



CITY OF UTICA, NEW YORK

DEPARTMENT OF URBAN & ECONOMIC DEVELOPMENT

RELOCATION AND ANTIDISPLACEMENT

APPEAL PROCESS

The City of Utica will promptly review appeals in accordance with the requirements of applicable law and 49 CFR Part 24.10 of the Uniform Act regulations.

Any person who believes he/she has been displaced for a federally assisted project may file a written appeal with the City of Utica Department of Urban and Economic Development (the "Department"). The Department is the administrating body overseeing the grant funds under CDBG and HOME. If a person believes that the Department, or one of the Department's grant subrecipients, has failed to properly consider the person's application for assistance under the Uniform Act or Section 104(d) of the Housing and Community Development Act, by denying benefits, an appeal should be sent to, and will be reviewed by, the Department. Please contact the Department if you wish to discuss an appeal at:

Contact person: Brian Thomas, AICP
Commissioner of Urban and Economic Development
Address: City of Utica
1 Kennedy Plaza
Utica, NY 13502
Phone number: (315) 792-0181

Assistance, or lack thereof, that can be appealed may include the person's eligibility for, or the amount of, payments required for moving, replacement housing or commercial re-establishment.

The Department shall consider written appeals regardless of form. Appeals must be received by the Department no later than 90 days after the person receives written notification of the Department's, or the Department's grant subrecipient's, determination on the person's claim.

A person has a right to be represented by legal counsel or other representative in connection with his or her appeal, but solely at the person's own expense.

The Department shall permit a person to inspect and copy all materials pertinent to his or her appeal, except materials which are classified as confidential. The imposition of reasonable conditions on the person's right to inspect, consistent with applicable laws, will be set

In deciding an appeal, the Department will consider pertinent justification and material submitted by the person, to ensure a fair and full review of the appeal. Promptly after receipt of all information submitted by a person in support of an appeal, the Department shall make a written determination on the appeal, including an explanation of the basis on which the decision was made, and furnish the person a copy.

The Department official conducting the review of the appeal shall be either the head of the Agency or his or her authorized designee. However, the official cannot be directly involved in the action appealed. If the full relief is not granted, the Department shall advise the person of his or her right to seek judicial review of the decision.

If the displaced person is still not in agreement with the determination, the person shall be directed to the local HUD office (attn: Relocation Specialist in Community Planning and Development) for a review of the appeal and determination.