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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• Kelly Price, ICF
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
The Uniform Act is applicable to all planned or intended projects that use Federal funds in part or in whole

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

Acquisition • Rehabilitation • Demolition
Uniform Act Requirements

What is NOT a URA trigger?

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

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

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

Voluntary
Donations
Involuntary
Uniform Act & CDBG-DR

Voluntary or Involuntary?
Voluntary Acquisition

i. No specific site or property needs to be acquired

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

iii. The Agency will not acquire the property if negotiations fail

iv. 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

- Hazard Mitigation
- Acquisition
- Approved Action Plan

Deed Restricted Property
Uniform Act Basics

File Documentation

Acquisition

Involuntary
- Notice to Owner
- Appraisal
- Dated before Offer
- Just Compensation
- Established by the Agency
- Offer w/Summary
- At or Above Just Compensation
- Payment before Possession
- Occupancy Dates

Voluntary
- Notice to Owner
- No Condemnation
- Valuation
Relocation
Uniform Act Basics

Relocation

Advisory Services

- Required Notices
- Client Interview
- Selection of Replacement Site
- Coordination of Move
Compliance
Uniform Act & CDBG-DR

Waivers and Alternative Requirements

104D

Stafford Act
Section 414

Uniform Act Waivers
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

1. Ensure Davis-Bacon & other labor (HUD 4010) & wage decision in all procurements/bid documents
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

<table>
<thead>
<tr>
<th>Building</th>
<th>Residential</th>
<th>Heavy</th>
<th>Highway</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Sheltered enclosures for the purpose of housing persons, machinery, equipment, etc.</td>
<td>• Single family houses, townhouses</td>
<td>• Projects which cannot be classified as Building, Residential, or Highway</td>
<td>• Roads</td>
</tr>
<tr>
<td>• Apartment buildings greater than 4 stories</td>
<td>• Apartment buildings 4 stories or less</td>
<td>• Dredging</td>
<td>• Highways</td>
</tr>
<tr>
<td>• Commercial buildings</td>
<td></td>
<td>• Water &amp; sewer lines</td>
<td>• Sidewalks</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Parks and playgrounds</td>
<td>• Parking areas</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Flood control</td>
<td>• Other paving work not incidental to other construction</td>
</tr>
</tbody>
</table>
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/govcontracts/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_stan-
  dards
  • Handbook
  • Guidebooks
  • Labor Relations Letters
  • Forms