

571—26.5(316) Notice of relocation assistance advisory service. In order to ensure that the public has adequate knowledge of the relocation program the agency shall make a conceptual stage survey, distribute to the public the information contained in the survey, provide an opportunity for discussion of relocation assistance and services, eligibility requirements and payment procedures and give full and adequate notice of the relocation assistance program as hereinafter provided.

26.5(1) Relocation brochure. The agency shall prepare and distribute a brochure adequately describing the relocation program, notifying relocatees of their right to appeal determinations made by the relocation assistance supervisor and indicating the procedures for such an appeal; and shall distribute the same without cost to all public hearings and to all interested individuals and organizations.

26.5(2) Conceptual stage survey. Prior to the agency's selection of the final proposed project location, the agency shall survey the area of the proposed project. This survey shall include an estimate of the number of individuals, families, businesses, farm operations and nonprofit organizations that are to be relocated and the probable availability of decent, safe and sanitary replacement housing within the financial means of each of the individuals or families affected by each of the alternatives under consideration.

a. The survey shall be discussed by the agency at public hearing along with a brochure adequately describing the relocation program, and an explanation of studies that have been and will be made and methods that will be followed to ensure that housing needs of relocatees will be met.

b. Reserved.

26.5(3) Preparation of project relocation plan. After the agency has selected a location and has developed a design and acquisition plan for a proposed project, all apparent relocatees shall be personally contacted by a relocation agent.

a. If such personal contact cannot be made, the agency shall note in a record of contacts those reasonable efforts that were to achieve the personal contact.

b. Each apparent relocatee shall be provided with a written statement and an explanation of benefits available under the relocation assistance program or under other federal and state housing, disaster loan or other programs offering assistance to displaced persons.

c. The agency shall survey and determine, and the relocation plan shall initiate and include, a current and continuing inventory of the needs of each family or relocatee who would be displaced in accord with the proposed design and acquisition plan for the project.

d. The plan shall inventory available replacement housing appropriate to the needs of apparent relocatees and shall consider planned and proposed federal, state and local governmental and private project work in the area which may affect the supply and demand for housing.

e. The plan shall outline the various relocation problems, and indicate the method of operation to resolve such problems and to provide maximum assistance to apparent relocatees.

f. The plan shall contain an estimate of the amount of lead time required and demonstrate its adequacy in order to ensure that no person shall be required to move from a dwelling on account of any project unless replacement housing as required by Iowa Code sections 316.7(3) "c" and 316.8(2) and by these rules, is available to such persons.

26.5(4) Exceptions. The agency shall follow subrules 26.5(2) and 26.5(3) on those projects involving a number of property owners; where acquisition will be pursued with all owners at the same time; and where the agency intends to acquire the land by eminent domain if one or more owners are unwilling to accept the agency's best final offer.

Where any acquisition project involves a single owner, or where acquisition is contemplated from a willing seller, the agency may elect not to follow subrules 26.5(2) and 26.5(3) under authority of Iowa Code section 316.7(3) "c." Provided, however, that the agency shall provide the owner a complete explanation of the relocation assistance program at the time formal acquisition negotiations are initiated.

26.5(5) Project assurances. Negotiations for the acquisition of real property which will cause the relocation of any person shall not proceed until the agency offering relocation assistance ensures compliance with Iowa Code sections 316.7(3) "c" and 316.8(2) and with these rules. All such assurances shall be submitted, in writing, along with the project relocation plan to the appropriate federal or state authority prior to the commencement of negotiation on the project. The assurance shall

include a statement of the relocation program being offered and the project relocation plan. All such submissions shall include a request that the plan be approved, that the agency be authorized to make relocation payments and to proceed with the acquisition.

26.5(6) Maintenance of project file. In order to minimize hardships to relocatees, the agency's relocation assistance supervisor shall maintain a file containing information appropriate to the needs of relocatees available for inspection on a project basis.

a. This project file shall include a copy of any agreement with another agency or other persons under contract to perform relocation functions. It shall include a current and continuing inventory of available and appropriate replacement housing of comparable commercial properties and locations, and current data for such costs as security deposits, closing costs, typical down payments, interest rates and terms. It shall include a copy of the project conceptual stage survey, and project relocation plan. It shall include a list of realtors and contractors of all appropriate types maintained on a project basis for the benefit of relocatees needing or requesting this type of information.

b. Other such information shall be maintained on a project basis concerning financial institutions, brochures or lists of federal, state and local housing, technical and financial assistance programs, loan rates, public transportation rates and utility rates, housing developments and FHA and VA repossessed housing. The agency shall maintain a plan of the project and where applicable a map showing the locations of schools, medical facilities, shopping areas, recreational facilities and public transportation routes.

c. The project file shall include requests for project approvals or authorization and such authorization and approvals as are received from appropriate federal or state authorities and shall contain such documentation as necessary to establish the date of initiation of negotiations for the project. Project assurances, project certifications, and project inspection and progress reports shall be maintained in the project file.

d. Semiannual and other statistical summary of relocation assistance and payment statistics reports and such other records as are required by appropriate federal authority may be maintained in this file.

26.5(7) Initiation of negotiations for the project. Negotiations may be instituted and relocation payment may be made only after the agency has requested and received from the appropriate federal authority approval of:

- a.* The proposed project;
- b.* Approval of the project relocation plan;
- c.* Authorization to make relocation payments;
- d.* A request to approve an advanced purchase and to make relocation payments for hardship or protective buying purposes; and the agency may institute negotiations and may make relocation payments for those parcels thus approved.

26.5(8) Presentation of relocation assistance offer. At the first personal contact at which a written offer to purchase the subject property is made, the relocatee shall be simultaneously presented with a written offer of relocation assistance and an explanation of the eligibility requirements to receive relocation payments.

a. This offer shall contain a description of the various entitlements for which the relocatee may be eligible, a statement of the relocatee's occupancy rights, and the name of the relocation agent assigned to the project.

b. Within 15 days after the initiation of negotiations on the parcel, tenants shall be personally contacted and given a similar written offer of relocation assistance.

c. Out-of-state owners or other unavailable relocatees may be presented with such written offer of relocation assistance by certified or registered mail, return receipt requested.

26.5(9) Notice of intent to acquire. When a relocatee requests approval to move in advance of the first contact for acquisition of the subject property, the eligibility to receive relocation payments shall be preserved where the agency sends the relocatee a written notice that the agency intends to acquire the subject property by a stated date.

a. Such notice shall offer payments for which the relocatee is eligible, state any restrictions thereto and inform the relocatee how additional information may be obtained.

b. Such a notice shall be sent when, considering the status of appraisal or other information necessary to value the subject property, a realistic estimate of the time necessary to acquire the subject property and the adequacy of the supply of available replacement housing, it is, in the judgment of the agency, in its best interest to do so.

c. When a notice of intent to acquire is sent to an owner such notice shall also be sent to any tenant within 15 days.

d. A notice of intent to acquire sent to a tenant shall be simultaneously sent to the owner.

e. No relocation payments shall be made until the subject property has been acquired by the agency.

f. No notice of intent to acquire shall be sent on any project until after the agency has requested and received authorization from the appropriate federal authority to either institute negotiations on the project or to acquire individual parcels solely to protect the interests of the agency or because of hardship.

26.5(10) Standards for decent, safe and sanitary housing. A decent, safe and sanitary dwelling is one which meets all of the following minimum requirements.

a. It conforms with all applicable provisions for existing structures that have been established under state or local building, plumbing, electrical, housing and occupancy codes and similar ordinances or regulations applicable to the property in question.

b. It has a continuing and adequate supply of potable safe water.

c. It has a kitchen or an area set aside for kitchen use which contains a sink in good working condition and connected to hot and cold water, and a sewage disposal system. A stove and refrigerator in good operating condition shall be provided when required by local codes, ordinances, or custom. In lieu thereof the kitchen area or area set aside for such use shall have utility service connections and adequate space for the installation of such facilities.

d. It has an adequate heating system in good working order which will maintain a minimum temperature of 70 degrees in the living area under local outdoor design temperature conditions.

e. It has a bathroom, well-lighted and ventilated and affording privacy to a person within it, containing a lavatory basin and a bathtub or stall shower, properly connected to an adequate supply of hot and cold running water, and a flush water closet, all in good working order and properly connected to a sewage disposal system.

f. It has provision for artificial lighting in each room.

g. It is structurally sound, in good repair and adequately maintained.

h. Each building used for dwelling purposes shall have two safe unobstructed means of egress leading to safe open space at ground level. Each dwelling unit in a multidwelling building must have access either directly or through a common corridor to two means of egress to open space at ground level. In buildings of three stories or more, the common corridor on each story must have at least two means of egress.

i. It has 150 square feet of habitable floor space for the first occupant in a standard living unit and at least 100 square feet of habitable floor space for each additional occupant.

j. The square footage requirements for mobile homes shall be 150 square feet for the first occupant and 70 square feet for each additional occupant.

k. The floor space is to be subdivided into sufficient rooms to be adequate for the family.

l. All rooms must be adequately ventilated.

m. Rental replacement sleeping rooms shall meet the minimum requirements of local codes, heating, electricity, structural soundness, and egress as set forth herein.

n. Sleeping rooms shall have as a minimum at least 100 square feet of habitable floor space for the first occupant, 50 square feet of habitable floor space for each additional occupant and lavatory and toilet facilities that provide privacy including a door that can be locked if such facilities are separate from the room.

26.5(11) Adjustments to standards for decent, safe and sanitary housing. Subject to the approval of the appropriate federal authority the agency providing relocation assistance may grant exceptions to decent, safe and sanitary housing standards on those projects or parcels where unusual conditions exist.

a. Requirements for sanitary, electrical or water facilities may be reduced in those areas where a majority of the residences do not have the facilities meeting the minimum standards for decent, safe and sanitary housing.

b. Where large families are being relocated, the minimum square footage requirements may be waived provided there is satisfactory bedroom space based on the age and sex of the occupants.

26.5(12) *Determining comparability of available replacement housing.* A comparable dwelling is a decent, safe and sanitary dwelling adequate to accommodate the needs of the relocatee, which is available on the open market and which meets all of the following minimum requirements.

a. To be available the dwelling shall be open to all persons regardless of race, color, religion, sex or national origin, and within the financial means of the family or individual to be relocated.

b. The square footage of the available replacement dwelling shall generally be the same, but may be 75 square feet less or may be greater than, the dwelling being acquired by the agency.

c. The number of rooms shall equal or exceed the number of rooms in the dwelling being acquired, or have sufficient open space to allow for the construction of the required number of rooms. In no case will a dwelling be considered comparable if it lacks sufficient bedrooms to make it decent, safe and sanitary as defined by these rules.

d. The area of living space exclusive of hallways, closets, bathrooms, and other storage facilities of available replacement dwellings shall generally equal that of the subject dwelling.

e. It shall be the same or better general type of construction as the subject dwelling.

f. It shall be approximately (within ten years) the same age as the subject dwelling and shall be in the same or better state of repair.

g. It shall be located in the same, or a better type of neighborhood or area as determined by the general age and condition of the subject dwelling, availability of public utilities and access to public and commercial facilities.

h. It shall be reasonably accessible in terms of distance or time elapsed in traveling, by the head of the household to the place of employment.

26.5(13) *Notice of occupancy rights and notice to vacate.* A written notice of occupancy rights shall be given to all owners and relocatees alike at the initiation of negotiations for the property proposed to be acquired by the agency. This notice shall state that the owner or relocatee will not be required to move from the dwelling or to move the business, farm or nonprofit organization or personal property sooner than 90 days from the date of said notice. The notice shall also state that the owner or relocatee will be sent a written notice specifying the date by which the subject property must be vacated at least 30 days prior to the required vacation date and that the 30-day written notice will not be sent until the relocatee or owner has received payment from the agency as agreed, or that the award of a compensation commission has been deposited by the agency as prescribed by law.

a. A written 30-day notice to vacate shall be sent by certified mail, return receipt requested, by the relocation assistance supervisor, after the agency has obtained effective control over the subject property.

b. Where the owner or relocatee has agreed to convey any interest in the subject property and to give the agency possession thereof, either prior to or on the day final acquisition payment will be received the 30-day notice to vacate shall be sent so that the last day of said notice is not earlier than the day agreed to surrender possession of the subject property.

c. Where the owner or relocatee has agreed to convey any interest in the subject property and has consented to the agency withholding a portion of the agreed purchase price to secure the agency's future possession thereof after the time agreed for said conveyance, the 30-day notice to vacate shall be sent so that the last day of the notice is not earlier than the day the owner or relocatee has agreed to surrender possession of the subject property.

d. All condemnees whether owners, tenants, businesses, nonprofit organizations, farm operators or occupants shall be sent a written 30-day notice to vacate as herein required.

e. Railroads and utilities shall be sent a 30-day notice to vacate where there is personal property to be relocated.

f. Except for condemnees who own and occupy a residence or dwelling house located on lands acquired by condemnation, a 30-day notice to vacate shall be sent so that the first day of said notice is

a day not earlier than the day the compensation commissioner's award is deposited as required by law and thus made available to the condemnee.

g. Thirty-day notices to vacate to condemnees who own and occupy a residence or dwelling house located on lands acquired by condemnation shall be sent after the deposit of the condemnation award and after the time for appeal therefrom has passed.

h. In the case of an appeal from the award of a compensation commission, condemnees owning and occupying a residence or dwelling house shall be sent a 30-day notice to vacate so that the last day of said notice is not earlier than the day specified for the surrender of possession of such property to the agency either by the terms of a stipulated settlement of the appeal or of an order of the court or, in the absence of such stipulation or order, on the day the agency is entitled to possession of such property by law.

i. No 30-day notice to vacate need be sent to any owner or relocatee who moves or moves personal property prior to the time the agency sends such notice.