



**PORTLAND HOUSING AUTHORITY
RELOCATION PLAN
FRONT STREET REDEVELOPMENT**

Prepared By:
**Portland Housing Authority
14 Baxter Boulevard
Portland, Maine 04101**

Adopted by Board of Commissioners on:

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A handwritten signature in blue ink, which appears to read "Cheryl A. Sessions". The signature is written over a horizontal line.

**Cheryl A. Sessions
Executive Director**

A. HOUSING AUTHORITY STATEMENT OF POLICY FOR RELOCATION TRIGGERED BY ACTIONS UNDER SECTION 18 OF THE HOUSING ACT OF 1937, AS AMENDED

1. Background

All relocation procedures and operations related to HUD-assisted project activities (hereinafter referred to as "project" or "project activity") will be conducted in accordance with applicable law and regulations.

The Portland Housing Authority (PHA) will be initiating a disposition and demolition process for its Front Street units, as listed on Attachment A, under Section 18 of the 1937 Act, as amended.

The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (the "Uniform Act" or "URA"), and its implementing regulations at 49 CFR Part 24 apply to this disposition action.

The disposition program entails removal of the structures specified from the PHA federal public housing program. The land will then be conveyed via a long-term lease to the new development entity.

2. Objective

The purpose of this policy is to establish the standards for relocation of households residing at the PHA's Front Street Public Housing Development on either a temporary or longer-term basis.

3. Eligibility

This Relocation Plan pertains to the residents of the covered units of Front Street as of December 1, 2017, and that are considered in "good standing" with the PHA. To be considered in good standing a tenant must remain in compliance with all program and lease requirements, and make monthly rental payments on time, for the duration of relocation process.

A resident who is covered by a stipulated judgment from the court at the time of relocation and who satisfies the requirements of the judgment prior to any opportunity to return to either a "replacement unit" or existing PHA dwelling will be considered to be in "good standing".

Provision of Assistance

Any PHA tenants who reside in covered units will be provided relocation assistance and

payments sufficient to cover reasonable relocation expenses.

Except when a person is evicted through appropriate court action, no covered tenant will be required to move from any dwelling in a building scheduled for project action until such person:

- a. has been provided proper notices as required;
- b. has been offered a reasonable choice of decent, safe, and sanitary replacement dwellings at rents (including utilities) not higher than permitted under the Authority's payments standards for its Housing Choice Voucher Program;
- c. has been provided with at least a 90 day notice of the need to vacate their dwelling unit and been provided with relocation assistance sufficient to complete a move to a replacement dwelling; or,
- d. has been temporarily relocated to a suitable decent, safe, and sanitary dwelling for a limited period of time pending the person's permanent relocation, if required as a temporary measure pending the leasing an offside relocation unit.

Nondiscrimination

All eligible relocation households will be entitled to appropriate and reasonable payments and assistance without regard to race, color, religion (creed), national origin, disability, age, sex or sexual orientation, in accordance with Federal and State laws.

4. Assessment of Tenant Needs

As part of the planning process, PHA will assess the characteristics and needs of each covered household by conducting a survey during individual meetings. The assessment will be updated periodically to ensure that complete and correct information is available.

Counseling/Advisory Services

The Authority will keep each tenant informed about the project, the earliest date it may be necessary to vacate their dwelling and the availability of counseling services.

Covered households for which special assistance is required will be identified and a relocation case worker will be assigned to assist the household with their housing search.

In addition, tenants will be provided assistance in completing and filing any necessary forms, and in following procedures for payments and other assistance. Based on

apparent needs and/or requests, tenants will be provided counseling and referrals to third party sources of assistance as may be appropriate.

Documentation and Recordkeeping

Records and documentation related to relocation of tenants, either permanent or temporary, will be kept in sufficient detail to demonstrate compliance with applicable laws, regulations. Such records will include data on the race, ethnic, gender, and disability status of relocated households, and will be retained for at least three years after the latest date of the issuance of all payments to persons displaced.

B. RELOCATION PROCEDURES

1. Evaluation of Relocation Needs

PHA's current residents have a variety of needs and circumstances that need to be identified and incorporated in the arrangement for relocation. Physically disabilities and specific health needs may require specialized adaptations of housing units or specialized supportive services.

Households with children may have working parents. The ability to organize the packing up of their household may be a challenge given competing demands on the head of household's time. Whenever possible we will identify situations that exist and make efforts to provide period childcare to allow for the head of household to have time for packing and organizing their household for relocation OR for time to search for a relocation unit.

In addition, a move to a new unit will pose difficulties for some tenants unless the new housing unit is carefully chosen and in some cases physically adapted to their needs. Finally, the timing of moves can have important consequences, such as a school year in process or medical visits to a specific doctor or facility.

All households will be screened to determine housing and supportive service needs and counseled in the selection of housing so that those needs can be met.

In the case of most of the families, a variety of needs will dictate the demand to provide certain housing resources, such as accessibility, or proximity to medical, daycare and schools, transportation, and jobs. These factors must be taken into account in the relocation effort.

A needs assessment instrument for families has been developed and will be used to document any special needs. In addition, the Authority may use other resources such

as community and human service organizations to provide additional and specialized counsel to families where appropriate, to assist households in their relocation choices.

Limited English Proficiency issues will be taken into account and interpreters will be made available as needed to work with individual households on their relocation needs. We anticipate that Arabic, Acholi, Somali, Khmer and French will be the most prevalent secondary languages but will arrange for other language resources as their need arises.

2. Description of Housing Resources Needed

Relocation Housing Units.

PHA may propose the use of vacant units in other developments in the Authority's portfolio or apartments in the community, condominiums for rent and other houses for rent. For dwelling units not already in a public housing program controlled by the Authority, **Housing Choice Vouchers** will be used as the means to provide for affordability that matches current levels of affordability at Front Street.

All units, including the vacant units in other PHA developments, will be required to pass inspection prior to occupancy, to ensure that they are decent, safe, and sanitary.

All residents who move into relocation units will be given relocation assistance consistent with the Plan for the move-out of their unit into such accommodations, for their occupancy of the unit (consistent with the affordability requirement), and for any additional move, if required, into their chosen permanent relocation housing.

3. Relocation Notices

Each head of household is legally entitled to timely notices explaining the proposed impact of the project on his/her household. A person who will be displaced must be informed of his/her eligibility for relocation assistance and the nature of that assistance.

In order to begin this process, notices should be sent as follows:

- I. A **General Information Notice (GIN)** will be distributed and explained to each tenant at an individual assessment meeting, tenants must sign the GIN indicating their receipt.

The general information notice includes the following:

- a) An explanation that a unit removal has been proposed, cautioning the person **not to move** before the project has been approved and the person has received a notice of eligibility for relocation assistance **or** a notice of non-displacement;
- b) A general description of the relocation assistance for which the

person may be eligible, the basic conditions for eligibility and the procedures for obtaining payments;

- c) Each resident must be informed that s/he will be given reasonable relocation counseling services, including referral to temporary or permanent properties, help in filing payment claims and other assistance necessary in order to assist the person to successfully relocate;
- d) Each resident must be informed that s/he will not be required to move without at least 90 day's advance written notice and each person will be informed that s/he will not be required to vacate the property earlier than 90 days after at least one comparable replacement dwelling unit has been made available; and
- e) Information about the tenant's relocation options and assistance are included with the letter.

Group information sessions and individual meetings will be held at the time of the release of the GIN to answer questions and clarify procedures, and relocation options.

Additional meetings will be scheduled on a periodic basis to update the residents of the covered unit and to help them plan for the relocation.

At no point should such sessions be construed or represented as amending or substituting for official written notice/s.

PHA staff will interview households to assess tenants' relocation needs and desires. Tenants will be referred for counseling and other social service agency assistance as needed. During this process, tenants are constantly reminded that this stage is for planning and information only, not to move, and that **premature moves can result in loss of benefits and rights.**

Notice of Eligibility for Relocation Assistance. This notice will inform the person of his/her eligibility for the relocation assistance, and the effective date thereof and describe the assistance, the estimated amount of assistance and the procedures for obtaining the assistance. This Notice of Eligibility for Relocation Assistance may be issued in tandem with the 90 Day Notice described below.

Ninety (90) Day Notice to Vacate. At least ninety days prior to the time PHA has determined to be the date upon which the unit may need to be vacated, it will issue a notice to vacate.

The household will **NOT** be required to move unless he or she has received at least this 90 days advance written notice of the earliest date by which he or she may be required

to move. The following is required for the in the Notice to Vacate:

i) Timing of Notice. The 90-day notice will not be issued before the person is issued a notice of eligibility for relocation assistance.

ii) Content of Notice. The 90-day notice will either state the specific date by which the property must be vacated or specify the earliest date by which the occupant may be required to move and indicate that the occupant will receive a vacate notice indicating at least thirty days in advance, the specific date by which he/she must move.

iii) Urgent Need. In unusual circumstances, an occupant may be required to vacate the property on less than ninety days advance written notice if it is determined that the 90-day notice is impracticable. A copy of the determination must be included in the applicable case file. A resident may voluntarily relocate as soon as the household is ready and an acceptable unit has been leased.

iv) Notice Not Required. The 90-day notice need not be issued if the occupant makes an informed decision to relocate and vacates the property on their own initiative and outside of PHA's relocation process. However, the fact that a person has left the property on their own after "the cutoff date" does not necessarily abrogate their relocation rights. The PHA will determine on a case by case basis if the household retains a right to return.

v) Longer Notice to Move. The Authority may issue the 90 day notice earlier than 90 days before the required move but never later than the 90 days. This policy sets an objective of providing sufficient time for each household to have adequate time for a housing search.

Manner of Notices. Each 90 day notice to vacate will be sent via first-class mail with delivery confirmation or delivered by hand with the household required to sign an acknowledgement copy.

In cases where people do not read, do not read English or have impairments or other disabilities, they must be provided with appropriate translation/communication and counseling. The PHA will have already identified households with special communication needs through the relocation assessment process and will make appropriate resources available.

Each notice will indicate the name and telephone number of a person who may be contacted for answers to questions or other needed help.

4. Permanent Relocation Benefits and Assistance

The payments and assistance available to individual tenant households are as follows:

Exception to HCV Payment Standard – When it is necessary to house families or individuals in units other than public housing through the use of Housing Choice Vouchers (HCV), rents approved for the relocation unit by the PHA may exceed the HCV Program Payment Standard of the PHA up to 110% of the most recent HUD published Fair Market Rent (FMR). Under the Uniform Relocation Act (URA) requirements, an amount above the maximum possible for the HCV Program can be exceeded when required for an equivalent unit, as a supplemental rent payment. If a higher rent is approved that is beyond 110% of the published FMR, PHA will utilize a source of funds other than HCV funds. Any supplemental payments specifically triggered by URA compliance end after a maximum period of forty-two (42) months starting with the first month. At the end of the 42 months, the payments by the PHA will revert to the then applicable payment standard for the HCV Program as the compliance requirements under the URA will have terminated. PHA has the final approval concerning renting of a unit requiring additional payment above the payment standard.

Packing Assistance - If a resident prefers to pack their own personal possessions and items of value, they will be provided packing boxes and tape for the move. A resident, who is identified as needing assistance in packing as part of the assessment process, will be provided with an appropriate level of assistance to their needs. This can include assistance with decluttering and disposing of unwanted items, if necessary.

Moving Assistance and Costs – Moving expenses will be paid through a direct payment to the PHA contracted moving company at an agreed-on contract price for all in-state moves. For out of state moves, families will be provided a lump sum payment based on the USDOT moving cost schedule for the size of the unit. Final determination of the out-of-state moving allowance will be calculated at the issuance of the 90 Day Notice To Vacate based on the USDOT schedule then in effect. All reimbursement requests must be accompanied by proof of payment.

Certain costs of a temporary move will be covered by relocation benefits and may include any required utility deposits, and costs of telephone and/or cable installation.

All residents will be entitled up to a \$50 relocation allowance in addition to the above services to pay for a variety of miscellaneous costs, such as postage for change of address, and other minor expenses.

5. Security Deposits

The PHA may establish a security deposit program to assist households with their relocation process.

If such a program can be established, the PHA would provide one month's security deposit directly to the landlord using funds for the relocation. The landlord would be required to refund the full amount of the security less any appropriate deductions back to the PHA upon termination of the lease for the relocation unit.

Should the deposit be returned in full and without deduction, the PHA will allow the household to use up to 50% of the amount provided for the initial security deposit towards the security deposit for the household's next (second move) unit. This assumes that the household is still a participant in the Housing Choice Voucher Program. At the end of the second unit tenancy or at least 5 years from the initial move out from Front Street, the security deposit would become the property of the household and the PHA would cease to track its status. This assumes that the household remains in the HCV Program in good standing and that there have been no charges for damages to the security deposit,

6. Relocation Eviction Policy

In addition to the causes for eviction outlined in the current lease with PHA, refusal to accept one of a reasonable number of offers of accommodations meeting approved relocation standards will be a violation which will cause an eviction action to be initiated. **A reasonable number of offers is defined to be one to three offers**, provided that the units are turned down for reasons acceptable to PHA. An offer will not be considered a rejection, if in the opinion of the Authority, extenuating circumstances are present.

This policy is necessary in order to ensure that residents will comply with the Relocation Plan. This policy will only be enforced for reasonable refusals to relocate pertaining to and all other lease violations will be handled under the normal procedures of the Authority.

Eviction will only be used as a last resort and every effort will be made in concert with the tenant's independent counsel to prevent an eviction.

Tenants identified as requiring eviction for failure to participate in the identification of a relocation unit under this relocation eviction policy are entitled to appeal the decision and make a case as to why additional time will resolve the problem. Outright refusal to relocate will result in a prompt initiation in the eviction process.

This specific type of appeal procedure does not apply to evictions for cause related to non-relocation related lease violations. The current Housing Authority eviction policies

and grievance procedures will apply in those cases.

7. Grievance Procedure

In addition to normal grounds for grievances, tenants may appeal any of the relocation matters listed below concerning the application of the Relocation Plan. The current PHA grievance procedures will continue to apply for any occupancy (lease) and rent matters.

Persons being relocated may file an appeal if they believe any of the following to be true:

- a) The resident has not been provided with a reasonable choice of replacement relocation units or reasonable period for housing search.
- b) The comparable housing unit has not been inspected properly and contains housing code violations.
- c) The resident has special circumstances whereby the choices presented will significantly disrupt the resident's family situation.

In this last case, the PHA reserves the right to arrange for a temporary relocation pending a final relocation. For instance, the PHA can insist on a temporary relocation within the PHA's program even if this results in a disruption to a child's school assignment. The PHA has coordinated with the Portland Board of Education that a child may continue in a specific school at which they had previously been in attendance, but the School System will not provide transportation.

C. ADMINISTRATION AND COORDINATION

The objective is to provide housing transition with the minimum of disruption to the daily routine of the residents. The administrative responsibilities are the responsibility of PHA subject to policies as approved by the Housing Authority Board of Commissioners. Administrative responsibilities will be carried out by PHA staff as assigned by the Executive Director.

In order for the planning and implementation of relocation activities to occur efficiently, a staff position may be created and contractors employed. Job responsibilities will be allocated so that tasks are coordinated, duplication does not occur and lines of authority and accountability are clear. In addition, lines of authority between relocation staff and other management staff will be specified and agreed upon as necessary.

1. Staffing

Relocation Program Coordinator

This person will report to the Project Manager or designee. This person may be an existing staff person with part time responsibility to supervise the relocation process or a consultant based on the number of households that have chosen permanent relocation. His/her responsibilities include:

- Administrative oversight;
- Monitoring of relocation program budget;
- Supervise selected inspections of potential relocation resource units. Provide final approval for relocation units;
- Review bids and recommend contracts (movers, storage, etc.), subject to predetermined spending limits;
- Overall responsibility for maintenance of data base of relocating resident and relocation resources;
- Identify potential housing resources;
- coordinate inspections of potential relocation resource units and make recommendations to the Program Director with regard to which units do and do not meet relocation needs;
- Approve unit assignments;
- Assure that required notifications are provided to relocatees;
- Oversee coordination and scheduling of moves
- Review and approve all invoices for payment, subject to spending limits;
- Execute all necessary documents (inspection forms, rehousing agreements, etc.);
- Attend job meetings as necessary;
- Report to the Executive Director on relocation program status on a

- weekly basis through the relocation period.
- Collect and create file for all documentation, copies of notices and other relevant information;

2. Unit Inspections:

PHA may assign existing staff to be available to assist in unit inspections as required. For PHA properties, this would be the certified inspectors of the agency. For Housing Choice Voucher properties, it would be the certified inspectors for the voucher program. The relocation staff will be required to provide written requests to Management and HCV Staff which identifies the time required from the inspector for the upcoming week. This request should be provided at least three business days in advance.

3. Decision Making

Many of the decisions made as part of the relocation process are dictated by regulations. The policies and procedures are included in this Relocation Plan and may be updated as necessary.

Administrative decisions will be made in accord with the Relocation Plan, with final decision authority resting with the Executive Director or designee.

In accord with ensuring that there is effective communication and reliable information being shared, the following scheduled meetings will be conducted:

1. Semi-monthly meeting between Relocation Coordinator and Project Manager.
2. Community Meetings as required.

D. HOUSEHOLD ASSESSMENT FOR HOUSEHOLDS ELECTING PERMANENT RELOCATION

The Housing authority will need to establish a baseline for all occupants who elect for permanent relocation, especially the design, location and amenities of any proposed relocation housing.

Such assessment will also include a delineation of supportive services each occupant currently receives, an identification of networks occupants are part of and a documentation of the occupant's preferences for relocation.

1. Housing Assessment

There will be a need for staff to inspect and evaluate all proposed housing for the relocated residents. This inspection will utilize a modified long form of the Housing Choice Voucher HQS program and additionally a specialized amenity, obstacles, neighborhood survey instrument.

2. Logistics

There will be a need to review all the logistics related to the move including negotiations with landlords, other housing authorities, operators of other housing, the design and execution of leases, the scheduling of moves, of moving trucks, of utility hook-ups and any other logistical support needed to move an occupant of Front Street to new quarters. The relocation staff in conjunction with PHA finance staff, will design and implement an administrative and financial structure for the payment of on-going costs.

3. Social Services

Key features of any services model is the delivery of the services to residents, on-site and off-site. The intention is to create a partnership model which utilizes existing services. It should stress education, training and other needed community and support services, to enable families to become self-sufficient.

There is a need for an on-going system for managing the relocation program during the time that people are relocated. The system will need to address changes in people's physical and mental conditions which affect their ability to function in the relocated setting; changes created by decisions to move out of the public housing program; and any other changes affecting the status of occupants.