

**LOCAL RELOCATION POLICY**

Resolution 2000-33

WHEREAS, Torrance Co., New Mexico hereinafter referred to as the locality, is undertaking a Community Development Program under the provisions of the Housing and Community Development Act of 1974 (Public Law 93-383) and amendments thereto;

WHEREAS, the Housing and Community Development act of 1974 requires compliance with the relocation requirements of the Uniform Relocation and Real Property Acquisition Policies Act of 1970, hereinafter referred to as the Uniform Act, and implementing regulations issued by the Department of Housing and Urban Development (49 CFR Part 24) when the acquisition of real property occurs; and

WHEREAS, the locality wishes to provide a local policy covering all probable types of relocation which may be necessary in accomplishing CDBG related activities, the following policy is hereby adopted:

I. Permanent Relocation

All persons, families, or businesses permanently displaced as a result of CDBG funded activities shall be provided with relocation assistance and compensation as authorized by the Uniform Act. Procedures and forms shall be in accordance with the Federal Regulations at 49 CFR Part 29.

II. Temporary Relocation - Owner Occupied Units

Program activities shall be planned and carried out in a manner that minimizes hardships to occupants of houses being rehabilitated in accordance with the CDBG program.

When a homeowner requests and receives a grant or loan for the purpose of rehabilitating his home, he becomes eligible for temporary relocation assistance providing the nature of the rehabilitation is such that the occupants could not continue to live in the dwelling during rehabilitation as determined by the contractor and the Housing Rehabilitation Specialist and approved by the Planning and Evaluation Administrator.

Arrangements will be made to provide temporary relocation assistance in accordance with the needs of those being temporarily displaced, including social services, counseling, guidance, assistance, and referrals.

Costs associated with a temporary move may be included in the rehab grant if no personal resources are available to the occupant of the dwelling to be rehabilitated. These costs normally may not exceed \$3,000.00. Hardship situations will be considered on an individual basis. Costs which may be charged to the rehabilitation contract include:

- Actual reasonable moving costs to the temporary relocation.
- Actual reasonable cost of renting the temporary unit. (Normally not to exceed 90 days.)
- Actual reasonable cost for storage of furniture that cannot be housed in the temporary unit in the event that the family can find shelter for themselves but not their belongings.
- Actual reasonable cost of moving from the temporary location back to the rehabilitated dwelling.

Eligible recipients shall not be relocated until the contractor is prepared to begin rehabilitation work and shall be returned to their homes immediately upon final inspection of their homes. All reasonable costs must be documented by dated invoices from the parties receiving the remuneration. Procedures and forms shall be in accordance with the HUD Relocation Handbook 1376.1, as revised.

### III. Tenant Assistance Policy

No tenant shall be considered permanently displaced if the tenant can return to his or her unit after rehabilitation at a cost not to exceed 30% of his or her family income.

No person displaced by rental rehabilitation activities will be discriminated against. All displaced persons shall be equally provided information, counseling, referrals, relocation services and relocation payments, if eligible.

No person shall be displaced because of age, race, color, religion, sex, handicap, or national origin.

All persons will be provided with information and counseling to familiarize tenants in the projects to be rehabilitated with (1) opportunities to select replacement dwellings from a full range of neighborhoods within the total housing market; (2) individual rights under the Fair Housing Law; and (3) how to search for suitable replacement housing.

#### IV. Grievance Procedure

##### Grounds

You have the right to appeal any action of Torrance Co. on the following grounds:

- failure to properly determine your eligibility for, or the amount of, a relocation or other payment due you under the Uniform Act;
- refusal to waive the time limit for filing a claim or the one-year purchase and occupancy requirement;
- failure to properly inspect the replacement dwelling;
- failure to comply with a requirement providing a Comparable Replacement Dwelling Prior to Displacement.

Your acceptance of the amount offered you by Torrance County does not limit your right to appeal Torrance County's determination and seek a larger payment.

##### Methods and Time Limits for Initiating an Appeal

If your appeal concerns your eligibility for, or the amount of, a payment, you must file your appeal within 6 months after Torrance County notifies you of its determination on your claim.

If your appeal concerns an alleged failure to provide appropriate housing referrals or to properly inspect the replacement dwelling or Availability of Comparable Replacement Dwellings Prior to Displacement, you must file your appeal within 6 months after you have been displaced from your home or apartment.

If your appeal concerns an alleged failure to comply with Notice of Right to Continue in Occupancy, you must file your appeal no later than 6 months after (a) your permanent move from your home or apartment; or (b) the end of the four-year occupancy period, whichever comes first.

If your appeal concerns Torrance County's refusal to waive the one-year purchase and occupancy requirement, your appeal must be filed within 30 days after the refusal.

You may make a request to Torrance County, either orally or in writing, to make an oral appeal. Torrance County will provide you with the opportunity for an oral presentation within 15 days of your request. If Torrance County does not grant your grievance, you will be so notified and informed you have the right to make a written appeal. However, the request for an oral presentation does not entitle you to any

postponement of displacement.

You may also file a written request for review. Include any statement of fact or other material which you feel has a bearing on your appeal. If more time is needed to gather and prepare additional material for review, you may be granted additional time so you have at least 30 days from the date of receiving notification of the decision concerning your appeal. If you need assistance in preparing your material, Torrance County will help you and will also tell you about other available sources of assistance. After you have submitted the new information in support of your request for review, the Torrance County will reach a decision within 30 days. It will send you a copy of the decision, a statement of the facts and legal basis upon which it is based, a description of how any new payments or relief will be provided to you, and, if your appeal was not totally granted, a statement of your right to appeal Torrance Counties' decision to the New Mexico Department of Finance, Local Government Division.

In any review of your appeal by Torrance County or the State, you have the right to be represented by a lawyer or other counsel, and you may appeal any final decision by the State to the Courts.

If you have any questions concerning these procedures, do not hesitate to contact:

Bahette Berkshiff, Relocation Officer, Torrance County, P.O. Box 48, Estancia NM  
telephone the Relocation Officer at 384-2418

\_\_\_\_\_  
Occupant's Signature

\_\_\_\_\_  
Grantee Representative

\_\_\_\_\_  
Occupant's Address

\_\_\_\_\_  
Date

RESOLUTION NO. 2000-33

WHEREAS, Torrance County is required to meet certain guidelines of the State of New Mexico and the Federal Government for our Community Development Block Grant, and

WHEREAS, Torrance County did review existing Policies, Codes, Plans, and Ordinances, and

WHEREAS, many existing Policies, Codes, Plans, and Ordinances are up to date and need no revisions.

NOW THEREFORE, BE IT RESOLVED that the current Fair Housing Ordinance, Procurement Code, Public Participation Plan, Section 3 Plan, Relocation Policy, and Anti-Donation Policy are hereby re-approved with no revisions.

Done this 13th of September, 2000.

*Eric R. ...*

*Sandra V. ...*