants entitled to relocation benefits with a notice that complies with 49 C.F.R. §24.203(d) and substantially in the form of Exhibit A. Once the property is acquired the Agency shall give the occupants notice as required by 49 C.F.R. §24.302(a), substantially in the form of Exhibit B. Finally, no lawful occupant of the acquired property shall be required to move in less than ninety days after he or she has received a notice from the Agency that complies with 49 C.F.R. §24.302(c)(3).

V. SCHEDULE OF ELIGIBLE COSTS

A. Actual Reasonable Moving and Related Expenses (49 CFR 24.301). Any displaced person is entitled to payment of their actual moving and related expenses, which are supported by bills for labor and equipment or contained in two or more estimates prepared by commercial movers or one estimate prepared by a qualified Agency staff member, including expenses for:

- Transportation of the relocating family and personal property. Transportation costs for a distance beyond 50 miles are not eligible, unless the YIHA determines that relocation beyond 50 miles is justified.
- Packing, crating, unpacking and uncrating of the personal property.
- Storage costs of personal property for the duration of the temporary period not to exceed 12 months, unless the YIHA determines that a longer period is necessary.
- Disconnecting, dismantling, removing, reassembling, and reinstalling relocated household appliances, and other personal property.
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- Utility hook-ups and deposits, including re-installation of telephone and cable television service if the owner/tenant had the services prior to the temporary relocation move at both the temporary replacement dwelling and at the original home when the rehabilitation work is completed.
 - Insurance for the replacement value of the property in connection with the move and necessary storage.
 - The replacement value of property lost, stolen, or damaged in the process of moving (not through the fault or negligence of the displaced person, his/her agent, or employee) where insurance covering such loss, theft or damage is not reasonably available.
 - Credit checks.
 - Other moving-related expenses that are not listed as ineligible under Sec. 24.301(h), as the YIHA determines to be reasonable and necessary.
- B. Fixed Allowance Moving Expenses.** Alternatively, a displaced tenant may receive without documenting actual expenses the fixed allowance for moving expenses provided in 49 C.F.R. §24.302.
- C. Replacement Housing Payment.** A tenant or owner-occupant displaced from a dwelling is entitled to a payment not to exceed \$5,250 for rental assistance or down payment assistance, if the person has lawfully occupied the acquired property for at least ninety (90) days prior to initiation of negotiations and has rented or purchased and occupied a decent, safe and sanitary replacement dwelling within 1 year after the tenant moves for the acquired property. An owner-occupant is eligible on the later of the date he or she receives a final payment for the acquired property or the date he or she moves from the acquired dwelling. The Agency may extend this time for good cause.
1. Rental assistance. Subject to the \$5,250 limit, a tenant shall receive 42 times the difference between the monthly rent and average monthly utility cost of the replacement dwelling and the lesser of his or her current monthly rent and average monthly utility cost or 30% of the displaced person's average monthly gross household income, if the income is classified as "low income" by the HUD Annual Survey of Income Limits for Public Housing and Section 8 Programs.
 2. Down payment assistance. A person who purchases a replacement dwelling may receive down payment assistance in the amount he or she would have received as rental assistance under subsection 1, above.
 3. 180 day Owner-Occupants. A person who has actually owned and occupied an acquired property for not less than 180 days immediately prior to the initiation of negotiations and who purchases and occupies a replacement dwelling within 1 year after he or she receives final payment for the acquired property shall receive a replacement housing payment not to exceed \$22,500 as provided in 49 C.F.R. §24.401.

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- D. Meal Vouchers.** For families not required to move but unable to use food preparation facilities (kitchen) due to renovation work, meal vouchers will be provided until the facilities are restored for use. The amount of the voucher will be determined based on provisions in the YIHA (?) Travel and Per Diem Policy for meals and incidentals. The amount of the voucher will consider the size of the family.
- E. No duplication of payments.** No person shall receive any payment under this part if that person receives a payment under Federal, State or local law which is determined by the Agency to have the same purpose and effect as such payment under this part.

VI. WAIVING RIGHTS

All claims for a relocation payment shall be filed with the Agency no later than 18 months after the date of displacement. If a displaced person fails to file a timely claim after receiving the notices and relocation assistance as required by the Relocation Regulations, he or she shall be ineligible for assistance, unless, for good cause shown, YIHA extends or waives the requirement to file a timely claim.

VII. GRIEVANCES/APPEALS

- A.** A participant may file a grievance in any case in which the person believes that the Agency has failed to properly consider the person's application for assistance under this Policy or the Relocation Regulations. Such assistance may include, but is not limited to, the person's eligibility for, or the amount of, a payment required under 49 C.F.R, § 24.106 or § 24.107, or a relocation payment required under this Policy. Such a grievance must be filed within 60 days of the date of occurrence. On a case-by-case basis, upon request of the participant, for good cause, the Yurok Indian Housing Authority may extend the time limit for filing a grievance or the time for conducting a hearing, not to exceed 30 days. The YIHA shall process a grievance regardless of its form.
- B.** The participant may be represented by legal counsel or other representative, at his or her own expense, in any hearing or grievance proceedings. A hearing will be conducted no later than 14 days after receipt of a written appeal. A participant (and legal counsel or other representative, if applicable) has the right to review and copy any records pertaining to the relocation activities subject to reasonable limits imposed by YIHA to preserve the confidentiality of the documents. Documents excluded from this section would be materials that the Yurok Indian Housing Authority has determined may not be disclosed for reasons of confidentiality.
- C.** The hearing shall be conducted by the Executive Director, unless he or she has been directly involved in the action subject to appeal, in which case the Executive Director shall appoint a hearing officer who has experience in the administration of federal programs, was not involved in the action being appealed and who can act impartially in hearing the appeal.
- D.** At or prior to the scheduled hearing, the participant or his or her representative shall be entitled to submit any information in the form of documents, declarations or testimony to support the appeal. Not more than 14 days after the conclusion of the hearing, a written determination will be issued.

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VIII. RECORDKEEPING REQUIREMENTS

- (a) Records. The Agency shall maintain adequate records of its acquisition and displacement activities in sufficient detail to demonstrate compliance with this Policy and the Relocation Regulations. These records shall be retained for at least 3 years after each owner of a property and each person displaced from the property receives the final payment to which he or she is entitled.
- (b) Confidentiality of records. Records maintained by an Agency in accordance with this Policy are confidential and shall not be disclosed except as necessary in the administration of this Policy.
- (c) Reports. The Agency shall submit a report of its real property acquisition and displacement activities if required by HUD. A report will not be required more frequently than every 3 years, or as the Uniform Act provides, unless HUD shows good cause. The report shall be prepared and submitted using the format contained in appendix B to the Relocation Regulations.

C*E*R*T*F*I*C*A*T*I*O*N

This is to certify the Relocation Policy of the Yurok Indian Housing Authority was approved at a duly called meeting of the Board of Commissioners on June 2, 2009 at which a quorum was present and the Relocation Policy was adopted by a vote of _ For, 0 Apposed, and 0 Abstentions.

Wanda Green, Chairperson
Yurok Indian Housing Authority Board of Commissioners

ATTEST:

Kerri Malloy, Secretary
Yurok Indian Housing Authority Board of Commissioners

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EXHIBIT A

SAMPLE GENERAL INFORMATION NOTIFICATION LETTER

Dear _____:

On _____ (Date) _____, the residents of _____ (Identifying no., etc) _____ project were notified that the Yurok Indian Housing Authority is preparing to perform modernization work on your housing unit. The work items identified during the partnership process planning meeting are the items that will be performed during the modernization work.

This notice is to inform you that, when your project is rehabilitated, you will not be displaced. Therefore, we urge you not to move anywhere at this time. (If you do elect to move for reasons of your choice, you will not be provided with relocation assistance.) This notice guarantees you the following:

1. You will be able to re-occupy your home. (Important – if Low Rent add the following additional statement) or another suitable, decent, safe and sanitary home in the same project or locality upon completion of the rehabilitation. Your monthly rent will continue to be computed at _____ percent of adjusted income, and it will not increase as a result of the rehabilitation work.
2. If you are required to temporarily relocate so that rehabilitation work can be completed, suitable housing will be made available to you for the temporary period, and you will be reimbursed for all reasonable extra expenses, including all moving costs and any increase in housing costs. The temporary unit will be decent, safe, and sanitary and all other conditions of the move will be reasonable.

During your temporary relocation period while your home is being rehabilitated, the Yurok Indian Housing Authority will make every effort to assist you in any way possible to minimize disruption to you and your family. Again, we urge you not to move at this time. You will be provided sufficient notice prior to the move. The Yurok Indian Housing Authority will make every effort to assist you in accommodating your needs. Because Federal assistance would be involved, you will be protected by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended.

This notice is important and should be retained. You will be contacted as we proceed. If you have any questions or desire counseling services please contact _____ (Name) _____, _____ (Title), at _____ (Phone), _____ (Address) . Remember: do not move before we have a chance to discuss eligibility for assistance with you.

Sincerely,

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EXHIBIT B

FINAL NOTIFICATION LETTER

Dear _____:

You were notified by letter on (Date of Letter) that the Yurok Indian Housing Authority was providing modernization funding to rehabilitate your home. Based on the nature and extent of the work to be done, it will be necessary for you and your family to temporarily relocate during the construction period. Based on the schedule of project implementation, the period of temporary relocation will begin on (Date) , and should be finished by (Date) .

The following dwellings are available for occupancy by your family during the period of temporary relocation. You can choose not to use these housing resources and may choose an alternative, however, the conditions of decent, safe and sanitary must be met to retain eligibility for relocation assistance.

Location: _____

Type: _____

Location: _____

Type: _____

We will be in contact with you if it becomes necessary to change the anticipated dates noted above. A firm date of commencement of the rehabilitation work will be provided no later than 45 days before work begins. Based on the project implementation schedule, you should be able to re-occupy your home by (Date) .

A schedule of eligible relocation benefits is as follows;

If there are any questions, please contact (Name) , (Title) , at (Phone) .

Sincerely,