

571—26.7(316) Record of payment determinations and claims for benefits paid. The agency offering relocation assistance shall maintain a record of payment determinations and claims for benefits paid.

26.7(1) *Record of agency contacts with each relocatee.* Any agent offering relocation assistance shall maintain written notes on a parcel basis of the time, place and date of personal contacts with each relocatee or the relocatee's representative and shall make and sign such writings immediately after each contact.

a. The notes shall be identified by appropriate federal and other project and parcel identification, and note the type of tenure, the names, addresses and telephone numbers, if any, for all relocatees on the subject parcel.

b. The notes shall indicate the name of the agent making the contact and report circumstances necessary to determine the needs of each relocatee and to support an offer of relocation assistance and payments.

c. A reasonable effort shall be made to obtain general parcel identification information where relocatees moved without assistance.

d. The notes shall indicate the new address and telephone number, if any, for each relocatee, whether the offer of assistance in locating or obtaining replacement housing was accepted or declined and the name of the individual accepting or declining the offer.

e. The dates and substance of subsequent or follow-up contacts, the date on which the relocatee was required to move from the subject property, the date on which the actual relocation took place and the new tenure of each relocatee shall be shown.

26.7(2) *Amount determinations and limitations.* Payment eligibility and payment determination shall be made in writing and shall be signed and dated by the person making the determination who shall thereby disclaim any personal interest therein.

a. Parcel files shall show computations necessary to determine and show the amount of the payment, shall recite facts and the rationale used to support payment eligibility determinations and shall contain such proof of payment or support documentation as is required by Iowa Code chapter 316 and by these rules.

b. Such disclaimers of personal interest shall state that the signator has no direct or indirect present or contemplated personal interest in the transaction, nor will any benefit be derived from the payment determinations thus made, and where applicable a statement that it is the understanding of the person making the determination that the determined amount is to be used in connection with a federal aid project.

26.7(3) *Audit claims for payment.* Claims for payments to be made by authority of Iowa Code chapter 316 and of these rules shall be made in writing on forms furnished or approved by the agency.

a. All such claims shall contain a certification by the relocatee that the above claim is correct, just and unpaid and, to the best of the relocatee's knowledge and belief, the housing described is decent, safe and sanitary.

b. Claims requesting payments shall be approved for payment by the person making the payment eligibility or amount determination or by the relocation assistance supervisor, and by the person auditing the claim.

c. No claim for payment shall be approved in amounts in excess of limitations established by Iowa Code chapter 316 or these rules, or which duplicate payments made to a relocatee as a contract seller or condemnee through an exercise of the power of eminent domain.

d. Claims for the payments made by authority of Iowa Code chapter 316 and of these rules shall be audited prior to their payment and delivery. The audit shall determine that the claim is due, unpaid and supported in the amount claimed by an appropriate approved payment determination, proof of payment and such documentation as is necessary to support payment eligibility and amount determinations made by the agency and as required by Iowa Code chapter 316 and these rules. The person making the claims payment audit shall sign, date and approve the form of the claim for payment.

e. Payments by authority of Iowa Code chapter 316 and of these rules shall not be delivered to a relocatee or into escrow by the person or agent offering relocation assistance or the person who has made the payment eligibility or amount determination.

26.7(4) *Assignment of relocation payments.* Relocation payments may be made and warrants may be drawn on the basis of written assignments by the relocatee, payable directly to the party or parties providing the moving, financing, services or replacement housing for the relocatee.

a. Warrants drawn directly to such persons shall be delivered to the assignee or such persons only upon the agency's receipt of an executed contract, receipted bill, or itemized statement for moving, or a contract to purchase, or a rental agreement by the relocatee and the contractor, seller or landlord or person furnishing the service.

b. Warrants, in the discretion of the agency, may be drawn payable either directly or jointly to the relocatee and to the party or parties providing such moving, financing, services or replacement housing.

c. In any cases where the relocatee otherwise qualifies for a replacement housing payment, and upon the relocatee's specific request, the agency may make such payments into escrow prior to the relocatee's moving. Any supplemental housing payment made into escrow shall be delivered subject to the condition that it shall not be paid unless and until the agency has, in writing, accepted proof of the relocatee's purchase or rental and occupancy of decent, safe and sanitary housing.

d. In the case of an appeal from the award of a compensation commission the agency may pay into escrow the amount of a replacement housing payment to which the relocatee is then determined eligible pending final adjudication of the acquisition cost of the dwelling acquired. The delivery of any such payment into escrow shall reserve to the agency the right to recompute the amount of such payment, if any, due as a result of the final adjudication of the acquisition cost of the subject dwelling, to reclaim and to receive delivery of the warrant paid into escrow and to pay that amount, if any, as is determined due as a result of such recomputation.

e. No relocation payment shall be withheld nor amounts deducted therefrom (including closings in escrow) to satisfy claims or obligations to others including those of the agency.

26.7(5) *Statement of eligibility to a lending agency.* At the request of the relocatee the agency shall state to any interested party, financial institution or lending agency, that the relocatee will be eligible to receive a replacement housing payment in a specific sum provided the relocatee purchases and occupies a specified replacement dwelling not later than the end of the 18-month period beginning on the date on which the acquisition cost of the acquired dwelling is received from the agency, or on the date on which the relocatee moves from the acquired dwelling, whichever is the later date.

a. No such statement shall be made unless the relocatee otherwise qualifies for the replacement housing payment except that the relocatee has not yet purchased or occupied a suitable replacement dwelling.

b. No replacement dwelling shall be specified in any such statement unless it has been inspected and found to meet the standards for decent, safe and sanitary housing by the agency offering the relocation assistance.

26.7(6) *Avoidance of conflicts of interest.* The individual responsible for determining the amount of the replacement housing payment shall place in the file a signed and dated statement setting forth:

a. The amount of the payment;

b. The understanding that the determined amount will be used in connection with a federal-aid project;

c. That the individual has no direct or indirect present or contemplated personal interest nor will any benefit be derived from the payment.

26.7(7) *Administrative appeal and limitations.* Any person dissatisfied with a determination by the agency's relocation supervisor as to eligibility for a payment or as to the amount of payment offered under the relocation assistance program may have application or claim reviewed by the agency providing relocation assistance in accordance with this rule.

a. Persons dissatisfied with any such determination shall have 30 days after the day the agency's relocation assistance supervisor sends notice of the supervisor's determination to file a written request that the agency review the same.

b. Promptly upon timely receipt of a written request for such review the commission shall hear and finally determine the appeal.

c. The commission shall inform themselves of the nature, scope, standards for eligibility and limitation of benefits and payments established by Iowa Code chapter 316 and by these rules.

d. The commission shall make, note and report the necessary computations and line of reasoning used to support their findings.

e. The commission shall award to the person requesting the review all benefits and payments to the extent and in the amounts, if any, determined within the limitations and under the terms of Iowa Code chapter 316 and of these rules.

f. The person requesting the review shall be promptly notified in writing of the decision of the commission whose decision shall be final.

26.7(8) *Notice of administrative appeals.* The commission shall convene the review after sending the person requesting the review or the person's representative reasonable notice of the proceeding.

a. Notice of such review proceeding may be sent by ordinary mail and where practical, shall be held at a time and place agreeable to the person requesting the same.

b. The person requesting the review or the person's representative, and any relocation assistance officer appearing, shall have equal rights and shall have an equal opportunity to be heard.

c. No inferences or presumptions are to be indulged against either the agency, the relocation assistance officer, or the person requesting the review or the person's representative.

26.7(9) *Statistical reports.* The agency offering relocation assistance shall keep such records and make such other statistical reports as are required by the appropriate federal or state authority.

26.7(10) *Records retention and availability.* The agency shall retain those records required by Iowa Code chapter 316 and by these rules for a period of not less than three years after the federal authority's payment of the final voucher on any federally aided project or not less than three years after the state authorizes payment of the final voucher on any joint or local project, whichever date is later. All such records shall be available for inspection by representatives of the federal or state government at any reasonable hour.