

CHICO RANCHERIA HOUSING CORPORATION

Tenant Assistance, Relocation, and Real Property Acquisition Policy

Subject: Tenant Assistance, Relocation, and Real Property Acquisition Policy	Number: 2
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Statutes: Native American Housing Assistance and Self Determination Act of 1996 (NAHASDA; 25 U.S.C. 4163 <i>et seq.</i>); Regulations 24 CFR §1000 & 1003; Uniform Relocation Assistance and Real Property Acquisition Polices Act of 1970 (URA; 42 U.S.C. 4601 <i>et seq.</i>); Regulations 49 CFR § 24	Supersedes: All Previous Versions
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Table of Contents

I. PURPOSE 1

II. POLICY 1

1. References 1

2. General Definitions 1

 a) Agency 1

 b) Temporary and Permanent Relocation Dwelling 2

 c) Household Income (49 CFR § 24.2(a)(14)) 2

 d) Income Limits- 2

 e) Utility Costs - 2

3. Temporary Relocation in Connection with Rehabilitation 2

 a) Logistics - 2

 b) Consultation - 2

 c) Eligibility - 2

 d) Planning - 3

 e) Reasonable Costs Directly Associated with the Temporary Relocation 4

 f) Payments 6

4. Permanent Relocation in Connection with a Disabled Accessibility Requirement 6

 a) Application 6

 b) Eligibility 6

 c) Eligible Assistance 6

 d) Ineligible Costs 6

5. Acquisition 7

6. Permanent Relocation in Connection with Acquisition 7

CRHC shall practice and implement all permanent relocation in connection with acquisition in compliance with the Uniform Relocation Act of 1970 (URA), 24 CFR 1000.14, 24 CFR 1003.602, and any other applicable laws and regulations.

For guidance in the procedures and standards for implementing permanent relocation in connection with acquisition and acquisition of real property, the Corporation does hereby adopt the guidelines, tools, forms, and attachments of the HUD HANDBOOK 1378, entitled TENANT ASSISTANCE, RELOCATION AND REAL PROPERTY ACQUISITION, as published, and updated from time to time, by the U.S. Department of Housing and Urban Development.

Chico Rancheria Housing Corporation
Real Property Acquisition and Relocation Policy

I. Purpose

The purpose of this policy is to set forth 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 of 1970 (URA). Prior to HUD approval or compliance assessment for any grant, contract, or agreement requiring relocation activity under which HUD provides financial assistance, Chico Rancheria Housing Corporation must provide a certification that it will comply with the URA as required under the NAHASDA implementing regulations at CFR 24 § 1000.14. Furthermore, this policy shall provide the guidelines that describe the relocation assistance that it has elected to furnish and provide to eligible housing participants that are not required under Federal law.

Chico Rancheria Housing Corporation will take appropriate measures to carry out the requirements contained in the policy in a manner that minimizes fraud, waste, and mismanagement. Instances of fraud and waste will be handled appropriately by CRHC or referred to HUD's Office of Inspector General.

II. Policy

1. References

The applicable Federal Statutes and Regulations shall supersede in cases where this policy does not specifically address certain circumstances pertaining to projects requiring relocation. These references are listed below:

- a) Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (URA, Uniform Act, or Uniform Relocation Act), (Pub. L. 91-646, 42 U.S.C. 4601 *et seq*), and the government wide implementing regulations at 49 CFR § 24.
- b) Native American Housing Assistance and Self Determination Act of 1996 (NAHASDA), (Pub. L. 104-330, as amended by Pub. L. 105-276, 106-568, and Pub. L. 107-292, 25 U.S.C. 4101 *et seq.*); and implementing regulations at 24 CFR § 1000.
- c) Title I of the Housing and Community Development Act of 1974, as amended (Public Law 93-383; 88 Stat. 633; 42 U.S.C. 5301 *et seq.*); and implementing regulations at 24 CFR § 1003.
- d) Title II of the Cranston-Gonzalez National Affordable Housing Act, as amended and implementing regulations at 24 CFR § 92.
- e) HUD Handbook1378, updated March 16, 2007 - Tennant Assistance Relocation and Real Property Acquisition.

2. General Definitions

- a) **Agency** - The entity that causes a person to become displaced, including a local government or organization administrating federal funds (i.e., CRHC).

Chico Rancheria Housing Corporation
Real Property Acquisition and Relocation Policy

- b) **Temporary and Permanent Relocation Dwelling** - Dwelling which is suitable, decent, safe, and sanitary to be used by the resident during the rehabilitation period or for permanent relocation. The relocation dwelling may not necessarily be comparable to the original dwelling as long as the safe and sanitary requirements are met.
- c) **Household Income (49 CFR § 24.2(a)(14))** - The term *household income* means total gross income received for a 12 month period from all sources (earned and unearned) including, but not limited to wages, salary, child support, alimony, unemployment benefits, workers compensation, social security, or the net income from a business. It does not include income received or earned by dependent children and full time students under 18 years of age. Other exclusions include program benefits that are not considered income by Federal law such as food stamps and the Women Infants and Children (WIC) program. The URA definition of "household income" is not to be confused with HUD's program definitions of "annual income" or "adjusted annual income" applicable to Section 4 (1) of NAHASDA, Section 104 (d) of the Housing and Community Development Act of 1974, or any subsidized housing programs funded directly or indirectly by HUD. HUD's programmatic definitions of income should not be used for URA purposes.
- d) **Income Limits**- As Household Income is determined by the Uniform Act rather than HUD, different Income limits also apply. These limits for the CRHC Indian Service Area are attached as Appendix A, and shall be updated annually when they are published by the Federal Highway Administration.
- e) **Utility Costs** - Expenses for heat, cooking, lighting, water and sewer incurred in the reasonable residential use and occupancy of a dwelling. Utility Costs do not include garbage, telephone, television, internet, or other services.

3. Temporary Relocation in Connection with Rehabilitation

When temporary relocation is required due to rehabilitation, other funding sources will be investigated and obtained, such as home owner's insurance relocation benefits, prior to the use of IHBG funds. No temporary relocation will prolong more than one year.

- a) **Logistics** - CRHC shall take all reasonable steps to minimize relocation as a result of a rehabilitation project. If necessary to accomplish this goal, CRHC will consider the feasibility of carrying out the project in stages, including taking necessary steps to ensure cooperation and coordination among government agencies, utility providers, and affected persons.
- b) **Consultation** - CRHC will consult with the residents of the house to be rehabilitated prior to project implementation. Resident comments will receive serious consideration, as resident participation is required for accurate budgeting.
- c) **Eligibility** - In addition to meeting the requirements only persons residing in the home at the time the Notice of Relocation Eligibility is postmarked will be eligible for relocation benefits. Visitors will not be eligible for temporary relocation. In the case of Tribally-owned homes, only persons listed on the lease shall be eligible for benefits.

Chico Rancheria Housing Corporation
Real Property Acquisition and Relocation Policy

- d) **Planning** - During the planning stage of the rehabilitation project, CRHC 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 relocation, CRHC will complete a survey, if applicable, to determine the following information:
- 1) Number of households to be relocated
 - 2) Income of participants and rents/utilities paid
 - 3) Family characteristics
 - 4) Impact of temporary relocation on any elderly or disabled family members
 - 5) Availability or suitable temporary relocation dwelling/s, including motels/hotels
 - 6) Need for storage of personal property and/or furniture
 - 7) Need of providing advisory services to the housing participants
 - 8) Any other special requirements pertaining to the project, which may include provisions to eliminate the need for such relocation
 - 9) Schedule of Moving Costs - develop a schedule of moving estimates by unit size based on estimates from local movers to enable it to determine the reasonableness of moving costs. However, the Agency cannot use this schedule to place a fixed-payment maximum on the cost of any resident's move, if a higher amount is warranted and reasonable based on the actual amount of household goods to be moved or other extenuating circumstances that can be documented or explained. The URA Fixed Residential Moving Cost Schedule may be a useful resource in some circumstances (see 49 CFR 24.302).
- e) **Project Notification** - If necessary, at the time CRHC determines to allocate funds for a project requiring temporary relocation, a notice of the project will be issued to all affected housing participants. At a minimum, the notice will include the following items:
- 1) Statement advising the family they will not be displaced
 - 2) A caution for the family not to move out at this time
 - 3) A statement that if the family moves out at this time, relocation benefits are relinquished
 - 4) Assurance that the family will be able to re-occupy the unit
 - 5) Assurance that the family will be informed of any occurrences or events that will impact the rehabilitation
- f) **Notice of Relocation Eligibility** - Thirty (30) days prior to project implementation, a Notice of Relocation Eligibility will be sent to all persons

Chico Rancheria Housing Corporation
Real Property Acquisition and Relocation Policy

residing within the property. The notice will contain a schedule of eligible costs and the following information:

- 1) Eligibility determination of Temporary Relocation Benefits
 - 2) Date and approximate duration of the relocation
 - 3) If ineligible for temporary relocation benefits but unable to use food preparation facilities (kitchen) within the home due to renovation, the date and approximate duration that the kitchen will not be available.
 - 4) The address of a suitable, decent, safe and sanitary dwelling/s to be made available for the temporary period. This may include motel or hotel reservations and confirmation numbers or other information regarding the availability of temporary housing.
 - 5) The address of a storage facility, if required, and transportation arrangements of furniture and/or other personal property required to be temporarily relocated during the project, or the date and approximate duration of a temporary storage unit that will
 - 6) Description of reasonable costs (Section V (d))
 - 7) Assurance of returning to the same project or house
 - 8) Identity of contact person for counseling purposes
- g) **Reasonable Costs Directly Associated with the Temporary Relocation** - When determining an eligible or ineligible cost, the incurred cost must be caused due to the temporary relocation.
- 1) **Temporary Housing/Lodging** - Temporary Housing/Lodging is a reasonable cost when a family is temporarily relocated in direct connection with rehabilitation. The temporary unit must be decent, safe, and sanitary. CRHC shall make reservations and arrangements for lodging and or temporary housing. Selection of lodging will be based on the standard GSA rate for the area taking into account the specific needs of the family/families.
 - a) If after relocating to a temporary unit under reasonable conditions, a person chooses to move to another temporary unit of his/her own volition, the CRHC shall continue to pay any reasonable increased housing expenses, as long as the selected unit is decent, safe, and sanitary and CRHC was informed prior to the move so that CRHC can determine that the increased costs are reasonable. The increased housing cost of the temporary unit initially occupied by the person, or of any unit later occupied by the person, should not exceed the cost of the decent, safe, and sanitary temporary unit offered by the Agency. The person is responsible for the moving costs.
 - b) Where a person is evicted for cause from a temporary unit, the person may not be entitled to continued temporary housing costs,

Chico Rancheria Housing Corporation
Real Property Acquisition and Relocation Policy

the person may lose his/her right of return to the displacement site, and the person may not be entitled to relocation payments as a displaced person (HUD Handbook 1378).

- 2) **Per Diem/Meal Allowance** – CRHC shall not provide per diem or meal allowance; however, when possible, lodging will include facilities to enable meal preparation and food storage (i.e., cold storage), including kitchenettes and/or common meal preparation areas. Families not required to temporarily relocate but unable to use food preparation facilities (kitchen) due to renovation work, will need to plan for the inconvenience in advance.
- 3) **Per Diem/Meal Allowance In Emergent Situations** - Under emergency conditions, if a person must be temporarily relocated for the duration of the emergency situation from a unit that had cooking facilities to a temporary unit that lacks basic cooking facilities (i.e., a hotel), CRHC shall reimburse eligible persons for meals according to procedures set forth in Subsection h. Emergency conditions shall be determined by CRHC and may include temporary relocation due to flood, fire, earthquake, or other natural catastrophes. Emergency conditions are not housing related problems that the occupant or CRHC was aware of prior to the relocation, such as plumbing or electrical problems, etc... (HUD Handbook 1378).
- 4) **Storage** - Storage for personal belongings and/or furniture is a reasonable cost where no other method of storage within the home or property is feasible. In some cases it may include temporary storage unit/s brought to the property. In other cases it may include a rental storage unit. Moving such property is also a reasonable cost when the eligible family is not capable of moving such property. In such cases, CRHC will collaborate or council with the families. Storage reservations and arrangements will be made by CRHC and the necessity of any storage arrangements will be at the discretion of CRHC and evaluated on a case-by-case basis.
- 5) **Disconnection/Reconnection of Utilities** - CRHC shall provide direct payment or reimbursement for all disconnection and reconnection of necessary utilities, i.e., water, sewer, gas, and electricity either by:
1) Paying the expenses directly to the applicable utility company on behalf of the resident, or 2) reimbursing the resident for the cost of transferring utility services to the replacement or temporary unit according to procedures set forth in Subsection h.
- 6) **Transferring existing services** - In the event that the temporary relocation duration is greater than one month, yet less than one year, and if the person being temporarily relocated has telephone, cable service, or Internet access at the displacement unit, CRHC shall reimburse the person for costs involved in transferring existing service, if any, but not reimburse any monthly service costs (HUD Handbook 1378).
- 7) **Travel** - Travel is a reasonable cost in such cases where the family is temporarily relocated where the commuting distance related to employment, school, or other activities regarding family self-

Chico Rancheria Housing Corporation
Real Property Acquisition and Relocation Policy

sufficiency as determined by CRHC is/are greater than the distance from the home under rehabilitation.

- a) The reasonable travel cost shall be the greater difference of the commute costs described in Section V (f) (3). However, the relocated family shall not have to reimburse CRHC for any commuting distances that are less than the commuting distances from the home under rehabilitation.
- b) All travel costs shall be subject to reimbursement after providing CRHC with the appropriate documentation. There shall be no advance for travel except under special, unique circumstances determined by CRHC.
- c) Travel expense reimbursement shall be based on the standard GSA rate at the time of travel.
- h) **Payments** - CRHC will pay costs directly to the provider/s on behalf of the family when possible (i.e., lodging). In situations where reimbursements are required, CRHC will process all claims supported by receipts or reasonable proof during the next regularly scheduled payable cycle (bi-monthly) once all pertinent information and/or receipts are submitted and processed. Requests for reimbursement must be made no later than 45 days from the date of occurrence with appropriate supportive documentation.

4. Permanent Relocation in Connection with a Disabled Accessibility Requirement
When permanent relocation is required in connection with a tenant's disability requirement, the following shall apply:

- a) **Application** - When anticipated rehabilitation costs to convert a unit to an accessible unit greatly exceed the anticipated costs to relocate the disabled person/family to an available existing accessible unit, permanent relocation assistance is an eligible alternative. This is also an option when rehabilitation of the current unit is not an option.
- b) **Eligibility** - The applicant must be determined income eligible in order for the relocation to be funded with federal program funds.
- c) **Eligible Assistance** - Eligible assistance includes actual moving costs for all possessions of the disabled person, including cleaning of the former unit, and the security deposit applicable to the new unit, as well as any rent overlap of the existing unit up to the minimal amount of time for CRHC to arrange the moving and cleaning of the unit. In all cases, CRHC shall arrange for or cause to make arrangements for the move and make or cause payment to be made to all vendors associated with the relocation. It shall be the practice of CRHC to discourage payments made directly to the tenant for reimbursement of expenses.
- d) **Ineligible Costs** - Ineligible costs associated with a permanent relocation in connection with a disabled accessibility requirement include the cost to repair damages to the unit caused by the tenant.

Chico Rancheria Housing Corporation
Real Property Acquisition and Relocation Policy

5. Acquisition

CRHC shall only practice Voluntary Acquisitions on behalf of the Mechoopda Indian Tribe of the Chico Rancheria, which are transactions with no threat or use of eminent domain. All acquisitions shall be approved by the Tribal Council (Ordinance for the Charter of CRHC, Article IV (k) and any real property shall be held in the name of the Mechoopda Indian Tribe of the Chico Rancheria. The acquisition activities of CRHC are subject to Uniform Relocation Act coverage, as such activities are for federally-assisted programs or projects.

6. Permanent Relocation in Connection with Acquisition

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