

Overview of Cross-cutting Requirements
Part 2: Uniform Relocation Act (URA) and
Labor Standards

2019 CDBG-DR Problem Solving Clinic

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Speakers

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Uniform Act Overview

Albrina Coleman



Title 49 CFR Part 24

The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970

Subpart A - General

Subpart B - Real Property Acquisition

Subpart C - General Relocation Requirements

Subpart D - Payments for Moving and Related Expenses

Subpart E - Replacement Housing Payments

Subpart F - Mobile Homes

Subpart G - Certification



Uniform Act Overview



Uniform Act Requirements

The Uniform Act is applicable to all <u>planned or intended</u> projects that use Federal funds in part or in whole

Acquisition • Rehabilitation • Demolition

- > Any phase of the project
- > Federal funding not required for above activities

Uniform Act Requirements

What is NOT a URA trigger?

Acquisitions or
Displacements not
directly caused by a
Federally-assisted
project

- >Acts of God
- ➤ Prolonged deferred maintenance
- ➤ Code Compliance Condemnation
- ➤ Displacement by Private Developers

Tax credits, mortgage insurance, bonds are NOT federal assistance for URA purposes



Acquisitions



Uniform Act Basics

What is an Acquisition?

Conveyance of a Real Property Interest





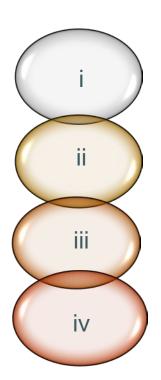
Involuntary

Uniform Act & CDBG-DR

Voluntary or Involuntary?



Voluntary Acquisition



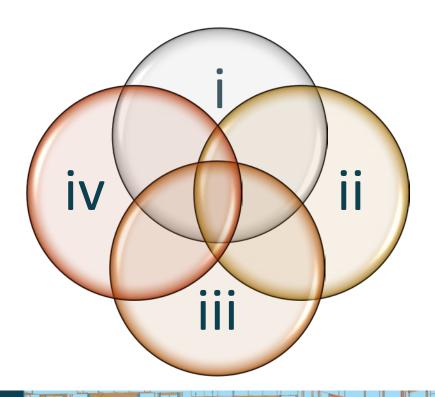
No specific site or property needs to be acquired

Not part of an intended, planned, or designated project area where all or substantially all of the property will be acquired

The Agency will not acquire the property if negotiations fail

The Agency will inform the owner in writing of the market value

Voluntary Acquisition



Uniform Act Basics

The Acquisition Process

Notice to Owner

Appraisal Process

Establishment of Just Compensation

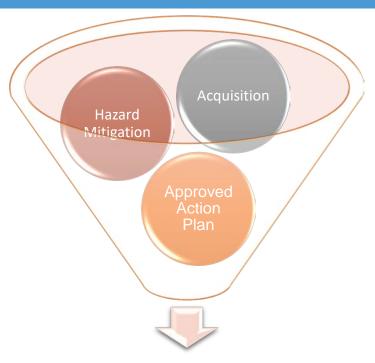
Summary Statement & Brochures

Payment before Possession



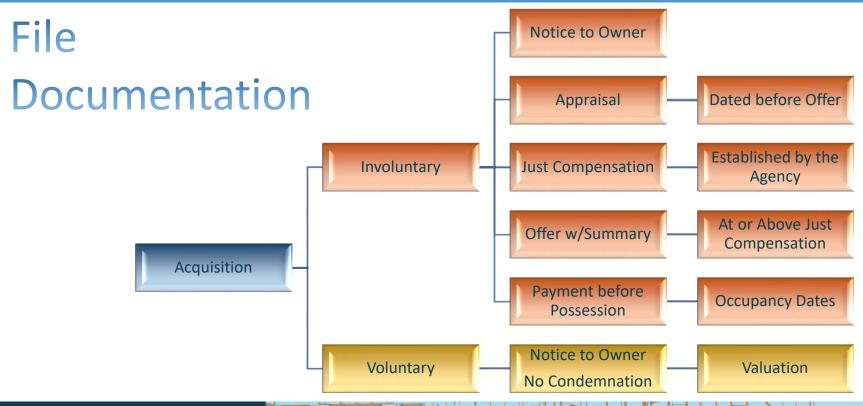
Uniform Act & CDBG-DR

Buyouts



Deed Restricted Property

Uniform Act Basics

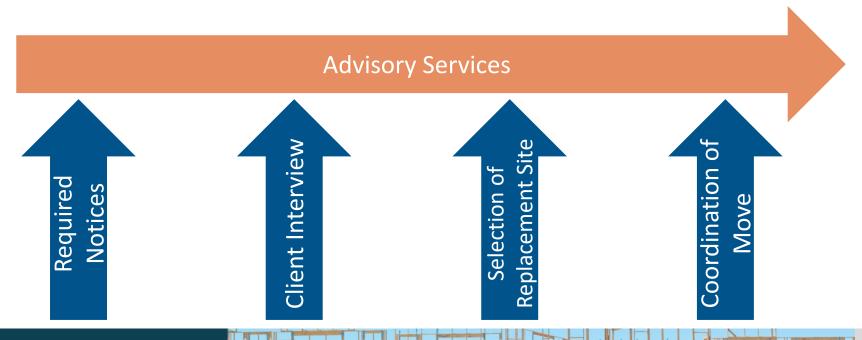


Relocation



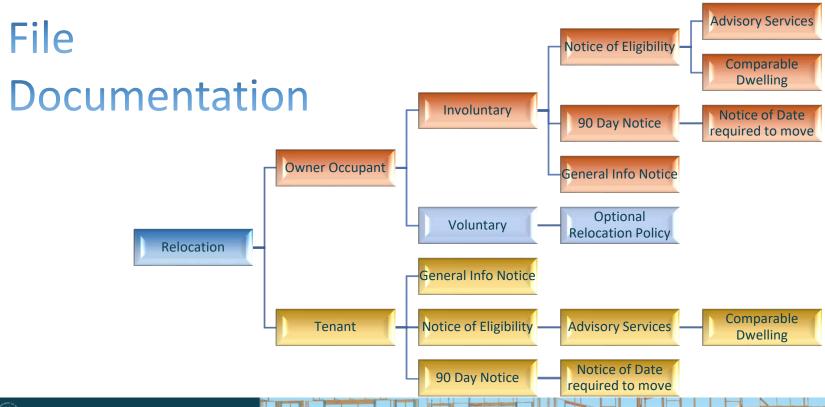
Uniform Act Basics

Relocation





Relocation



Compliance



Uniform Act &CDBG-DR

Waivers and Alternative Requirements







Common Findings

Lack of demonstration of one or more of the following:

- Monitoring Acquisition Compliance
- Compliance of Voluntary Acquisition Requirements
 - Documentation of Basic Acquisition Policies
 - Establishing Just Compensation
 - Written Appraisal Standards
 - Timely Required Notices
 - Record Keeping

Uniform Act Basics

5 Things to Remember

- ✓ URA is Acquisition and Relocation
- √ Agencies must follow their policies and procedures
 - √ If it's not documented, it didn't happen
 - √ You don't need to memorize the URA
- √ Your Regional Relocation Specialist is always available to help!





Questions?

Resources

- Websites:
 - www.hud.gov/relocation
 - www.hudexchange.info/programs/relocation
 - www.fhwa.dot.gov/real_estate/index.cfm
- Uniform Act Federal Register Notice:
 - https://www.govinfo.gov/content/pkg/FR-2005-01-04/pdf/05-6.pdf
- HUD Relocation Handbook:
 - https://www.hud.gov/sites/documents/1378C2CPDH.PDF



Presenter

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Davis Bacon Labor
Standards Overview and
Responsibilities



Key Davis-Bacon & Related Statutes

- Davis-Bacon Act (DBA) & Davis- Bacon Related Act (DBRA) more to come
- Others:
 - Contract Work Hours & Safety Standards Act
 - Applies to contracts greater than \$100,000
 - Workers shall not work more than 40 hours/week unless they get overtime & projects must comply with safety standards
 - Copeland Anti-Kickback Act
 - Requires workers be paid once a week
 - Only permissible payroll deductions allowed
 - Fair Labor Standards Act
 - Federal minimum wage & overtime requirements



Davis-Bacon & CDBG Applicability

- "All laborers and mechanics employed .. on construction work financed in whole or in part . . . shall be paid [prevailing wage rates]."
 Section 110a of the HCDA of 1974
- Construction work over \$2,000
- Unit thresholds may also apply (8+ units)
- Soft costs generally do not trigger DB
- Force account work is exempt (except for PHA staff)

Key DBA Steps

- Ensure Davis-Bacon & other labor (HUD 4010) & wage decision in all procurements/bid documents
- Verify & document contractor eligibility (<u>www.sam.gov</u>)
- 3. Ensure Davis-Bacon & other labor (HUD 4010) & wage decision in all contracts & subcontracts
- 4. Review payrolls & compare to interviews weekly throughout construction
- 5. Conduct site interviews & make sure required posters on site
- 6. Resolve & report issues as necessary

Davis-Bacon
Wage Decisions &
Classification Issues



Davis-Bacon Wage Decisions Character of Construction

Building

- Sheltered enclosures for the purpose of housing persons, machinery, equipment, etc.
- Apartment buildings greater than 4 stories
- Commercial buildings

Residential

- Single family houses, townhouses
- Apartment buildings 4 stories or less

Highway

- Roads
- Highways
- Sidewalks
- Parking areas
- Other paving work not incidental to other construction

Heavy

- Projects which cannot be classified as Building, Residential, or Highway
- Dredging
- Water & sewer lines
- Parks and playgrounds
- Flood control



Obtaining Wage Decisions

- Obtain online at https://beta.sam.gov/
- Include in procurements
- Include in contracts & subcontracts
- Post on the job site

Wage Decision "Lock-In"

- Check wage decision while project is out to bid. Wage modifications published 10 days before bid opening require an amendment to the bid package.
 - If within 10 days prior to bid opening, modification not applicable **if** there is insufficient time to notify bidders
- Wage decision is locked in on bid opening date provided contract is awarded within 90 days of bid opening
- Must update wage decision if contract is awarded more than 90 days after bid opening



Adding Classifications

Prior to Contract Execution:

- Review decisions for missing classifications
- Discuss with contractors early
- Begin to prepare for request for additional classifications

After Contract Execution

- Refer to DOL Memo
 213
 - Work not represented on wage decision
 - Area practice
 - "Reasonable relationship" standard
 - Consent of all parties
- Submit to DOL Wage and Hour Division

After DOL Decision

- Do not "borrow" classifications/wage rates from other wage decisions
- Contractor's rights re: additional classifications
- Post new classification
 & rate
- Restitution payments
 & documentation
 requirements



Davis-Bacon Compliance Principles



Enforcement

- Payroll & Document Review
- Employee Interviews



Payroll Reviews & Employee Interviews

- Ensure submission of certified weekly payrolls
- Conduct on-site interviews
- Check payrolls/related records
- Ensure correction of underpayments
- Prepare / submit required reports
- Maintain records for three years

Employee Interviews

- Use to validate / test payroll data
- Use to develop complaints by expanding the number of employees interviewed, following up on claims
- Target interviews to substantiate suspected violations
- Interviews are confidential the information is not to be shared with contractors
- Fillable HUD-11 form available on HUD.gov
- Spanish version available

Correcting Violations

- Require appropriate documentation for example, require certified corrected payroll report
- Obtain written assurance of future compliance for substantial violations
- Track and document all restitution
- Submit Semi-Annual Labor Enforcement Report if restitution > \$1,000

Resources



DOL Websites

- Department of Labor DBRA
 Homepage
 https://www.dol.gov/whd/govc
 ontracts/dbra.htm
- Department of Labor Regulations https://www.dol.gov/dol/cfr/Title-29/Chapter V.htm
- Department of Labor Forms www.dol.gov/libraryforms/

- GSA's On-Line Debarment List https://beta.sam.gov/
- Wage Decisions
 https://beta.sam.gov/
 DOL/Wage and Hour Division
 https://www.dol.gov/whd/

HUD DBLS References

- HUD/Office of Davis-Bacon and Labor Standards https://www.hud.gov/program offices/davis bacon and labor standards
 - Handbook
 - Guidebooks
 - Labor Relations Letters
 - Forms

