

CHAPTER 6

Recordkeeping and Reports

6-1 BASIC RECORDKEEPING REQUIREMENTS.

A. Agency Responsibility. Good recordkeeping, including a record of contacts with affected persons, is necessary to carry out the policies in this handbook in an effective manner that maintains continuity, regardless of staff turnover. The Agency (defined in Paragraph 1-4 O.) must keep records in detail sufficient to demonstrate compliance with applicable laws, regulations, local housing and occupancy codes, and this handbook. See OMB Paperwork statement at Paragraph 1-2 E.

- 1) Under HUD-assisted programs administered by a State (e.g., the State CDBG Program) the State may establish recordkeeping requirements for recipients beyond those set forth in this Chapter.
- 2) Records Held by Third Parties. It is the displacing agencies' responsibility to ensure that all records regarding acquisition/relocation actions are properly maintained and available, if requested for HUD monitoring purposes. This includes any files that may be kept by third parties (e.g., consultants and/or subrecipients). See also the uniform administrative requirements for grants and agreements under 24 CFR 84.53 and/or 24 CFR 85.36(i)(10), as applicable.

B. Retention Period. All pertinent records shall be retained for the period specified in the applicable program regulations, but no less than three years after the latest of:

- 1) The date by which all payments have been received by persons displaced for the project and all payments for the acquisition of the real property have been received;
- 2) The date the project has been completed;
- 3) The date by which all issues resulting from litigation, negotiation, audit, or other action (e.g., civil rights compliance) have been resolved and final action taken; or
- 4) For real property acquired with HUD funds, the date of final disposition (see 24 CFR 84.53 and 85.42).

- C. HUD Monitoring of Records. CPD's Monitoring Handbook 6509.2, Chapter 25, outlines HUD's monitoring process for relocation and real property acquisition projects. This chapter and the review exhibits (25-1 through 25-8) will provide Agencies with insight into the documentation and information HUD will request for review during a monitoring visit. Monitoring may occur as a result of HUD's routine risk assessment process or due to the severity or number of complaints received from the public about a particular project or Agency procedure. The failure to document compliance with applicable laws or regulations may lead HUD to issue findings and recommendations based on apparent noncompliance and recommend corrective action or sanctions (see Paragraph 1-6).
- D. Confidentiality of Records. Records maintained by the Agency to demonstrate compliance with the policies in this handbook are confidential. They shall not be made available as public information, unless required by applicable law. Only authorized staff of the Agency or HUD shall have access to them, subject to applicable law. However, upon the written request of an affected person, the Agency shall give the person or the person's designated representative the opportunity to inspect and copy, during normal business hours, all records pertinent to his/her case, except materials which are classified as confidential by the Agency. The Agency may impose reasonable conditions on the person's right to inspect these records, consistent with applicable laws.
- E. Compliance with URA when funded by more than one federal agency. Under section 24.6 of the URA regulations, when two or more federal agencies provide financial assistance to carry out functionally or geographically related activities that result in the acquisition of property or the displacement of person(s), by agreement, these federal agencies may designate one such agency as the cognizant federal agency. Agencies that accept funding from more than one federal agency for a project, must assure that all federal agencies involved are aware of any joint funding situation. If one federal agency has assumed cognizant responsibility for the project and will assure compliance with the URA, a copy of the notification should be maintained in the project records.

6-2 RELOCATION/ADVISORY ASSISTANCE RECORDKEEPING REQUIREMENTS

- A. List of Occupants (residential and non-residential). For each project, the Agency's files shall include a list or lists identifying the name, address, and occupant characteristics for all persons residing in the project (including persons residing in or on property within the federally funded project which is to be acquired, rehabilitated, or demolished with non-federal funding sources). The list(s) may be maintained manually or in computer-generated format and may be used to track progress made in carrying out the relocation

process. Sample manual guideforms are included in Appendices 21 and 22. The lists should identify:

- 1) All persons occupying the real property on:
 - a) The date of the initial submission of the application for assistance by the applicant to the Agency or HUD, if the applicant has site control; or
 - b) The date the applicant obtains site control, if site control is not obtained until after submission of the application; or
 - c) Where there is no application for funds, the date of Initiation of Negotiations (ION) applicable to the project (see 49 CFR 24.2(a)(15), applicable HUD program regulations, and Chapter 1, Exhibit A).
- 2) All persons moving into the property on or after the date described in Paragraph 6-2 A.1 but before completion of the project.
- 3) All persons occupying the property upon completion of the project.

B. Persons Not Displaced. Documentation on persons not displaced shall include:

- 1) Evidence that the person received timely written notice that they would not be displaced by the project or that they might be temporarily relocated (copy of the Notice of Nondisplacement and receipt for the delivery of the Notice).
- 2) For a tenant-occupant of a dwelling, evidence that the tenant received: (a) a timely offer of a reasonable opportunity to lease and occupy a suitable, decent, safe and sanitary affordable dwelling in the building/complex upon completion of the project (see funding program regulations for specific requirements), and (b) reimbursement of any out-of-pocket expenses incurred in connection with any temporary relocation or a move to another unit in the building/complex.
- 3) For each person who is not displaced but elects to relocate permanently, a reason for the move and records of any personal contact to explain that they will not qualify for relocation payments as a displaced person. This information must be available for all persons who occupied the property before project completion (i.e., those identified in Paragraphs 6-2 A.1 and 2) but who did not occupy the property after project completion and did not receive relocation assistance as a displaced person.)
- 4) Documentation to support eviction for cause (see Paragraph 1-6 J.1).
- 5) Documentation to support a determination that a person was not a legal occupant of the property.

6) A copy of any appeal or complaint filed and Agency response.

C. Displaced Persons. For persons displaced, there should be separate case files that include documentation that is sufficient to demonstrate that the Agency verified the person's relocation needs, current situation, and their eligibility for URA and/or section 104(d) assistance and/or payments. The following list is not all-inclusive. It is provided for illustrative purposes. Individual cases may require more or less documentation to support Agency determinations:

1) Residential Occupants (tenants or owners). The documentation described below is applicable to both tenants and owners, except where noted (items a. thru c. are included in Appendix 8 (Site Occupant Form) which may be used to record this information):

a) Information on each individual occupant: Name, sex, age, race/ethnicity, disability (if any), relationship to head of household (identify head of household), estimated income, certification of legal residence/citizenship (form HUD-40054, 40057, or 40058 may be used for this certification);

b) Description of current unit: Number of bedrooms, amenities, square footage of unit, amount of rent and utilities, date of initial occupancy;

c) Documentation of income (for tenants only):

(1) Agencies should have policies that describe the nature of documentation they will require to support income determinations for relocation assistance (particularly where a person claims to be of low-income and/or where the Agency also operates a HUD subsidized housing program for which the displaced person may be eligible);

(2) Acceptable documentation can include: Wage statement from employer(s), W-2s, copy of current tax return; if employment is sporadic (e.g., from irregular day-labor) obtain a self certification; Government and/or private pensions, disability payments, benefit income (such as welfare, SSI, etc.) can be documented with a copy of an eligibility letter or statement, check or record of regular bank deposits; and other reasonable evidence of income accepted under HUD subsidized housing programs;

d) Rent and utility costs for the displacement, comparable, and replacement units (also applicable to owner-occupants who decide to rent replacement housing rather than purchase replacement housing):

- (1) Agencies should have policies that describe the nature of documentation they will obtain to support rent and utility calculations. Acceptable documentation includes copies of a lease, rent receipts, utility receipts, statement from utility company(ies); or other similar evidence. Utilities included in the rent and those that must be paid separately by the household need to be identified and calculated. Form HUD-40061 (Appendix 12) may be used to summarize and record the rent and utilities information obtained on the displacement and comparable units (but is not a substitute for required documentation).
 - (2) If a utility allowance schedule from a local Public Housing Authority was used as that basis to calculate estimated utilities at a comparable or replacement unit, provide a copy of the schedule and any adjustments the Agency made to the scheduled amount based on the circumstances of displacement (see HUD Relocation and Acquisition Policies newsletter dated August 2006, Vol. 2, No. 2 (available at: www.HUD.gov/relocation under HUD RAP Newsletter).
 - (3) For owner-occupants who elect to rent replacement housing, a determination must be made of the rent that would be charged for their displacement property on the open market (see 49 CFR 24.401(f)).
- e) Copy of the following notices (as applicable) displaying the person's name and mailing address, and date mailed: General Information Notice, Notice of Eligibility, 90 Day Notice and/or 30 Day notice (if issued), etc.; and evidence of delivery by certified or registered first class mail, return receipt requested, or a certification of hand delivery;
 - f) Identification of relocation needs and preferences (Appendix 8, Site Occupant Record – Residential, may be used for this purpose);
 - g) Dates of personal contacts and advisory services provided (Appendix 10, Record of Advisory Assistance and other Contacts, may be used for this purpose);
 - h) Records of referrals to comparable replacement dwellings, date of referral, date of availability, reason(s) person declined referral, inspection(s) of the chosen replacement dwelling for decent, safe, and sanitary conditions;
 - i) Moving cost estimates, bids, or amount determined based on current Fixed Residential Moving Cost Schedule (see 24 CFR 24.302);

- j) Copies of all relocation claim forms and related documentation, evidence that person received payment and, if applicable, evidence of housing subsidy paid from other sources (e.g., Housing Choice Voucher);
 - k) Documentation to support why a claim was not made or was not paid: e.g., displaced person who moved on his/her own, moved prior to Notice, failed to provide requested information/ documentation to support a claim, or a signed statement indicating the person's decision not to claim part or all of the assistance offered, etc.;
 - l) Documentation supporting a hardship claim and the Agency's determination (for persons not lawfully present in the US);
 - m) Tenants who receive down payment assistance: Purchase agreement, final executed closing statement/escrow documents (HUD-1), copy of recorded deed indicating book and page; and
 - n) Copy of any appeal or complaint filed and Agency response.
- 2) Owner-occupied properties: The following additional documentation may need to be maintained on file to support the owner's relocation under an acquisition subject to Subpart B of the URA regulations (e.g., acquisitions under the threat of eminent domain). See Paragraph 6-3 for documentation related to the actual acquisition of property:
- a) Mortgage amount(s) on current property, monthly payment, remaining number of payments, interest rate, deed or title evidence;
 - b) Copy of the following notices (as applicable) displaying the person's name, mailing address and date mailed: General Information Notice, Notice of Intent to Acquire (if issued), Notice to Owner, 90 Day Notice and/or 30 Day Notice (if issued), other applicable notices if condemnation is pursued; evidence of delivery of notices by certified or registered first-class mail, return receipt requested, or a certification of hand delivery;
 - c) Information on advisory services provided (Appendix 10, Record of Advisory Assistance and Other Contacts, may be used for this purpose);
 - d) Written offer to purchase, purchase agreement, mortgage documents, closing/escrow documents (HUD-1) for replacement property, copy of recorded deed indicating book and page.
- 3) Non-residential occupants (businesses, farms, non-profit organizations - owners or tenants).

- a) Name and type of business being relocated, name of business owner(s), certification of legal residence/ citizenship;
- b) Identify owner of the property being vacated (is it the displaced business or some other entity), copy of the property lease;
- c) Survey of relocation needs (Appendix 9, Site Occupant Record, may be used for this purpose);
- d) Information on advisory services provided (Appendix 10, Record of Advisory Assistance and Other Contacts, may be used for this purpose);
- e) Moving cost estimates, bills and/or receipts for actual moving and related expenses; or documentation supporting the alternative fixed moving expense calculation (49 CFR 24.305);
- f) Documentation to support all related nonresidential eligible expenses (49 CFR 24.303);
- g) Documentation supporting reestablishment expenses and searching costs (49 CFR 24.304) including receipts, bills, lease, etc.; and
- h) Copies of any inspection(s) of personal property at the displacement and replacement sites (see 49 CFR 24.301(i)(2)).

6-3 RECORDKEEPING REQUIREMENTS FOR REAL PROPERTY ACQUISITIONS.

- A. Identification of Project Area. Street map showing all parcels to be acquired for the project or the proposed area in which parcels will be identified for acquisition at a later date (if not yet identified). See program regulations for a definition of project. In larger, multi-funded projects, the project area often includes properties that are acquired with HUD funds and those that may be acquired with other funding sources.
- B. List of Parcels. For each project, the Agency's files shall include a list identifying all parcels to be acquired for the project (including those acquired with HUD funds or other funds). The list may be maintained manually or in computer-generated format and may be used to track progress made in carrying out the acquisition process.
- C. Acquisition Case File. For each property acquired and each property for which acquisition was initiated but not completed (e.g., a voluntary acquisition which was not completed), a separate case file should be created to include the documentation necessary to substantiate the agency's actions and compliance

with the URA. A sample guideform called the Acquisition Checklist can be found at Appendix 24. This guideform can be used by the acquiring Agency to document the dates of key steps in the acquisition process and identify key documents which need to be included in the acquisition case file including:

- 1) Notices required under the URA which are applicable to the acquisition, including: General Information Notice, Notice to Owner, Notice of Relocation Eligibility (if applicable), Notice of Intent to Acquire (if issued), and evidence of delivery by signature on a receipt (Post Office or other), or a certification of hand delivery;
- 2) Appraisal(s) and review appraisal(s) (if the review appraiser is unable to recommend or approve the appraiser's market value of the property, include documentation in accordance with 49 CFR 24.104(b)), Agency Waiver Valuation (if applicable), evidence that owner was offered opportunity to accompany appraiser during property inspection;
- 3) Written establishment of just compensation signed by authorized Agency official;
- 4) Offer letter(s) and summary statements that outline the basis for the offer of just compensation;
- 5) Record of negotiations with property owner;
- 6) Administrative settlement documentation and support (if applicable), see also HUD RAP Newsletter Vol. 1, No. 2, November 2005;
- 7) Eminent domain filings, court decisions; and
- 8) Closing statements (HUD-1), title documents (preliminary opinion and final opinion), copy of recorded deed indicating book and page, and claim forms.

6-4 REPORTING REQUIREMENTS (49 CFR 24.9 (c) and Appendix B). The Agency shall submit reports of its displacing and real property acquisition activities as required by HUD.