



ADMINISTRATIVE BULLETIN NO. 17

Issued: September 10, 2019

SUBJECT: RELOCATION APPEALS PROCESS

Policy:

Any person who satisfies the definition of a displaced person as a result of a County of Kern (County) sponsored project (Project), shall have the right to appeal any and all determinations of relocation eligibility or payments.

Procedures:

1. The relocation agent will fully advise each displaced person of the right to appeal according to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (Uniform Act). Any person receiving relocation assistance, who feels aggrieved by the County's determination as to their eligibility for relocation assistance, or to the amount of the relocation payments may appeal that determination.
2. An aggrieved person has a right to be represented by legal counsel or any other representative in connection with their appeal. However, such legal representation, including any and all costs associated therewith, is at the aggrieved person's own expense and is not reimbursable as part of the project.
3. The relocation agent shall permit the aggrieved person to inspect their file(s) and copy all materials pertinent to the appeal, with the exception of materials or files of others that are classified as confidential by the County, consistent with applicable local, State and Federal Laws.
4. The relocation agent shall promptly supply any aggrieved person with a copy of this Policy.
5. Having filed an appeal in and of itself shall not cause tenancy to be extended.

Timing and Levels of Appeal:

1. Written appeals must be filed within sixty (60) calendar days after the aggrieved person received their Notice of Eligibility; or sixty (60) calendar days after the aggrieved person receives written notification of denial of all or a portion of the their claim for relocation benefits.
2. All claims for relocation benefits must be filed within eighteen (18) months of receiving a written Conditional Notice of Eligibility Letter or the date the displace vacates the subject dwelling, whichever is later.

3. When filing a formal written appeal within the allotted timeframe the following levels of appeal will apply:

- a. Level I – A written appeal must be first filed with the relocation agent or the relocation supervisor in order to determine if the appealed items can be resolved at the first level without further recourse. All appeals at this level will be responded to in writing within thirty (30) calendar days of receipt by the County.

A Level I appeal requires:

1. Delivery to agent by certified mail or in person with signed receipt
2. Name and address of the claimant
3. Name of the Project
4. A description of the issue being appealed and pertinent facts
5. Supporting documentation

- b. Level II - If the aggrieved person is still not satisfied after the written response to the Level I appeal, a formal Level II appeal may be requested. A formal Level II appeal must be made in writing within thirty (30) calendar days from the date of the Level I determination. A formal appeal before a hearing officer will be based on written facts and oral statements presented by both the parties. The hearing officer is responsible to ensure fair and impartial treatment of all aggrieved person. All appeals will be accomplished in a professional, prompt and efficient manner. The designated hearing officer will be an impartial third party not directly involved with the aggrieved person's relocation case. The hearing officer may be either an employee of the County or a third party that shall be selected by the County. Upon receipt of the written determination of the hearing officer, the County will send written notification within 14 calendar days to the aggrieved person advising them of the determination and their right to seek further review.

- c. Level III - If the aggrieved person is not satisfied with the County's written response to the Level II appeal, the aggrieved person may, to the extent allowed under applicable law, seek judicial review. Any costs, including but not limited to legal or court fees, associated with a Level III appeal will be at the aggrieved person's expense.

RELOCATION ASSISTANCE APPEAL

RW 10-6 (REV 5/2001)

Lock Data on Form

PERSONAL INFORMATION NOTICE

Pursuant to the Federal Privacy Act (P.L. 93-579) and the Information Practices Act of 1977 (Civil Code Sections 1798, et seq.), notice is hereby given for the request of personal information by this form. The requested personal information is voluntary. The principle purpose of the voluntary information is to facilitate the processing of this form. The failure to provide all or any part of the requested information may delay processing of this form. No disclosure of personal information will be made unless permissible under Article 6, Section 1798.24 of the IPA of 1977. Each individual has the right upon request and proper identification, to inspect all personal information in any record maintained on the individual by an identifying particular. Direct any inquiries on information maintenance to your IPA Officer.

County of Kern Public Work Department 2700 M Street, Suite 400 Bakersfield, CA 93301 Attn: Relocation Assistance Manager	Dist.	Co.	Rte.	KP (P.M.)	Exp. Auth.
	Parcel No.				
	INSTRUCTIONS TO APPELLANTS: State nature of your complaint and reasons for this appeal in space at bottom. Attach extra pages if needed. Sign and date this form and mail to address provided to the left.				
Print or type your full names:	Address of Subject Parcel:				
Present mailing address:	I am:		Owner-Occupant	<input type="checkbox"/>	
			Non-Resident Owner	<input type="checkbox"/>	
			Tenant or Lessee	<input type="checkbox"/>	
	This appeal is based on:		Eligibility only	<input type="checkbox"/>	
			Amount of Payment only	<input type="checkbox"/>	
			Eligibility and Amount	<input type="checkbox"/>	

Will you be present at the hearing? YES NO

Will you be represented by
 counsel? YES NO

Your Telephone Number: Day _____ Eve _____

This is an appeal of a determination made by the County of Kern under the Uniform Relocation Assistance and Real Property Acquisition Act of 1970, as amended. The nature of my complaint and the reasons why I believe the determination is improper are stated below and/or on the attached pages.

Signature of Appellant:	Signature of Appellant:	Date Signed:
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APPELLANTS' STATEMENT

County of Kern Relocation Appeals Process

OPC Manager - TBD
 County PM - Don Anderson
 Agent - Case assigned agent
 Hearing Office - TBD

Notice of Eligibility (NOE)
 Presentation

Relocation Agent
 Explain appeals policy

OPC:
 1. Written appeals filed within sixty (60) days of:
 A. NOE presentation
 B. Denial of claim for payment
 2. Relocation agent to provide displacee appeal form

Claimant to submit all claims within eighteen (18) months of receiving NOE or vacate date

Level I

Level II

Level III

OPC Project Manager:
 1. Determine appeal is complete
 2. Confer with County on determination
 3. Prepare and secure County's approval on written determination
 4. Deliver written determination via certified mail within 30 days of receipt of appeal

OPC Project Manager:
 1. Determine appeal is complete
 2. Provide County Level II appeal form

Aggrieved person still not satisfied

County Manager:
 3. Coordinate with OPC on case facts
 4. Identify Third Party Hearing Officer
 5. Provide in writing to aggrieved person 3 hearing dates

Aggrieved person to seek judicial review

Third Party Hearing Officer:
 6. Facilitate hearing
 7. Provide written determination to aggrieved person within 14 days of decision.

Any costs, including but not limited to legal or court fees, will be at aggrieved person's expense

Level I Appeals Requirements

Level II Appeals Requirements

1. Aggrieved person delivers to agent by certified mail or in person

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2. Name and address of the aggrieved person

2. Name and address of the aggrieved person

3. Name of the Project

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4. A description of the issue being appealed and pertinent facts

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5. Supporting documentation

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