

CHAPTER 11 – RELOCATION

Chapter Outline

Review Laws and Regulations and Process Flow Chart

Identify Households or Businesses to be Displaced and Establish a File for Each

Provide Notice of Relocation Eligibility and Informational Brochure to Each Displaced Household or business

Contact Displacees to Provide Information and Determine Replacement Housing, Business and Social Service Needs

Identify Replacement Housing and Business, Social Services Resources, Make Referrals

Secure Replacement Housing for Displacees that is Decent, Safe and Sanitary

Determine Moving and Related Expenses

Process Claims and Make Payments

Introduction

The NAHTF Program seeks to provide assistance that allows persons to live in safe, decent and sanitary housing. Furthermore, housing activities funded with NAHTF should be carried out in a manner that minimizes displacement of persons.

The intent and purpose of the Nebraska Relocation Assistance Act is to establish uniform policies and procedures for the fair and equitable treatment of persons displaced as a result of publicly financed projects in order that such persons will not suffer disproportionate injuries as a result of projects designed for the benefit of the public as a whole.

This chapter provides guidance to grantees implementing NAHTF-funded projects that may displace persons or businesses. The Department's relocation specialist can assist grantees with relocation requirements.

Task #1 Review Laws and Regulations and Process Flow Chart

Laws and Regulations

- Uniform Relocation Assistance and Real Property Acquisition Policies Act (URA) of 1970, as amended (42 USC 4601 et. seq.)
- Title 49 of the Code of Federal Regulations Part 24, as amended (www.fhwa.dot.gov/hep/49cfr24.htm)
- Section 104(d) HCD Act of 1974, as amended.
- Relocation Assistance Act (LB 254, March 27, 1989) RRS of Nebraska

This Chapter summarizes the tasks associated with carrying out residential or nonresidential relocation that is the result of acquiring real property for a HOME or NAHTF- assisted project. Note that the Department requires adherence by NAHTF grantees to the all the federal laws and regulations referenced in this chapter in order to meet the intent of the Nebraska Relocation Assistance Act. The Relocation File Checklist, which outlines the documents to be maintained

in the grantee's relocation files, is Attachment 1. A summary of the changes enacted by the URA is found in Attachment 3.

Definition

Become thoroughly familiar with the relocation process and the benefits and assistance available to displacees under the Uniform Act and Section 104(d) of the HCD Act.

Procedures

The URA implementing regulations stipulate that persons displaced from their residences or businesses as a result of acquiring real property for a federally assisted project or as a result of the demolition or conversion of a residential unit are entitled to relocation and moving costs payments and other assistance such as counseling, housing referrals and referrals to social service agencies.

Section 104(d) regulations focus on the —loss of low/moderate income housing (both rental and owner occupied) in the community through demolition or conversion. Conversion occurs when a unit is rehabilitated and the rents exceed Fair Market Rents after the rehabilitation or the unit is no longer available for housing. Section 104(d) has two distinct components:

- People: 104(d) specifies relocation assistance for displaced low/moderate income families.
- Units: 104(d) requires one-for-one replacement of low/moderate income dwelling units that are demolished or converted to other use. (For more information, see 24 CFR Subpart C-42.305: *Vacant occupiable dwelling unit.*)

The regulations define a displaced person as any person who moves from the real property or moves personal property from the real property as a direct result of:

- A written notice of intent to acquire, the initiation of negotiations for, or the acquisition of such real property in whole or in part for a HUD assisted project.
- Rehabilitation or demolition for a HUD assisted project; or
- A written notice of intent to acquire or the acquisition, rehabilitation or demolition of, in whole or in part, other real property on which the person conducts a business or farm operation, for a HUD assisted project.
- Persons not displaced would include, but are not limited to:
 - Persons who move before initiations or negotiations; or,
 - Persons who initially enter into occupancy of the property after the date of its acquisition for the project: or,
 - Persons who agree to move as a result of the acquisition (which meets the definition of voluntary) or the rehabilitation or demolition of the real property which they own and occupy; tenant-occupants displaced as the result of a voluntary acquisition are covered by the URA, or
 - Owner voluntarily applying for rehab assistance.

Supporting Materials

- Relocation Process Flow Chart (Attachment 2)
- HUD Handbook 1378 (request from the Department)

Task #2 Identify Households or Businesses to be Displaced, Establish a File for Each, and Issue a General Information Notice

Definition

Maintain documentation that relocations are being carried out in conformance with the regulations.

Procedures

As early as feasible in the acquisition/relocation process, the grantee should identify individuals or businesses to be relocated. A person scheduled to be displaced is to be furnished with a written general description of the relocation program. The notice must at least inform the individual of the potential of displacement and describe the eligibility and payment procedures. It also must specify that the individual cannot be required to move without a 90-day's advance written notice. Other items should also be included.

The grantee must maintain a separate case file on each displaced family or business for three years after project completion or after receipt of final relocation payment, whichever is later. All documents pertaining to displacement must be retained in the case files. The Relocation File Checklist (Attachment 1) identifies all documents to be maintained.

Common Deficiencies

- Incomplete records.
- Failure to maintain for three years.

Supporting Materials

- Relocation File Checklist (Attachment 1)
- Check with the Department for additional information for business relocation.

Task #3 Provide Notice of Relocation Eligibility and Informational Brochure to Each Displaced Household (Current materials dated 03-2005)

Definition

The grantee must deliver or send a Notice of Relocation Eligibility (Attachments 4 and 4a) to all owner-occupants or tenants in occupancy promptly after the Initiation of Negotiations, defined as the date that the grantee makes an offer to purchase. This notice establishes eligibility for relocation payments and assistance. The notice must: (1) identify the project and inform the person of his eligibility for relocation payments and other assistance and the effective date of that eligibility; (2) generally describe the relocation payment(s) for which he/she may be eligible and

indicate the estimated amount or range of such payment(s), the basis of the estimate for any replacement housing payment, the basic conditions of eligibility, and the procedures for obtaining the payment(s); (3) inform him/her that he/she will be given other help (e.g. housing referrals) to facilitate the move; (4) state a specific date as the earliest date the occupant may be required to move or indicate a 30-day advance notice of the date to vacate.

Displacement Not a Notice to Vacate

In the Notice of Relocation Eligibility it is important for the grantee to emphasize that the notice is not a notice to vacate. The notice should indicate that no one will be forced to move until and unless they have been referred to at least one decent, safe and sanitary comparable house and that the occupants will have a minimum of 90 days notice to vacate after comparable housing has been located and referred. The notice should also contain a grievance procedure which outlines the appeals process including the grounds for filing an appeal, to whom appeals should be filed in the city, appropriate time limits and the right of appeal to the Department (Attachment 5).

This notice and all other notices to displacees must be written in plain, understandable language. They may be either hand delivered, or sent by certified mail. Notices must also contain the name and phone number of a person who may be contacted for answers to questions or other needed assistance.

Keep in mind that mailed notices are appropriate for recipients able to read and understand. If there is any reason to believe the person is functionally illiterate or senile, hand delivery is far more preferable. If a displacee does not speak or read English, notices must be available in appropriate translations. Copies of all notices and evidence of their delivery should be retained in the relocation case files.

Common Deficiencies

- Inadequate Notice of Relocation Eligibility.
- Grievance procedure not provided to displacees.
- Translations not provided when appropriate.

Supporting Materials

- Sample Notice of Displacement—180-Day Homeowners (Attachment 4).
- Sample Notice of Displacement—Tenants (Attachment 4a).
- Sample Grievance Procedure (Attachment 5).

Task #4 Contact Displaces to Provide Information and Determine Replacement Housing and Social Service Needs

Definition

Determine the housing or business replacement and social services needs of relocatees.

Procedures for Surveys

As soon as the initial notice is delivered or sent out, the grantee must interview each displacee to determine her/his need for assistance. A sample interview format is provided to show the type of information that is required. This survey format generally forms the basis of the Site Occupant Record. The Site Occupant Record includes data identifying the parcel and dwelling; number of individuals and family units; family composition (including age, sex, location of employment, source and amount of income); veterans status of family members; description of current dwelling (number and type of rooms); length of time of occupancy; amount of housing payment or rent; replacement housing preferences regarding type of tenure, location and willingness to increase monthly payments; and other important characteristics (health/disability problems, special needs such as furniture, public assistance, etc.).

The people conducting these surveys and having personal contact with the individuals to be relocated should be very patient, capable of understanding the distress of the relocatees and of dealing with them in a non-threatening, helpful manner.

Some displacees may be elderly with a huge emotional investment in their present home. In the grantee's view, it may be a substandard dwelling unit; to the owner, it is a home which contains a lifetime's memories and mementos. Many will not want to relocate. The counseling and assistance required to serve these people adequately is substantial.

Depending upon the size and experience of the relocation staff, it may be appropriate to provide some counseling and assistance themselves while other social service needs will be best met through referral to public or private agencies. A single family may require a number of social service contacts. Physical and psychological problems may range from alcoholism to nervous breakdown, from unemployment to child abuse. For this reason, the assigned staff must be aware of the kinds of services available. Staff should also develop the ability to distinguish serious problems which require outside professional assistance. Kinds of services and counseling commonly provided during the relocation process include the following:

Counseling Relocation Services

- Mortgage counseling and Fair Housing Laws.
- Help in completing or understanding forms or documents such as a purchase contract.
- Housekeeping and home maintenance practices.
- Budgeting and money management guidance.
- Recommendations concerning packing and moving.
- Family and personal counseling.

- Assistance in obtaining medical care.
- Help in obtaining clothing, food, furniture or appliances.
- Advice concerning social security, food stamps, welfare or veterans benefits.
- Transportation assistance.
- Assistance with child care or school adjustment.
- Employment counseling and job training.
- Senior citizen assistance.
- Family planning.
- Legal aid.
- Financial assistance.

In many cases, especially with regard to the elderly, it may be useful to ask if there are any relatives living in the surrounding area. If permission to contact these relatives can be obtained, these contacts can assist in developing appropriate relocation plans for the person. Some relatives will contribute money to the purchase of a dwelling; others will have special skills (e.g., lawyer, realtor) which can facilitate rehousing transactions. Sometimes, relatives can also encourage cooperation in the disclosure of information necessary to complete claim forms.

At the same time the interviewer is conducting the family survey, he/she should review the relocation process with the relocatees and insure they understand the process. Special attention must be given to: (1) the assistance to be provided by the grantee; (2) the benefits available; (3) the fact that replacement housing payments cannot be made unless the household relocates into a standard unit; (4) the importance of keeping in touch with the grantee; and (5) the need to notify the grantee before they move.

Common Deficiencies

- Family surveys not conducted.
- Counseling services not provided.
- Translations/bilingual assistance not provided when appropriate.

Task #5 Identify Replacement Housing and Social Services Resources, Make Referrals

Definition

Inventory available resources and assist relocatees in finding suitable replacement housing, assist self relocatees.

Procedures

The primary purpose of the family survey is to provide the data needed to determine replacement housing needs. All replacement housing must be decent, safe and sanitary. The regulations

define this to mean that the replacement unit must meet local housing or occupancy codes. The only times that local housing or occupancy codes do not define decent, safe and sanitary are when such codes do not exist or when the replacement unit is Section 8 assisted. In the latter instance, Section 8 Existing Housing Quality Standards define decent, safe and sanitary. The unit should also be free of lead-based paint hazards and of architectural barriers, if serving a handicapped person.

Comparable Replacement

In addition to being decent, safe and sanitary, the replacement unit must also be “functionally similar” to the acquired unit with respect to the number of rooms and living space unless additional or larger rooms are needed to meet safe, sanitary and decent criteria (i.e., one person per room; age/sex of children sharing bedrooms and the like). This means that a family of six living in a two-bedroom unit may require a four-bedroom replacement unit to meet local codes or Section 8 standards, if applicable. Only in unusual circumstances may a comparable replacement dwelling contain fewer rooms than the displacement dwelling. Such may be the case when a replacement dwelling is “adequate to accommodate” the displaced person and is found to be functionally similar to a larger but very rundown substandard displacement dwelling. They may choose a smaller unit, but the grantee must provide reasonable choices of comparable replacement units.

Further, the referral units must be within the financial means of the displaced persons. This is determined by the “make whole” financial means test, as follows:

180-Day Homeowner

The test is met if a person receives the price differential, increased mortgage interest cost and all reasonable incidental expenses, not to exceed \$22,500.

90-Day Tenant and 90-179 Day Homeowner

The test is met if a person receives assistance equal to 42 times the increase in rent and utility costs that he or she is required to pay because of the displacement. For 104(d) the tenant receives up to 60 times the increase.

Last Resort Replacement

If the grantee finds it cannot identify comparable affordable replacement housing using these standards, and that the inability to relocate site occupants will jeopardize the project, it must use other means of assisting displacees under the “Last Resort Replacement Housing” provisions of the regulations. Such alternatives include rehabilitation of, and/or additions to, an existing replacement dwelling; a replacement housing payment in excess of normal limits; construction of new units; relocation of a replacement dwelling; and removal of barriers to the handicapped in a replacement dwelling.

Inventory Housing

Having identified the replacement housing needs, the grantee must begin taking an inventory of available housing resources. In doing this, the grantee must be aware of affirmative action criteria that must be met when relocating low-income and minority persons. The regulations require that the grantee make comparable replacement housing available to low-income or

minority relocatees in areas that do not have concentrations of either low-income or minority households if such opportunities are available. This means that if there are vacant, standard, affordable units available in middle/upper income areas or predominantly white areas of your community, low-income or minority relocatees must be given replacement housing choices in those areas before the grantee can give such relocatees a go-day notice to vacate. Furthermore, the regulations require that the grantee make available to low-income and minority families special counseling and related services, e.g., transportation and escort services.

In inventorying available resources, the grantee will be contacting landlords, realtors, and movers. It will read classified ads and tour neighborhoods looking for “For Rent” and “For Sale” signs. Eligible displacees may refuse to apply for public housing, either because they simply do not want to live in it or because they resent the investigation necessary to qualify them (the investigation of their incomes, in particular).

The process of finding suitable housing will involve continuous contact with displacees to solicit information, establish rapport, provide referrals to housing resources, accompany displacees to inspect possible dwellings and the like. Up-to-date information on the availability, prices, and rentals of comparable sales and rental housing must be provided. All units must be inspected and certified as being decent, safe and sanitary before being placed on a referral list.

Relocatees Risk Compensation

Some relocatees will not wait for the grantee to locate suitable units. They will search for their own units and relocate themselves. Occupants who relocate themselves risk not receiving the compensation to which they are entitled.

This can happen because: (1) the occupants do not know they are entitled to it and fail to apply; (2) the grantee is unable to trace them to their new quarters; or (3) the new quarters are substandard (in which case the relocatees still receive moving expenses). Self-relocatees who do not inform the grantee of their plans forego a pre-move inspection of their new quarters.

An inspection after the move is made usually proves to be ineffective with regard to procuring needed repairs.

Replacement Units Meet Standards

If an individual locates or moves into a replacement unit that is not standard, the grantee must make every effort to upgrade the unit to decent, safe and sanitary standards in order to entitle the relocatee to benefits. This can include making a rehabilitation grant or loan, emergency repairs and the like with HOME funds or securing comparable assistance from other sources. In the event remedial action to bring the unit to code is not available, the grantee must inform such relocatees that if they remain in or move to a substandard unit they will be eligible only for moving expenses and not for replacement housing payments (Attachment 6). The grantee must also inform them that if they move into standard housing within a year from the date they received payment for their acquired dwelling or from the date they moved from the acquired dwelling, whichever is later, and file a claim within 18 months, they will be eligible for a replacement housing payment.

Common Deficiencies

- Failure to provide assistance in locating suitable housing.
- Failure to provide replacement housing opportunities outside areas of low-income and/or minority concentration.
- Failure to provide counseling assistance to relocates moving into substandard units.

Supporting Materials

- Sample Letter to Relocatee in Substandard Unit (Attachment 6).

Task #6 Secure Replacement Housing for Displacees
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Definition

Complete displacement and the move into replacement housing.

Procedures

The grantee has made a reasonable choice of suitable replacement housing opportunities available to the relocatee. At this point, the grantee may issue the 90-Day Notice to Vacate (Attachment 7). This notice should not be issued before reasonable replacement housing has been made available. The notice shall either state the earliest date by which the property must be vacated, or state that a second notice will be issued at least 30 days in advance of the date the property must be vacated. The date on which the property must be vacated cannot be less than 90 days after the grantee has made a comparable replacement unit available.

Prior to and following the 90 day notice, the grantee continues to work with the relocatees – inspecting units, certifying they meet decent, safe and sanitary standards; assisting or preparing mortgage applications, sales agreements, or leases as appropriate; assisting or preparing claim forms; processing and verifying claims; documenting claims and making payments.

Common Deficiencies

- Timing and language of 90-Day Notice incorrect

Supporting Materials

- Sample 90 Day Notice/30 Day Notice (Attachment 7)

Task #7 Determine Moving and Related Expenses
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Displacees are eligible for two types of relocation payments: moving costs and replacement housing payments.

Moving Costs (Residential)

All displaced persons as defined by the regulations, are eligible for moving costs. The displaced person can choose to receive either actual moving and related expenses, supported by bills and other documentation, of costs for:

- Transportation up to 50 miles of displacee, family and personal property;
- Packing and unpacking personal property;
- Disconnecting, dismantling, reassembling and reinstalling relocated household appliances and other personal property;
- Storage;
- Insurance in connection with move and storage; and
- Other costs related to move if approved by grantee as reasonable;

OR

- A fixed moving expense and dislocation allowance based on the rooms of furniture, where occupant provides furniture; or where occupant does not provide furniture.

MOVING COSTS (Non-Residential)

- Transportation up to 50 miles for personal property;
- Packing and unpacking the personal property;
- Disconnecting, dismantling, removing, reassembly and installing relocated and substitute machinery, equipment and other personal property, including connection to utilities available nearby;
- Storage (not to exceed 12 months) if necessary;
- Insurance in connection with moving and storage;
- License, permit, or certification required by the displacee for re-establishment at the replacement location;
- Professional service charges necessary to planning the move, the moving, and the reinstalling of the personal property;
- Re-lettering signs and replacement stationery if made obsolete by the move;
- Actual direct loss of tangible property;
- Substitute personal property which is used as part of a business, farm operation or nonprofit organization provided that the original property is not moved and that any proceeds from the sale or trade-in of the replaced item is subtracted from the cost of the substitute item;
- Searching for a replacement location (amount not to exceed \$1,000);
- Other moving-related expenses if approved by the grantee as reasonable;
- “No-documented self moves” based on the lowest of two acceptable bids or estimates obtained by the grantee;

OR

- A fixed moving expense allowance computed on the average net earnings for the two-taxable years prior to the date of displacement. The amount is to be not less than \$1,000 nor more than \$20,000 for a business or farm operation. The payment is to be \$2,500 for a nonprofit organization. To qualify for a fixed payment in lieu of actual moving cost it must be determined that a business or a nonprofit organization cannot be relocated without a substantial loss of existing patronage or net income and it is not a part of a commercial enterprise having other establishments engaged in the same or similar activity.

Non-residential moving costs are calculated using the form Claim for Actual Moving Costs and Related Expenses (Attachment 7) or Claim for Fixed Payment in Lieu of Actual Moving and Related Expenses.

Re-Establishment Expenses (Non-Residential)

In addition to moving costs, a business may be eligible to receive a payment, not to exceed \$10,000, for expenses actually incurred in relocation and reestablishing at a replacement site. These expenses must be reasonable and necessary and include:

- Improvements made to the new site as required by law;
- Modifications to the new site to accommodate the business;
- Costs for construction of new exterior signage;
- Costs of utilities from right-of-way;
- Redecoration/replacement of worn services;
- Licenses, fees and permits when not included in moving expenses;
- Estimated increased operation costs for two years;
- Advertisement of new site; and,
- Professional services and feasibility studies relating to the new site

Replacement Housing Payments

These payments are available to owner-occupants and tenants that meet the following criteria: Owner-Occupants who have:

- Owned and occupied the acquired dwellings for at least 180 days prior to initiation of negotiations;
- Purchased and occupied decent safe and sanitary comparable units within one year of completing acquisition or date of move from property; and
- Filed a claim within 18 months of the time the move is completed.

Tenants and 90-179 day owners who have:

- Occupied the acquired units 90 days prior to initiation of negotiations;

- Relocated into decent, safe and sanitary comparable units; and
- Filed a claim within 18 months of the time move is completed.

The relocation benefit is based on the difference between what units comparable to the acquired unit are being sold or rented for, and not on the cost of the unit into which the displacee wants to move.

It should be clearly understood by everyone involved in the acquisition/relocation process that the benefits under the URA are “rights” to which the displacee is entitled and that the grantee’s job is to ensure that all displacees receive the maximum amount of benefit to which they are entitled. There are no income or need criteria for benefits. Certain benefits may be prorated for unrelated individuals living together.

In addition to financial assistance, displacees are also entitled to receive housing referrals, counseling and referrals to social service agencies.

Common Deficiencies

- Unfamiliarity with the relocation process and the benefits and assistance required for displacees under the URA.

Task #8 Process Claims and Make Payments
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Definition

Assist or prepare claim forms: process and verify claims; document claims and make payments.

Procedures

Relocation claims may be filed up to 18 months following the completion of a move. This means that claims can be filed months, after the conclusion of the grant. Therefore, if there are unsettled relocation cases at the time of close out of the grant, the grantee should show maximum payments for each potential claimant as unpaid costs on the closeout documents otherwise, the Department may cancel the funds remaining in the grant and the grantee would be financially liable for relocation costs. This also highlights the need to try and expedite relocation.

Relocation Claim Forms

- Claim for Moving Costs and Related Expenses-Families and Individuals; and
- Claim for Replacement Housing Payment for 180-Day Homeowner; or
- Claim for Rental Assistance Payment; or
- Claim for Downpayment Assistance.

Payment Responsibility

The grantee is responsible for ensuring that all payments are made in a timely fashion. Payments should be issued within 30 days following submission of sufficient documentation to support the claim. The regulations further state that advance payments must be made where they would

avoid or reduce a hardship. When advance payments are made, the grantee must document that the payment was used for the purpose intended. The grantee should have the recipient sign a letter acknowledging receipt of relocation payments and services (Attachment 8).

Downpayment Payment

Payments for downpayment assistance must be applied to the purchase price of a replacement dwelling and related incidental expenses. Payments for rental assistance to owners or renters need not be applied to housing costs. The rental assistance payment may be made in a lump sum or in installments. The grantee has no right to question the uses to which that payment is put; it need not be accounted for beyond receipt by the claimant.

Denied Claim for Payment

If a person makes a claim for payment and must be denied because the unit is substandard, the grantee must inform the claimant why the claim is being denied, indicate the assistance available for bringing the current unit up to decent, safe and sanitary standards, and the on-going opportunity to qualify for assistance by moving to a standard unit, providing the move is completed within 12 months of the date of removal from the acquired dwelling or receipt of final payment (if owner-occupant), whichever is later; and that the claim is submitted within 18 months of the completion of the move.

Documentation of Non-Payment

In any instance in which payments are not made, the grantee must be able to fully document its efforts to provide payments, the reasons payments were not made, and signed waivers of payment if possible. The regulations mandate that any claim for payment be submitted to the locality within a period of 18 months after displacement. The grantee should strictly adhere to this limitation and fully document its initial notification of this requirement and all subsequent reminders.

Waiver of Relocation

As of January 12, 2006, waivers of assistance are not an allowable option and are prohibited.

If relocation has not been completed within 6 months of the date of issuance of the Notice of Relocation Eligibility, the grantee must provide in its files a written explanation of delay and plan for timely completion.

Common Deficiencies

- Failure to document claim.
- Inaccurate computation of relocation payments.
- Rental assistance payment not made in a lump sum.

Supporting Materials

- Sample Letter of Acknowledgement of Services Rendered and Payments Received (Attachment 8).

Table of Contents for Attachments

Attachment 1: Relocation File Checklist.....	11-15
Attachment 2: Relocation Process Flow Chart	11-16
Attachment 3: Summary of Significant Changes in the Uniform Relocation Act (URA). ..	11-17
Attachment 4: Sample Notice of Displacement—180-Day Homeowners	11-19
Attachment 4a: Sample Notice of Displacement—Tenants	11-20
Attachment 5: Sample Grievance Procedure.....	11-21
Attachment 6: Sample Letter to Relocatee in Substandard Unit	11-22
Attachment 7: Sample 90 Day Notice/30 Day Notice.	11-23
Attachment 8: Sample Letter of Acknowledgement of Services Rendered	11-24

ATTACHMENT 1

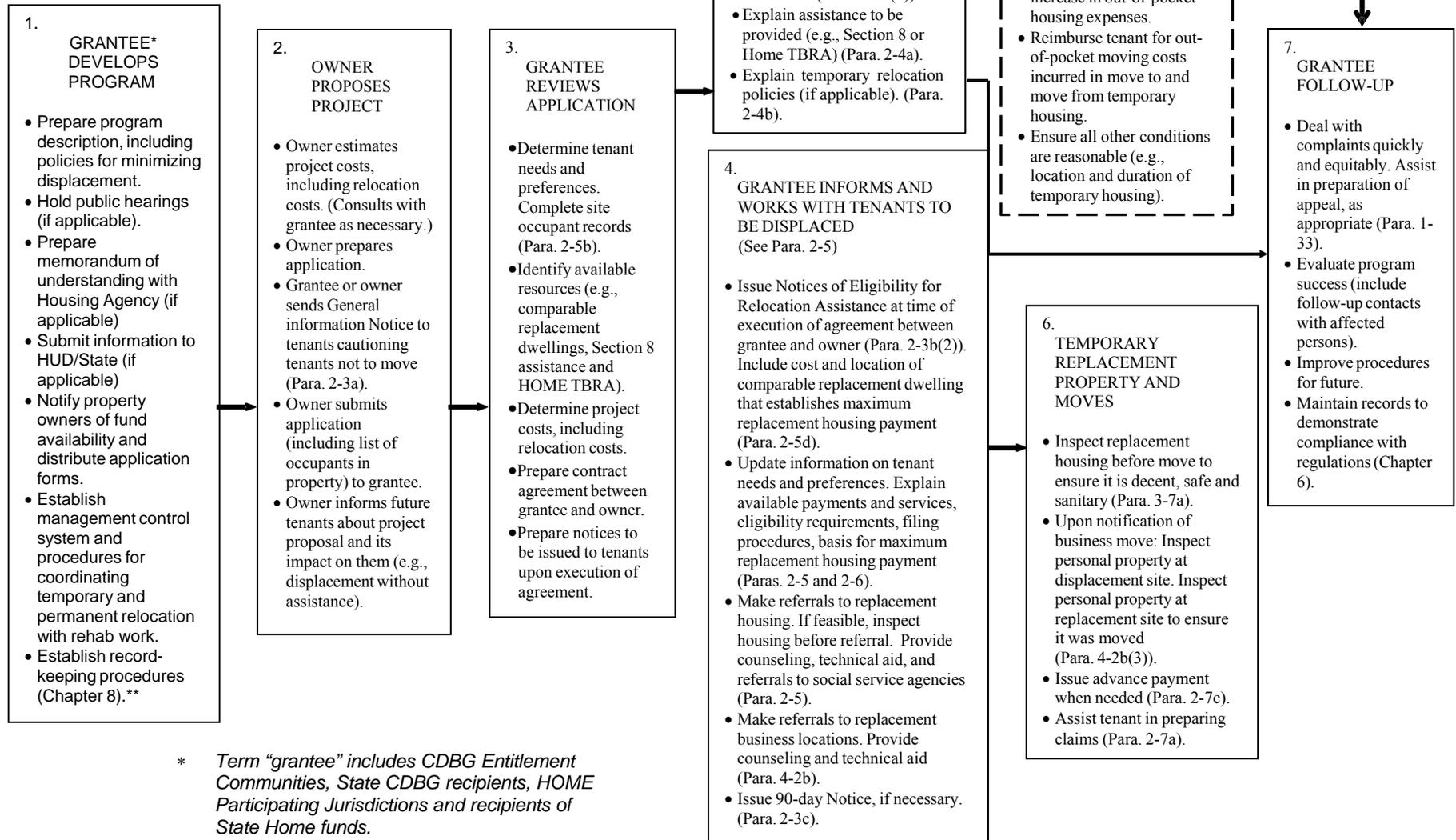
RELOCATION FILE CHECKLIST

DOCUMENTS TO BE MAINTAINED IN RELOCATION FILES. A SEPARATE FILE SHOULD BE ESTABLISHED FOR EACH HOUSEHOLD OR BUSINESS DISPLACED.

- 1. Fully Completed Case Record Form.
- 2. Copy of Notice of Relocation Eligibility.
- 3. Evidence of Referrals to Suitable Replacement Housing or Business Locations.
- 4. Copy of 90-Day Notice and Evidence of Receipt.
- 5. Copy of 30-Day Notice and Evidence of Receipt, if applicable.
- 6. Record of Inspection of Replacement Dwelling and Referral Units.
- 7. Copy of each Relocation Claim Form and Supporting Documentation.
- 8. Evidence of Verification of Claim and Receipt of Payment.
- 9. Appeal, if filed, and disposition.
- 10. Copies of Correspondence.
- 11. Other Data:
Specify: _____

- 12. If Relocation is not completed within six months following acquisition of property, explanation of delay and plan for timely completion.

Tenant Assistance/Relocation Process (Private-Owner Rental Rehabilitation Under HUD-Assisted Program)



* Term "grantee" includes CDBG Entitlement Communities, State CDBG recipients, HOME Participating Jurisdictions and recipients of State Home funds.

** References are to HUD Handbook 1378

**ATTACHMENT 3
SAMPLE**

**SUMMARY OF SIGNIFICANT CHANGES IN
THE UNIFORM RELOCATION ACT (URA)**

URA SECTION AMENDED	CHANGE	REMARKS
101(6)(A)	Extends URA coverage to persons as a direct result of rehabilitation, demolition or acquisition by a private entity.	
101(11)	Defines “displacing agency” to include person without power of eminent domain carrying out a program or project with Federal financial assistance that results in displacement.	
202(a)(4)	Adds new payment up to \$10,000 for expenses to “re-establish a business” as component of payment for actual reasonable documented moving expenses.	Some expenses to m-establish business mandated by current regulations;
203(a)	Raises ceiling on replacement housing payment for 180-day homeowner-occupant from \$15,000 to \$22,500.	Under present regulations containing “make whole” financial means test, the payment ceiling has no effect.
204(a)	Reduces period covered by rental assistance payment from 48 to 42 months.	
	Raises ceiling on total rental assistance payment from \$4,000 to \$5,250.	Under present regulations containing “make whole” financial means test, the payment ceiling has no effect.
204(b)	Eliminates present matching requirement for down-payment assistance payment above \$2,000.	
	Permits displacing agency to cap cash down payment at amount person would receive if renting a replacement dwelling.	Eliminates existing problem of budgeting for project in which potential downpayment assistance costs are much higher than potential rental assistance costs.
205(c)(3)	Revises (relaxes) law to require referral to comparable replacement housing before person is ordered meaningful. to move.	Significant change. It would permit URA rules that make payment caps under Sections 203 and 204
301(2)	Permits establishment of procedures for waiving appraisal of low-value property.	

Continued summary of revisions:

Uniform Act Revised Final Rule

Effective February 3, 2005—Summary of Significant Changes

Purpose of Uniform Act—To provide fair, equitable and consistent treatment without disproportionate injury for persons being displaced as a result of a federal or Federally funded project.

Expanded Business Advisory Services

24.205(a)(4);

24.205(c)(2)(i)(A-F)

Expanded Business Relocation Expenses

24.301(g)(17) Searching expense limits increased to 42500, plus addit'l expenses eligible

24.303 —Reasonable and necessary expenses paid on actual basis: Utility connection from right-of-way to replacement site; professional services; impact fees or one time assessments

30% Income Rule for Rental Assistance Payment

24.402(2)(ii) Applies 30% income rule only to low income persons' —base monthly rent.

Subpart B No exception for Direct Federal Program or Project

24.101(a) Applies to all directly Federal funded projects; with the exception of Tennessee Valley Authority or Rural Utilities Service

Descent, Safe and Sanitary Definition Revised

24.2(a)(8)(iv) Must comply with local code/Agency policy; adequate in size; accommodate those with physical disabilities

Elimination of —Style of Living phrase

24.2(a)(6)(ii) Removal of this phrase is intended to eliminate abuse of interpretation; dwelling should be functionally equivalent (utility vs. esthetics)

Appraisal Waiver Valuation Increase

24.102(n)(3) Option to perform a waiver valuation with an increased limit of \$10,000 with a maximum of \$25,000 if an appraisal is offered and approved by leading agency

Conflict of Interest Increase

23.102(n)(3) Appraisers/review appraiser/waiver valuation preparer may be authorized to negotiate on subject property if value less than \$10,000 and valuation is uncomplicated

Replacement Housing Payments

24.402(c) Renters who buy may apply the full rent supplement to downpayment

24.401(f) Owners who rent may receive up to actual payment differential; \$5250 cap was removed for 180-day owners, so amount to purchase supplement is available as rent supplement is justified

Agency must not solicit or propose Relocation Benefit Waiver

24.207(f) Agency must advise displacee of their entitled benefits and not solicit a waiver of such rights

**ATTACHMENT 4
SAMPLE**

NOTICE OF RELOCATION ELIGIBILITY - 180-DAY HOMEOWNERS

Dear _____

On (date), the (acquiring agency) gave you a written offer to buy the building which you own at (address). The building is the site of (identify project).

This is a NOTICE OF RELOCATION ELIGIBILITY. In order to carry out our plans to develop the (identify project), it will be necessary for you to move sometime in the future. However, YOU DO NOT NEED TO MOVE NOW. And when you do move, you will be entitled to relocation payments and other assistance in accordance with regulations of the Federal Department of Housing and Urban Development (HUD). The effective date of this notice is (date of initiation of negotiations).

As the owner-occupant of the property, you are eligible to receive either (1) a payment for actual reasonable moving expenses, or (2) if you prefer, a fixed moving expense payment based on the number of rooms with furniture plus a \$200 dislocation allowance.

Also, you may be eligible for a replacement housing payment to help you buy or rent a home. Based on a recent review of the offering prices of available decent, safe and sanitary houses that are comparable to yours, we estimate that you should be able to buy a comparable house for approximately \$_____. If you owned and occupied your home for a least 180 days prior to (date of initiation of negotiations) and you buy a decent safe and sanitary replacement house, you may receive a replacement housing payment to cover the following three costs:

1. The difference between the amount you were offered for your present home (\$_____) and the cost of a decent, and sanitary replacement home. Based on our estimate of the cost of a comparable, decent, safe and sanitary home, you may be eligible for an amount up to \$_____ for this purpose.
2. Payment of any costs incidental to the settlement on your new home.
3. The increased cost of interest on the mortgage(s), if any, on your present home.

However, your total replacement housing payment is limited to \$22,500, if you buy a replacement home. Should you wish to rent (rather than buy) a comparable house, our best estimate at this time is that you could qualify for a one-time replacement housing payment of \$_____ covering rental assistance needs.

I am enclosing a brochure titled, "Relocation Assistance to Displaced Homeowners." Please read the brochure carefully. It explains your rights and some things you must do to obtain a payment. (For example, to obtain a replacement housing payment you must move to a decent, safe, and sanitary home within one year after you vacate your present home.)

I want to make it clear that you will receive assistance to help you relocate. In addition to payments and housing referrals, counseling and other services are available to you.

A member of this office will soon contact you to determine your needs and preferences and to help you find and relocate to suitable replacement housing. He/She will explain your rights and help you to obtain the relocation payments and other assistance which are rightfully yours.

In the meantime, If you have any questions, please call (name), (title). He/She can be reached at (phone) or (address). We are sure that Mr./Ms. (name) can answer your questions.

Sincerely,

ATTACHMENT 4a
SAMPLE

NOTICE OF RELOCATION-RESIDENTIAL TENANTS ONLY

(Date)

Dear _____

On (*date*), the (*acquiring agency*) submitted a written offer to buy the building at (*address*). The building is the site of (*identify project*).

This is a NOTICE OF RELOCATION ELIGIBILITY. Our records indicate that you are occupying this building. In order that we can carry out our plans to develop the (*identify project*) it will be necessary for you to move sometime in the future. However, YOU DO NOT NEED TO MOVE NOW. And when you do move, you will be entitled to relocation payment and other assistance in accordance with regulations of the Federal Department of Housing and Urban Development (HUD). The effective date of this Notice is (date of initiation of negotiations).

As an occupant of the property, you are eligible to receive either (1) a payment for actual reasonable moving expenses, or (2) if you prefer, a fixed moving expense payment based on the number of rooms with furniture plus a \$200, dislocation allowance.

Also, if you occupied your apartment for at least 90 days prior to (*date of initiation of negotiations*), you may be eligible for a replacement housing payment to help you rent or purchase a home. Based on a recent review of rental costs in the area, it appears that the cost of rent, including utility charges, for available decent, safe, and sanitary apartments similar to yours is presently about \$_____per month. If you must pay that amount to rent another apartment you may receive a one-time rental assistance payment of \$_____. Should you choose to buy a home, we estimate that you could qualify for a downpayment assistance payment up to \$_____. (Our staff will explain the procedures for computing a payment).

I am enclosing a brochure titled, "Relocation Assistance to Displaced Tenants". Please read the brochure carefully. It explains your rights and some things you must do to obtain a payment. (For example, to obtain a replacement housing payment, you must move to a decent, safe, and sanitary home within one year after you vacate your present apartment.)

I want to make it clear that you will receive assistance to help you relocate. In addition to payments and housing referrals, counseling and other services are available to you.

A member of this office will soon contact you to determine your needs and preferences and to help you find and relocate to suitable replacement housing. He/She will explain your rights and help you obtain the relocation payments and other assistance which are rightfully yours.

In the meantime, if you have any questions, please call (*name*), (*title*). He/She can be reached at (*phone*) or (*address*). We are sure that Mr./Ms. (*name*) can answer your questions.

Sincerely,

GRIEVANCE PROCEDURES

All written appeals, regardless of form, shall be promptly reviewed in accordance with the requirements of applicable law and HUD's Uniform Act implementing regulations (49 CFR Part 24, Subpart A-G).

Actions Which May be Appealed

You have the right to appeal any action of the (agency) on the following grounds:

failure to properly determine eligibility for, or the amount of, a relocation or other incidental expenses due under the Uniform Act.

Your acceptance of the amount offered you by this agency does not limit your right to appeal that determination and seek a larger payment.

Time Limits for Initiating an Appeal

The reasonable time limit of _____* days has been locally established for a person to file an appeal. (*NOTE: time limit shall not be less than 60 days after the notification of determination of the amount of claim to be paid has been received by the claimant).

Right to Representation

You have the right to be represented by anyone of your choice. There is no cost reimbursement for such representation.

Review of Files

You are permitted to inspect and copy all materials pertinent to your appeal, except those classified by this agency as confidential.

Scope of Review

All pertinent justification and other material submitted by you shall be considered in the appeal in order to ensure a fair and full review of the case.

Determination and Notification

Upon receipt of all information submitted by a claimant, a prompt review will be made. A written copy of the determination on the appeal, including explanation of the basis on which the decision was made, will be furnished. Additional information shall be provided on the right to seek judicial review if the claim is not fully granted.

Reviewing Official

The review of appeals shall be made by (name of official). This person was not involved in any of the actions which are being appealed, but has knowledge of the Uniform Act procedures. Additionally, you have the right to appeal the decision on your claim with the Nebraska Department of Economic Development Division of Community and Rural Development, P.O. Box 94666, Lincoln, NE 68509

**ATTACHMENT 6
SAMPLE**

LETTER TO RELOCATEE IN A SUBSTANDARD UNIT

Date

Dear _____:

Relocation regulations established by the Department of Housing and Urban Development will not permit this organization to make a rental assistance payment to you until you move into an apartment or house that meets their definition of "safe, sanitary and decent" replacement unit. Your new apartment does not meet this definition because:

1. The wiring does not meet the City electrical code.
2. A two-bedroom apartment is too small for a family of five (2 adults, 1 16-year-old son, 1 14-year-old daughter and an 11-year-old son).

In order to be eligible for a replacement housing allowance you must move into an apartment or house that meets all these requirements within one year from the date you moved from your old apartment on 4th Street. You have to move into a qualified apartment or house by _____ to be eligible. Ms. Ellen Smith keeps a list of eligible houses and apartments and will help you find one and will arrange inspections of any apartments or houses you find on your own. Her phone number is 444-5441.

If you moved into a "safe, sanitary and decent house or apartment" by _____, you would be eligible to receive a rental assistance up to a maximum of \$5,250 to cover the difference in the month cost between your old apartment and a new apartment for 42 months, or the difference between your new rent and 25% of your gross monthly income, whichever is less. This payment will be made in a lump sum if you file a claim for benefits within 18 months after the date you move into a safe, sanitary and decent apartment.

In order to receive these benefits, you must relocate into a standard unit. Please contact Ellen Smith and she will help you find and move into a standard unit. She is also available to talk with you about any questions you might have.

Sincerely,

ATTACHMENT 7
SAMPLE

90-DAY NOTICE TO VACATE

Date

Dear

As you know, the city is purchasing your home (**apartment**). The purchase will be completed on **(date, must be no later than 60 days after date of this letter)**. We have been in contact with you since **(date)** to help you locate and move into suitable replacement housing. We have referred you to (number) such units.

The house (**apartment**) you are now living in must be vacated in 90 days by **(date, must be at least 60 days after date on this letter)**. We will send you a second notice 30 days before you must vacate.

If you have any questions or need additional assistance in completing your move, please call Ms. Ellen Smith at 441-4533.

Sincerely,

Mary Simmons
City Secretary

SAMPLE

30-DAY NOTICE TO VACATE

Date

Dear _____:

This letter is to inform you that you must vacate this house (**apartment**) within 30 days, on **(date, must be 30 days after date of this letter, and 30 days after City has title)**.

If you have any questions or need additional assistance to complete your move, please call Ms. Ellen Smith at 441-4533.

Sincerely,

Mary Simmons
City Secretary

**ATTACHMENT 8
SAMPLE**

**LETTER OF ACKNOWLEDGMENT SERVICES
AND PAYMENTS RENDERED**

Department of Community Development City
of West Linn
City Hall
West Linn, Lillian 00153

To: _____, Relocation Officer

This is to certify that the Relocation Assistance, Services and Payments rendered by the Department of Community Development at the time of my displacement from _____ to _____ were done to my satisfaction.

I further certify that I have received reimbursement of my moving expense and/or Relocation Payment by the Department of Community Development checked below.

MOVING EXPENSE:

_____ Fixed payment of \$ _____.

_____ Reimbursement of paid receipt from a Mover or Direct Payment to a Mover of \$ _____.

ADDITIONAL RELOCATION PAYMENTS (Tenants and Certain Others)

_____ Downpayment Assistance of a lump sum of \$ _____.

_____ Rental Assistance Payment of \$ _____ in a lump sum.

REPLACEMENT HOUSING PAYMENT (Owner-Occupants)

Replacement Housing Payment in a lump sum of \$ _____.

DATE

CLAIMANT

BY