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YAKAMA NATION HOUSING AUTHORITY

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**RELOCATION  
POLICY & PROCEDURES**

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**Yakama Nation Housing Authority**

P. O. Box 156  
611 S. Camas Avenue  
Wapato, WA 98951  
(509) 877-6171

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# YAKAMA NATION HOUSING AUTHORITY RELOCATION POLICY AND PROCEDURES

## Chapter 1 PURPOSE AND SCOPE

- 100.1 Purpose.** This Relocation Policy and Procedures (this “Policy”) has been adopted by the Yakama Nation Housing Authority (“YNHA”) Board of Commissioners (the “Board”) to take all reasonable steps to minimize the displacement of persons as a result of the acquisition, demolition, or rehabilitation activities of federally-funded projects; to provide relocation assistance in accordance with all applicable laws; and to ensure that persons who are displaced are treated fairly, consistently, and equitably.
- 100.2 Scope.** This Policy may apply to projects that include acquisition, demolition, or rehabilitation activities, depending upon the source of funds. When the Native American Housing Assistance and Self-Determination Act of 1996 (P.L. 104-330), as amended (“NAHASDA”), is a source of funds for a project, then the cost of relocation assistance is an eligible activity, as described in the Indian Housing Plan. In contrast, federal relocation requirements may not apply to Low-Income Housing Tax Credit projects that utilize only private, rather than federal funds; however, if private funds are combined with NAHASDA or other federal funds, federal relocation requirements generally will apply. YNHA will implement this Relocation Policy and Procedures consistent with all applicable laws.

## Chapter 2 AUTHORITY, ADMINISTRATION AND APPLICABLE LAWS

- 200.1 Authority.** The Board has authority to adopt this Policy under Resolution T-94-77 (June 21, 1977), as amended, and is responsible to ensure that any policies that are adopted are appropriate for YNHA. This Policy and any amendments to this Policy shall be effective only upon adoption by Resolution of the Board.
- 200.2 Delegation of Authority.** The Board delegates the responsibility for the administration and monitoring of this Policy to the YNHA Executive Director. The Executive Director may delegate one or more of his/her duties to a YNHA staff member who is competent to perform those duties, provided the delegation is in writing.
- 200.3 Implementation.** The Executive Director will ensure that any procedures or forms that are developed to implement this Policy conform to this Policy. Work performed this Policy shall be at all times in the best interests of the YNHA and in

accord with other YNHA policies and applicable laws. Personnel using this Policy are responsible for being familiar with its content.

- 2.004 Applicable Laws.** This Policy shall comply with all applicable laws including, without limitation, the Revised Code of the Confederated Tribes and Bands of the Yakama Nation (“RYC”), as amended, the Native American Housing and Self-Determination Act of 1996 (Pub. Law 104-330), as amended (“NAHASDA”) and regulations under NAHASDA. The YNHA Executive Director will periodically review this policy and recommend amendments as necessary to comply with applicable laws, or for other purposes.
- 200.5 Sovereign Immunity.** YNHA hereby expressly affirms its tribal sovereign immunity to suit in any jurisdiction or tribunal and does not waive, alter, or otherwise diminish that sovereign immunity by adopting or implementing this Policy or any other standard, document, or law referenced herein. To the extent any provision of this Policy or other referenced standard, document, or law is inconsistent with the sovereign immunity of the YNHA or the Yakama Nation, such provision is not adopted by this Policy and is declared void, unenforceable, and severable from the remainder of this Policy.
- 200.6 Prior Policies.** This Policy supersedes all prior policies and communications on each covered subject. This Policy is a tool to assist YNHA personnel, and it does not create a contract or promise specific treatment in specific situations. The Board reserves the right to change, cancel or interpret any YNHA policies at its sole discretion and without prior notice.
- 200.7 Other Policies.** Other YNHA Policies may apply and should be consulted and implemented in concert with this Policy.
- 200.8 No Private Right of Action.** This Policy is not intended to create any benefit, in procedure or substance, enforceable at law or in equity by any party against YNHA, its officers, employers or agents or any other person..

## Chapter 3 TEMPORARY RELOCATION

- 300.1 Uniform Relocation Act (“URA”).** The URA applies to permanent displacements and does not cover persons who are temporarily relocated in accordance with HUD regulations. While there are no statutory provisions for “temporary relocation” under the URA, the URA regulations require that any residential tenant who has been temporarily relocated for a period beyond one year must be contacted and offered permanent relocation assistance.

**300.2 HUD requirements.** HUD imposes additional conditions on temporary relocations. Under NAHASDA, residential tenants and homebuyers who will not be required to move permanently, but who must relocate temporarily for a rehabilitation project, must be provided relocation assistance, which shall include, at minimum:

- A. Reimbursement for all reasonable out-of-pocket expenses incurred in connection with the temporary relocation, including the cost of moving to and from the temporary location, and any increased housing costs (*e.g.*, rent and utility costs) during the temporary relocation period, and
- B. Appropriate advisory services, including reasonable advance written notice of:
  - The date and approximate duration of the temporary relocation;
  - The location of a suitable, decent, safe and sanitary dwelling for the temporary relocation period that is available, reasonable and affordable;
  - The terms and conditions under which the tenant may return to the unit or occupy a suitable, decent, safe and sanitary dwelling in the same building or complex following completion of the rehabilitation; and
  - The reimbursement described in subparagraph A. of this section.
- C. If these protections are put in place, HUD considers the displacement to be temporary, and not subject to the URA. If any of the protections fail, the exception fails. The displacement is deemed permanent, and the URA applies.

## Chapter 4 DEFINITIONS

**400.1 “Displaced Person”** means any person (household, business, nonprofit organization, or farm), who moves from real property, or moves his or her personal property from real property, permanently, as a direct result of rehabilitation, demolition or acquisition for a YNHA project assisted in whole or in part with federal funds, except for an Ineligible Displaced Person (as defined in section 400.2). Displaced Persons must be provided relocation assistance at the levels described in, and in accordance with, the requirements of URA. This includes, without limitation:

- A. A tenant-occupant of a dwelling unit who moves from the building or complex permanently after the submission to HUD of an IHP that includes the project and is later approved.
- B. Any person, including a person who moves before the submission to HUD of the IHP, that YNHA determines was displaced as a direct result of the rehabilitation, demolition or acquisition for a federally-assisted project.
- C. A tenant-occupant of a dwelling unit who moves from the building or complex permanently after the execution of the funding agreement, if the move occurs before the tenant is provided written notice offering the tenant-occupant the opportunity to lease a suitable dwelling in the same building or complex, under reasonable terms and conditions, upon completion of the project. Such reasonable terms and conditions include a monthly rent and estimated average monthly utility costs that do not exceed the greater of (a) the tenant-occupant's monthly rent and estimated average monthly utility costs before the agreement; or (b) thirty percent (30%) of gross household income.
- D. A tenant-occupant of a dwelling who is required to relocate temporarily, but does not return to the building or complex, if either (a) the tenant-occupant is not offered payment for all reasonable out-of-pocket expenses incurred in connection with the temporary relocation, including the cost of moving to and from the temporarily occupied unit, any increased housing costs and incidental expenses; or (b) other conditions of the temporary relocation are not reasonable.
- E. A tenant-occupant of a dwelling who moves from the building or complex after he or she has been required to move to another dwelling unit in the same building or complex in order to carry out the project, if either (a) the tenant-occupant is not offered reimbursement for all reasonable out-of-pocket expenses incurred in connection with the move; or (b) other conditions of the move are not reasonable.

**400.2 “Ineligible Displaced Person”** means a Displaced Person who, notwithstanding the provisions of 400.1, is not eligible for relocation assistance under the URA, because of any of the following:

- 1. The person moved into the property after the submission of the IHP to HUD, but, before the person signed the lease or commenced occupancy, he or she was provided written notice of the project, its possible impact on the person (*e.g.*, that the person may be displaced, temporarily relocated, or suffer a rent increase), and the fact that the person would not qualify as

- a “Displaced Person” or for any assistance provided under URA as a result of the project. (*See* paragraph VI.B. “Move-in Notice.”)
2. The YNHA determines the person was not displaced as a direct result of acquisition, rehabilitation, or demolition for an assisted project. For projects funded under NAHASDA, HUD must concur in that determination.
  3. The person is ineligible under 49 CFR 24.2(g)(2), which includes:
    - a. A person who moves before the Initiation of Negotiations (as defined in paragraph C. of this section), unless the Agency determines that the person was displaced as a direct result of the program or project; or
    - b. A person who initially enters into occupancy of the property after the date of its acquisition for the project; or
    - c. A person who has occupied the property for the purpose of obtaining assistance under the URA; or
    - d. An owner-occupant (i.e., not a tenant) who moves as a result of an acquisition as described at 49 CFR Section 24.101(a) (1) and (2), or as a result of the rehabilitation or demolition of the real property; or
    - e. A person whom the YNHA determines is not displaced as a direct result of a partial acquisition; or
    - f. A person who, after receiving a Notice of Eligibility (as defined in paragraph VI.C.), is notified in writing that he or she will not be displaced for a project. Such notice shall not be issued unless the person has not moved and the YNHA 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; or
    - g. An owner-occupant who voluntarily conveys his or her property, after being informed in writing that if a mutually satisfactory agreement on terms of the conveyance cannot be reached, the YNHA will not acquire the property. In such cases, however, any resulting displacement of a tenant is subject to the regulations in this part; or

- h. A person who retains the right of use and occupancy of the real property for life following its acquisition by YNHA; or
- i. An owner who retains the right of use and occupancy of the real property for a fixed term after its acquisition by the Department of Interior under Pub. L. 93-477 or Pub. L. 93-303, except that such owner remains a displaced person for purposes of subpart D of this part;
- j. A person who is determined to be in unlawful occupancy prior to the Initiation of Negotiations (as defined in paragraph C. of this section), or a person who has been evicted for cause, under applicable law;
- k. A person who is not lawfully present in the United States and who has been determined to be ineligible for relocation benefits in accordance with 49 CFR Section 24.208; or
- l. Tenants required to move as a result of the sale of their dwelling to a person using downpayment assistance provided under the American Dream Downpayment Initiative (ADDI) authorized by section 102 of the American Dream Downpayment Act (Pub. L. 108–186; codified at 42 U.S.C. 12821).

**400.3 “Initiation of Negotiations”** means, for purposes of NAHASDA, the date of the execution of the IHP covering the rehabilitation or demolition of the real property. The date serves as a milestone in determining a person’s eligibility for relocation assistance, including moving costs and a replacement housing payment. (HUD has adopted program-specific definitions of Initiation of Negotiations that apply to projects funded under HUD programs.)

## Chapter 5 PROJECT PLANNING

**500.1 General.** During the early planning stages of a project that will involve relocation activities, the YNHA Executive Director shall review and become familiar with this Policy and Procedures and all applicable laws and regulations. The Executive Director shall determine the staffing, training, and other capacity-building needs and identify any special problems associated with the displacements created by the project. Solutions identified during the planning stages should be developed before the eligible NAHASDA activity is included in the YNHA’s IHP.

**500.2 Indian Housing Plan.** The cost of relocation assistance is an eligible activity under NAHASDA (*see* NAHASDA Section 202(2), and 24 CFR Section 1000.14). Any IHP objective involving relocation activities should include the information listed in subparagraph C.3. of this section. While such planning activities ordinarily are not reviewed by HUD until the IHP is approved, the Executive Director is encouraged to consult with HUD in advance concerning the performance objective to be described in the IHP.

**500.3 Rehabilitation Projects.** Consistent with the requirement to take all reasonable steps to minimize displacement of persons, if necessary, the YNHA will consider the feasibility of carrying out the project in stages.

1. YNHA 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 YNHA will consult with the residents of the unit or units to be rehabilitated. Resident comments will be solicited and considered. Resident participation is necessary for accurate budgeting.
3. During the planning stage of the rehabilitation project, the YNHA 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 YNHA will 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/or permanent relocation dwellings;
  - Description of solutions to any unique situations or problems;
  - Need to provide advisory services to the housing participants;
  - Staff who will be responsible for administering relocation activities; and
  - Estimated timeframes and cost of relocation activities.

## Chapter 6 REQUIRED NOTICES

**600.1 General.** All required notices will be delivered either by certified mail, with return receipt requested, or hand-delivered, with signed proof of delivery, and such documentation will be maintained in the applicable case file.

**600.2 General Information Notice.** As soon as feasible, a General Information Notice must be provided to all occupants of a project involving acquisition, rehabilitation or demolition, which includes the following:

- A. Informs the person that he or she may be displaced for the project and generally describes the relocation payment(s) for which the person may be eligible, the basic conditions of eligibility, and the procedures for obtaining the payment(s);
- B. Informs the person that he or she will be given reasonable relocation advisory services, including referrals to replacement properties, help in filing payment claims, and other necessary assistance to help the displaced person successfully relocate;
- C. Informs the person that he or she will not be required to move without at least ninety (90) days advance written notice, and informs any person to be displaced from a dwelling that he or she cannot be required to move permanently unless at least one comparable replacement dwelling has been made available;
- D. Informs the person that any person who is an alien not lawfully present in the United States is ineligible for relocation advisory services and relocation payments, unless such ineligibility would result in exceptional and extremely unusual hardship to a qualifying spouse, parent, or child, under URA; and
- E. Describes the displaced person's right to appeal the Agency's determination as to a person's application for assistance for which a person may be eligible under this part.

**600.3 Temporary Relocations.** For persons whom YNHA does not plan to displace, the General Information Notice is modified as follows:

- A. Explains that the project has been proposed and that the family will not be displaced;

- B. Cautions the family not to move at this time and keep paying their rent, to remain eligible to receive relocation benefits; and
- C. Assures the family that they will be able to re-occupy either the same dwelling or a comparable replacement dwelling in the same project, and that the housing payment will not increase as a result of the rehabilitation of the unit.

**600.3 Move-in Notice.** All new tenants in the project, prior to their signing a lease or moving into the unit, must receive a move-in notice, or notice of expected displacement, explaining of the nature of the project, its possible impact on the person (e.g., the person may be displaced, temporarily relocated, or suffer a rent increase), and the fact that the person will not qualify as a “Displaced Person” or for any assistance provided as a result of the project.

**600.4 Notice of Eligibility.** This notice must be issued promptly to Displaced Persons after the Initiation of Negotiations and must describe the available relocation assistance, the estimated amount of assistance based on the displaced person’s individual circumstances and needs, and the procedures for obtaining the assistance. This Notice must be specific to the person and their situation so that they will have a clear understanding of the type and amount of payments and/or other assistance they may be entitled to claim.

**600.5 Notice of Ineligibility.** Ineligible Displaced Persons (*e.g.*, illegal aliens or unlawful occupants) will be provided with a written notice that they have been determined by YNHA to be ineligible for relocation assistance, the reason(s) they are ineligible, and their right to appeal that determination. Their right to appeal will be under these Policies and Procedures. Any notice to vacate or eviction will be under the YNHA Occupancy Policies and Yakama Tribal law.

**600.6 Notice of Nondisplacement.** Persons who do not qualify as Displaced Persons will be provided with a Notice of Nondisplacement to advise them of that determination and their right to appeal. In the case of a Temporary Relocation, this notice may advise a person that they may be or will be temporarily relocated. If a person will be temporarily relocated, YNHA will provide reasonable advance written notice of:

- A. The date and approximate duration of the temporary relocation (not to exceed 1 year);
- B. The address of the suitable, decent, safe, and sanitary dwelling for the temporary relocation period that is available, reasonable and affordable;

- C. Assurance that the person may return to the same project (or same house if a Mutual Help unit) under reasonable terms and conditions upon completion of the project;
- D. Information about reimbursement for all reasonable out-of-pocket expenses incurred in connection with the relocation and move; and
- E. The advisory services which will be available to them, including the identity of a contact person for counseling purposes.

**600.7 Thirty-Day Notice.** In cases of Temporary Relocation, HUD Handbook 1378 recommends that agencies provide a minimum of 30 days notice to move to persons who will not be displaced but who need to be temporarily relocated as result of a rehabilitation project. Longer notice may be appropriate for persons who will be relocated for an extended period of time (over 6 months) or if the move will include all personal property on site. Shorter notice periods may be appropriate based on an urgent need due to danger, health or safety issues or if the person will be temporarily relocated for only a short period of time. Where time to begin work on the project is critical, the Notice of Nondisplacement and the 30-day notice may be combined into one notice.

**600.8 Ninety-Day Notice.** Except as provided in section 600.7, no lawful occupant will be required to move unless he or she has received at least 90 days advance written notice. The 90-day notice shall either state a specific date as the earliest date by which the occupant may be required to move, or state that the occupant will receive a further notice indicating, at least 30 days in advance, the specific date by which he or she must move. If the 90-day notice is issued before a comparable replacement dwelling is made available, the notice must state clearly that the occupant will not have to move earlier than 90 days after such a dwelling is made available. A comparable replacement dwelling will be considered to have been made available if:

- A. The person is informed of its location; and
- B. The person has sufficient time to negotiate and enter into a purchase agreement or lease of the property; and
- C. 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.

Where time to begin work on the project is critical, the Notice of Eligibility and the 90-day notice may be combined into one notice. Persons must still be provided with a minimum of 90 days notice prior to requiring that they move,

unless the urgent need provisions in 49 CFR 24.203(c)(4) are met (*see* section 600.9).

**600.9 Urgent Need.** In unusual circumstances, an occupant may be required to vacate the property on less than 90 days advance written notice if YNHA determines that a 90-day notice is impracticable, such as when the person's continued occupancy of the property would constitute a substantial danger to health or safety. A copy of YNHA's determination shall be included in the applicable case file. YNHA will not artificially create an "urgent need" (*e.g.*, by issuing a notice to proceed to a demolition contractor, then using the imminent demolition to substantiate a danger to the resident's health and safety in order to cut short the notice period which is otherwise required).

## Chapter 7 ACQUISITION OF REAL PROPERTY

**700.1 Steps in the Process.** Pursuant to NAHASDA, the acquisition of real property for an assisted activity is subject to the URA. Entities like YNHA who do not have authority to acquire property by condemnation must do the following:

- A. Before discussing the purchase price, inform the owner:
  - 1. Of the amount YNHA believes to be the fair market value of the property. Such amount shall be based upon one or more appraisals prepared by a qualified appraiser. However, this provision does not prevent YNHA from accepting a donation or purchasing the real property at less than its fair market value, and
  - 2. That YNHA will be unable to acquire the property if negotiations fail to result in an amicable agreement.
- B. Request HUD approval of the proposed acquisition price before executing a firm commitment to purchase the property if the proposed acquisition payment exceeds the fair market value. The recipient shall include with its request a copy of the appraisal(s) and a justification for the proposed acquisition payment. HUD will promptly review the proposal and inform the recipient of its approval or disapproval.

**700.2 Initiation of Negotiations.** Whenever displacement results from the YNHA'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. For this purpose, "Initiation of Negotiations," means the delivery of the initial written offer by the YNHA to the owner or the owner's representative to purchase the real property for the project.

**700.3 Notice to Occupants.** As soon as is feasible after the Initiation of Negotiations, the YNHA shall provide all occupants entitled to relocation benefits with a notice that complies with URA. Once the property is acquired, the YNHA shall give the occupants notice as required by URA. No lawful occupant of the acquired property shall be required to move within less than ninety (90) days after he or she has received a notice from the YNHA that complies with URA.

## Chapter 8 ELIGIBLE COSTS

**800.1 Moving Expense and Dislocation Allowance.** When YNHA displaces a tenant from a YNHA unit, and offers the tenant the opportunity to relocate to a comparable replacement YNHA unit, then YNHA may elect to perform the move itself, using YNHA labor or a moving company, at no cost to the individual or family being displaced. In such cases, the individual or family is also entitled to a moving expense and dislocation allowance, which shall be limited to the amount in the most recent edition of the Fixed Residential Moving Cost Schedule, <http://www.fhwa.dot.gov/realestate/fixsch96.htm>). The current limit is \$100.00. (NOTE: This does not apply to a general transfer when URA does not apply. It also does not apply to a move to non-YNHA housing.)

**800.2 Actual Reasonable Moving and Related Expenses.** A person who elects to be reimbursed for Actual Reasonable Moving and Related Expenses will receive assistance for all necessary moving services. YNHA may 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. Persons may be required to submit their moving cost estimates for YNHA approval prior to the move. A temporarily relocated person may not need to move all of his or her possessions, such as in case of rehabilitation to only one room of a residence. Reimbursement based on actual expenses will be supported by documentation acceptable to YNHA and may include costs of:

- Transportation of the relocating family and personal property. Transportation costs for a distance beyond fifty (50) miles may not be eligible, unless the YNHA determines that relocation beyond fifty (50) miles is justified.
- Packing, crating, unpacking and uncrating of the personal property. If the tenant prefers to pack his or her own personal possessions, YNHA may provide packing instructions, markers and tape.
- Costs of storing personal property for up to twelve (12) months, unless YNHA determines that a longer period is necessary.

- Disconnecting, dismantling, removing, reassembling, and reinstalling relocated household appliances, and other personal property. This would include fans, air conditioners, personal computers, etc.
- Direct payment or reimbursement for all disconnection and reconnection of necessary utilities (i.e., water, sewer, gas, and electricity) as well as reinstallation of telephone and cable television service, if the tenant had the services prior to the temporary move. This does not include any reimbursement for new or increased utility deposits since deposits are refundable and not considered a cost; however, the PHA may elect to advance funds for such deposits to a tenant or homebuyer under a repayment agreement.
- Insurance for the replacement value of the property in connection with the move and necessary storage.
- The replacement value of any property lost, stolen, or damaged in the process of moving (not through the fault or negligence of the occupant, his or her agent, or employee) where insurance covering such loss, theft or damage is not reasonably available.
- Reasonable moving expenses for a person with disabilities might need to cover the cost of moving assistive equipment that is the personal property of the tenant, the furnishings and personal belongings of a live-in aide, and/or other reasonable accommodations.
- Other moving-related expenses that are not listed as ineligible under Sec. 24.301(h), and as the YNHA determines to be reasonable and necessary.

**800.3 Fixed Allowance Moving Expenses.** As an alternative to Actual Reasonable Moving and Related Expenses, a person may receive the fixed allowance for moving expenses provided in 49 C.F.R. §24.302. This payment is determined according to the Fixed Residential Moving Cost Schedule, the most recent version of which is available at <http://www.fhwa.dot.gov/realestate/fixsch96.htm>.

**800.4 Replacement Housing Payment.** A Displaced Person who is a tenant or owner-occupant of 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 from 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 property. The YNHA may extend this time for good cause.

- A. Rental assistance. Subject to the \$5,250 limit, a Displaced Person who is 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.

- B. Downpayment assistance. A Displaced Person who purchases a replacement dwelling may receive down payment assistance in the amount he or she would have received as rental assistance under subparagraph 1., above.
- C. 180-day Owner-Occupants. A Displaced 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.

**800.5 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 YNHA travel and per diem policy for meals and incidentals. The amount of the voucher will consider the size of the family.

**800.6 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 YNHA to have the same purpose and effect as such payment under this part.

## Chapter 9 COMPLIANCE WITH SECTION 504

**900.1 Individuals with Disabilities.** In compliance with Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and HUD's implementing regulations at 24 CFR Part 8, and YNHA will take steps to ensure that no displaced person with disabilities is excluded from participating in, denied the benefits of, or subjected to discrimination in the provision of relocation assistance because of the person's disability. This includes: ensuring that communications are effective and that facilities for meetings about relocation are accessible; determining the accessible features of the housing from which the person will be displaced, and inspecting replacement housing to ensure that it includes features to meet the person's accessibility needs; and providing reasonable accommodation as

requested. YNHA shall and maintain records of the steps taken to ensure that an individual with disabilities is not excluded from participating in relocation assistance.

## Chapter 10 TIMELINESS AND WAIVER

**1000.1 Timeliness.** All claims for a relocation assistance shall be filed with the YNHA no later than eighteen (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 applicable regulations, he or she shall be ineligible for assistance

**1000.2 Waiver.** For good cause shown, YNHA may extend or waive the requirement to file a timely claim.

## Chapter 11 GRIEVANCES/APPEALS

**1100.1 Grievances.** An affected person may file a grievance in any case in which the person believes that the YNHA has failed to properly consider the person's application for assistance under this Policy or applicable regulations. Such assistance may include, but is not limited to, the person's eligibility for, or the amount of, a payment required under the URA, or a relocation payment required under this Policy and Procedures. Such a grievance must be filed within sixty (60) days of the date of occurrence. The YNHA shall process a grievance regardless of its form.

**1100.2 Due process.** YNHA will conduct a hearing no later than fourteen (14) days after receipt of the Grievance. 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. The participant (and legal counsel or other representative, if applicable) shall have the right to review and copy any records pertaining to the relocation activities, subject to reasonable limits imposed by YNHA to preserve the confidentiality of documents not otherwise legally discoverable. The participant may be represented by legal counsel or other representative, at his or her own expense, in any hearing or grievance proceedings.

**1100.4 Extensions of Time.** On a case-by-case basis, upon request of the participant, for good cause, the YNHA may extend the time limit for filing a grievance or the time for conducting a hearing, not to exceed thirty (30) days.

**1100.3 Hearings.** 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 was not involved in the action being appealed, and who can act impartially in hearing the appeal. Not more than fourteen (14) days after the conclusion of the hearing, a written decision will be issued.

## Chapter 12 RECORDKEEPING

**1200.1 Records.** YNHA shall maintain adequate records of its acquisition and displacement activities in sufficient detail to demonstrate compliance with this Policy and Procedures and the applicable relocation regulations. These records shall be retained for at least three (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.

**1200.2 Confidentiality of Records.** Records maintained by YNHA in accordance with this Policy are confidential and shall not be disclosed except as necessary in the administration of this Policy and Procedures.

**1200.3 Reports.** YNHA shall submit a report of its real property acquisition and displacement activities, if required by HUD. The report may be prepared and submitted using the format contained in appendix B to the 49 CFR Part 24.