

LEGAL SERVICES

NORTHERN CALIFORNIA

July 13, 2017

Sacramento Housing and Redevelopment Commission
801 12th Street, 5th Floor
Sacramento, CA. 95814
Submitted via e-mail to vsmith@shra.org

Re: Public Comments on Twin Rivers Redevelopment, Draft Master
Relocation Plan.

Dear Honorable Members in Session:

Legal Services of Northern California respectfully submits the following comments regarding the Twin Rivers Redevelopment Draft Master Relocation Plan ("Plan"). Legal Services of Northern California is a legal-aid organization that advocates for low-income tenants in Sacramento and throughout northern California. We look forward to working with Overland Pacific and Cutler; McCormack, Baron, and Salazar; the Housing Authority of the County of Sacramento; and Urban Strategies to ensure the adoption of a clear and effective Plan that provides the correct guidance and information to current residents at Twin Rivers and stakeholders in the Sacramento community. We offer the following comments on the Plan.

1. Relocation Assistance Program

a. Individual Case Management through Urban Strategies

On Page 7, the Plan states that individual case management is provided through Urban Strategies. The Project must ensure that it does not discriminate in providing individual case management. Section 504 of the Rehabilitation Act, as implemented by 49 CFR part 24 and HUD's regulations at 24 CFR part 8 requires the Displacing Agency to 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.

Urban Strategies requires that "each individual must meet certain responsibilities in order to be involved in the case management program." Urban Strategies, "Residents' Rights and Responsibilities," attached as Exhibit A. These requirements force residents "[t]o provide . . . accurate and complete information about . . . current problems, past illnesses and treatment, and other matters relating to one's health" and "[t]o sign a Release of Information authorizing the case management staff to obtain information . . . including past medical records" to access the case

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A Legal Services Corporation Program



management program. *Id.* These requirements are onerous and violate the non-discrimination laws cited above. Required disability disclosure and medical record releases may chill case management participation for persons with disabilities, thus deterring persons with disabilities from accessing vital case management services required by the Uniform Relocation Act (“URA”). Requiring the release of sensitive disability information—many of which would not affect one’s tenantability—will doubtless lead to a discriminatory effect by placing additional burdens and barriers for people with disabilities.

Accordingly, Urban Strategies cannot require medical record releases and disability disclosure as a condition to getting case management services. We suggest that Urban Strategies develop materials explaining what information may be helpful in their Case Management process and duties. The notices should let residents know that if they require special accommodations or accessibility due to disability, they would have an opportunity to disclose their disability and request additional assistance. The residents will then have control over whether they want to or need to discuss disability-related accommodations or accessibility requirements during the relocation process.

b. Replacement Housing

A discussion of “comparable unit” and “last resort housing” is needed in the Plan. Whenever possible, the displacing agency must offer the resident three or more comparable replacement units. 49 C.F.R. § 24.204(a). The Displacing Agency must provide at least one comparable replacement unit, otherwise last resort housing will become available. 49 C.F.R. § 24.404; 25 C.C.R. § 6054. Because comparable housing in many areas may not be available within the replacement housing payment parameters—especially in areas with a high rental occupancy rate—a discussion of last-resort housing with residents is vitally important. Last resort housing assistance reinforces the residents’ right not to be displaced from their homes until comparable replacement housing is available. The statute authorizes agencies to use project funds to eliminate any barriers to providing the required comparable housing unit. *Id.* Currently, last-resort housing is only discussed in Appendix E, Document titled “Relocation Assistance Informational Statement for Families and Individuals.”

Because finding replacement housing is at the heart of the relocation plan, we request several clarifications:

- Under the Relocation Team’s Responsibilities on page 24, include within the responsibilities that the Relocation Team will personally explain to residents the Relocation Team’s obligation to (1) find at least three comparable units where

possible; (2) to find at least one comparable unit; and (3) to provide last resort housing.

- Under Section “G. Relocation Assistance Program,” clarify and reaffirm that no person shall be required to move from a displacement dwelling unless comparable replacement housing is available to such person. 49 C.F.R. § 24.404.
- Under Section “G. Relocation Assistance Program,” the Plan should discuss last-resort housing under both Federal and State law and discuss the Plan’s processes in providing last-resort housing should the Relocation Team fail to find comparable units.

c. Replacement Housing Assistance Payment

On Page 21, the Plan states that any household or non-residential occupant that has been evicted for cause shall not be eligible to receive relocation assistance. Under 25 C.C.R. Section 6058, however, “[e]viction is permissible only as a last resort. It in no way affects the eligibility of evicted displaced persons for relocation payments. Relocation records must be documented to reflect the specific circumstances surrounding the eviction.” We request that the Plan clarify that households would not qualify for assistance under the URA, but may still qualify under California Relocation Assistance Law Act per state regulations.

On Page 26-28, the Plan provides a formula and an example of rent differential payment. It also states on page 28 that “Should 104(d) be triggered, this period shall be required to cover sixty (60) months versus 42.” If both the URA and Section 104(d) apply, a resident has a choice between the relocation programs. The calculations for the rent differential payments are different, and case managers must know these differences to properly advise and assist residents. We request that the Plan clarify when Section 104(d) would be applicable and provide an example computation under Section 104(d). It should also provide a section explaining the protections given by Section 104(d).

On Page 28, application fee assistance is capped at \$250 per household. With a 2% vacancy rate in Sacramento, low-income tenants from Twin Rivers will likely need to apply to multiple complexes. A \$250 cap on application fees presents a potential barrier to finding relocation housing. Increasing the cap on application fee assistance would help facilitate a family’s relocation to another property by removing a monetary barrier.

d. Right of Return

The right of return is a Choice Neighborhoods program requirement. FY2014-2014 Choice Neighborhoods Implementation Grant Agreement, p. 11. A returning tenant must be provided a preference of occupancy of on-site or off-site replacement units before such units are available to any other eligible households. *Id.* HACOS must ensure that residents are well informed about this important right during the relocation period. To that end, HACOS “must plan for and provide current public and assisted housing residents, relocated public and assisted housing residents, and returning and new public and assisted housing residents with supportive services for the term of the Grant Agreement.” FY2014-2014 Choice Neighborhoods Implementation Grant Agreement, p. 10. HACOS also states that “all remedies will be used to minimize displacement and ensure Households in good standing return to the Site if they choose to do so.” Plan at 6. It is important for HACOS to remove as many barriers to return as possible.

Although there are brief mentions of the right of return on pages 6, 21, and 28, the Plan should clarify that residents have a right of return to Twin Rivers once the development is complete and who would have a priority or preference to return. HACOS should also include provisions that it will pay directly for all reasonable out-of-pocket expenses incurred in connection with the return relocation. Without assistance on the backend, many families may face insurmountable difficulties in returning to Twin Rivers.

Further, on Page 55, the Appendix provides a copy of the General Information Notice (“GIN”). The GIN states that households will receive a Memorandum of Agreement (“Memorandum”) that explains the household’s rights to return to a new unit at Twin Rivers. The Memorandum is not a part of the Plan. We urge HACOS to include the Memorandum as part of the Plan and request the ability to review the Memorandum regarding residents’ right to return. We recommend that HACOS provide—at a minimum—the following information in the Memorandum of Agreement:

1. The address of the resident’s assigned unit in the redeveloped Twin Rivers Project and, if different from the resident’s original unit, information regarding the size and amenities of the unit;
2. The expected date of the resident’s return to the Twin Rivers Project;
3. That the PHA or Project Owner will reimburse the resident for all reasonable out-of-pocket expenses incurred in connection with the return relocation; and
4. The resident’s options and the implications of those options if the resident determines that he or she does not want to return to the Covered Project and wants to decline the right of return.

e. Other Responsibilities.

Page 24 lists the Relocation Team's responsibilities. It does not list required responsibilities, such as inspections. Inspection of each replacement dwelling is required under 49 C.F.R. 24.403(b). Before making a replacement housing payment, the Displacing Agency or its designated representative shall make a thorough internal and external inspection of the replacement dwelling to determine whether it is decent, safe and sanitary (as defined at 49 CFR 24.2(a)(8)). A copy of the inspection report should be included with the pertinent claim form in the Displacing Agency's files. We recommend that the Plan clarify that these duties are the responsibilities of the Relocation Team. While inspections are discussed sparingly in the Appendix, a discussion in the Plan itself is needed.

2. Replacement Housing Needs and Resources

On Page 21, the Plan discusses the replacement housing needs and right-to-return. It states that all 218 existing Twin Rivers housing units shall be replaced one-for-one by the Project, that the units shall be constructed on the current location of the Project, and that all households in good standing will be offered the right to return to Twin Rivers upon completion. We request that the Project clarify that residents will be returning to Public Housing upon completion of the new Twin Rivers project and that their current Public Housing protections remain upon their return.

3. Needs Assessment

On Page 18, the Need Assessment states that there are five languages other than English spoken at Twin Rivers. Table 6 lists English, Spanish, Vietnamese, ASL, and Other Languages. We ask that the Plan clarify and provide information on all languages spoken at Twin Rivers and ensure each family receives proper translation services when needed.

4. Conclusion

We appreciate the opportunity to engage in the proposed Draft Master Relocation Plan, as well as the opportunity for public input throughout this process. Should you have any questions about these comments, please contact Sarah Ropelato at (sropelato@lsnc.net). We look forward to working with you to ensure that Twin River residents are fully informed of their rights and that no resident is denied access to vital relocation benefits.

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Respectfully Submitted,



Sarah Ropelato
LEGAL SERVICES OF NORTHERN
CALIFORNIA

Exhibit A



Twin Rivers Choice Neighborhood Implementation

Residents' Rights and Responsibilities

As participants in the Twin Rivers Case Management, each individual has basic rights concerning how staff treats him/her. In addition, each individual must meet certain responsibilities in order to be involved in the case management program.

Residents' Rights

Every eligible resident of Twin Rivers is entitled to the following rights and privileges without limitation:

1. To have case management policies explained orally and in writing;
2. To be treated with respect and dignity as a human being;
3. To have records kept confidential;
4. To have the same legal rights and responsibilities as any other citizen, unless otherwise stated by law;
5. To not be denied services because of race, age, creed; disability, marital status or national origin;
6. To be free from verbal, sexual or physical abuse;
7. To have their records and documents explained to them.

Residents' Responsibilities

Every resident of Twin Rivers has the following responsibilities so that we can help you to the best of our abilities:

1. To provide, to the best of one's knowledge, accurate and complete information about employment, current problems, past illnesses and treatment, and other matters relating to one's health
 2. To sign a Release of Information authorizing the case management staff to obtain information from other agencies or institutions if and as needed, including past medical records
 3. Attend appointments scheduled with one's case manager
 4. To report unexpected changes in one's circumstances to the case manager
 5. To participate in developing a Family Development Plan and/or Individual Development Plan(s), and follow through on agreements outlined in these
 6. To report whether one clearly understands a recommended course of action and what is expected
 7. To keep all appointments and, when unable to do so for any reason, to notify the appropriate person(s)
 8. To be considerate of the rights of other residents and of staff
 9. To be respectful of the property of case management staff
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