

# Oklahoma Housing Finance Agency

## National Housing Trust Fund

### Chapter 14 / Other Federal Requirements & Nondiscrimination

#### 1. Affirmative Marketing (93.350)

AFHM Multi-family plan

AFHM Single-family plan

#### 2. Lead-Based Paint (93.351)

Pamphlet: Protect Your Family from Lead

Summary of Lead-Based Paint Requirements by Activity (pg. 20)

Lead Safe Housing Rule

The Renovation, Repair & Painting Rule

Pamphlet: Renovate Right; Important Lead Hazard Information for Families, Child Care Providers and Schools

#### 3. Displacement, Relocation, and Acquisition (93.352)

OHFA Awardees shall comply with the Uniform Relocation Act (49 CFR, Part 24) and the Displacement, Relocation Assistance, and Real Property Acquisition for HUD (24 CFR, Part 42).

### Definitions

**Displaced Person:** means a person (family, individual, business, nonprofit organization, or farm, including any corporation, partnership or association) that moves from real property or moves personal property from real property, permanently, as a direct result of acquisition, rehabilitation, or demolition for a project assisted with HOME funds.

This provision includes:

A person that moves permanently from the property before the owner submits an application for program assistance if the Awardee or funding source determines that the displacement was a direct result of a funded

activity. (e.g., the Awardee determines that the owner displaced tenants in order to propose a vacant building for program assistance).

A person moves permanently from the property after submission of the owner's application for program assistance, or, if the applicant does not have site control, the date the Awardee approves relocation assistance because:

- The owner requires the person to move permanently; or
- The Awardee/owner fails to provide timely required notices to the person; or
- The person is required to move temporarily and the Awardee/owner does not pay all actual, reasonable, out-of-pocket expenses or because the conditions of the move are unreasonable.
- The person moves permanently from the project after execution of the agreement between the owner and the Awardee, because the tenant is not provided the opportunity to lease a suitable, affordable unit in the project.

### **Persons Not Displaced**

- A person evicted for cause, assuming the eviction was not undertaken to evade URA obligations.
- A person with no legal right to occupy the property under state or local law (e.g. squatter).
- A person who moved in after the owner submitted an application, and before commencing occupancy, and who was provided written notice of the planned project, its possible impact on the person (e.g. the person may be displaced, temporarily relocated, or experience a rent increase), and the fact that the person would not qualify as a "displaced person" as a result of the project.
- Others persons that the Awardee determines are not displaced, subject to funding source approval.

## Procedures

- Awardees must ensure that they have taken all reasonable steps to minimize the displacement of persons as a result of a project assisted with program funds.
- Awardees must provide:
- Relocation assistance for residential tenants who will not be required to move permanently but who must be relocated temporarily for the project. This assistance must include:
- Reimbursement 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 housing and any increase in monthly rent/utility costs.
- Appropriate advisory services, including reasonable advance written notice of:
  - The date and approximate duration of the temporary relocation;
  - The location of the suitable, decent, safe, and sanitary dwelling to be made available for the temporary period;
  - The terms and conditions under which the tenant may lease and occupy a suitable, decent, safe, and sanitary dwelling in the building/complex upon completion of the project; and
  - The provisions for reimbursement for all reasonable out-of-pocket expenses incurred.

Awardees must provide displaced persons with relocation assistance at the levels described in, and in accordance with the requirements of the Uniform Relocation Act and the Fair Housing Act.

Awardees must comply with HUD Handbook 1378 Tenant Assistant, Relocation and Real Property Acquisition. The handbook may be requested from OHFA.

Lower-income persons who are displaced must be provided with relocation assistance at the levels described in, and in accordance with the requirements of Section 104(d) of the Community Development Block Grant of 1974. The requirements are detailed in HUD Handbook 1378 Tenant Assistant, Relocation and Real Property Acquisition.

The Awardee must comply with the one-for-one replacement of low/moderate dwelling units as required by Section 104(d) of the Community Development Block Grant Act of 1974.

- One-for-one replacement of low/moderate income dwelling units. All occupied and vacant occupiable low/moderate income dwelling units that are demolished or converted to a use other than low/moderate income units. (See 24 CFR, Part 570.496(c).

A vacant occupiable dwelling unit is defined as:

- A vacant dwelling unit that is in standard condition;
- A vacant dwelling unit that is in sub-standard condition, but is suitable for rehabilitation; or
- A dwelling unit in any condition that has been occupied (by a person with the legal right to occupy the property) at any time one year prior to the date of the execution of the written agreement between the Awardee and OHFA.

Before the Awardee enters into a contract committing it to any activity that will directly result in the demolition of low/moderate income dwelling units or the conversion of low/moderate income dwelling units to another use, the Awardee must make public and submit the following information:

- A description of the proposed assisted activity;
- The relocation on a map and the number of dwelling units by size (number of bedrooms) that will be demolished or converted to a use other than for low/moderate income dwelling units;

- A time schedule for the commencement and completion of the demolition or conversion;
- The location on a map and the number of dwelling units by size (number of bedrooms) that will be provided as replacement dwelling units, the source of funding and a time schedule for the provision of replacement dwelling units;
- The basis for concluding that each replacement dwelling unit will remain a low/moderate income dwelling unit for at least ten (10) years from the date of initial occupancy; and
- Information demonstrating that any proposed replacement of dwelling units with a smaller dwelling unit (e.g., a two-bedroom unit with two one-bedroom units) is consistent with the housing needs of low-end moderate income households in the jurisdiction.

Awardees may request a waiver of the one-for-one replacement requirement as provided by 24 CFR, Part 570.496 (a)(c)(iv).

Optional relocation assistance. The Awardee may provide relocation payments and other relocation assistance to families as stipulated by 24 CFR, Part 92.353(d).

#### **4. Conflict of Interest (93-353)**

In the procurement of property and services by the Awardee, the conflict of interest provisions in 24 CFR, Part 85.36 and 24 CFR, Part 84.42, respectively, apply. In all cases not governed by 24 CFR, Part 85.36 and 24 CFR, Part 84.42, the provisions of the 24 CFR, Part 92.356 apply.

No person who exercises or has exercised any function or responsibilities with respect to activities assisted with HOME funds or who are in a position to participate in a decision making process or gain inside information with regard to these activities, may obtain a financial interest or benefit from a HOME-assisted activity or have an interest in any contract, subcontract, or agreement with respect thereto, or the proceeds thereunder, either for themselves or those with whom they have immediate family or business ties, during their tenure or for one (1) year

thereafter. Immediate family ties include (whether by blood, marriage or adoption) the spouse, parent (including a stepparent), child (including stepchild), brother, sister (including stepbrother or stepsister), grandparent, grandchild, and in-laws of a covered person.

## **Procedures**

Awardees must enact application procedures that will expose any conflict of interest.

OHFA will not grant an exception to the provisions of the requirement in any case.

### **5. Funding Accountability and Transparency Act (93.354)**

The Federal Funding Accountability and Transparency Act of 2006 is an Act of Congress that requires the full disclosure to the public of all entities or organizations receiving federal funds beginning in fiscal year 2007. The website [USAspending.gov](http://USAspending.gov) opened in December 2007 as a result of the act, and is maintained by the Office of Management and Budget. The Congressional Budget Office estimates S.2590 will cost \$15 million over its authorized time period of 2007-2011.

### **6. Eminent Domain (93.355)**

HTF funds cannot be used in conjunction with property taken by eminent domain, unless eminent domain is employed only for a public use, except that, public use shall not construed to include economic development that primarily benefits any private entity.