



West Virginia Housing  
Development Fund

## **Relocation Handbook**

## **Laws and Regulations**

# Table of Contents

Overview of the URA.....	2
Planning for Real Estate Acquisition and Relocation.....	3
What is a Program or Project?	
Voluntary Acquisition vs. Involuntary Acquisition of Property.....	4
Key Acquisition Steps - Involuntary Acquisition	
Who is Displaced? / Who is Not Displaced?.....	5
Relocation Notices	
Relocation Advisory Services.....	6
Residential Relocation	
Housing of Last Resort.....	7
Temporary Relocation.....	8
Nonresidential Relocation	
Overview of Section 104(d).....	9
Section 104(d) Relocation Assistance Compared to URA	
Summary of Major Differences between URA & 104(d).....	10
Temporary Relocation vs. Permanent Relocation.....	12
Moving Related Expenses.....	13
Conditions Affecting Tenant Eligibility and Benefits	
Records to Keep.....	14
Appeal Rights of Tenants.....	15
WVHDF Required Relocation Plan & Budget Information.....	16
WVHDF Timeline of Event for Relocation.....	17
Additional Information.....	18
Sample Forms.....	19

# Overview of the URA

The Uniform Relocation Assistance and Real Property Acquisition Act (URA), is a federal law that establishes minimum standards for federally funded programs and projects that require the acquisition of real property (real estate) or displace persons from their homes, businesses, or farms. The URA's protections and assistance apply to the acquisition, rehabilitation, or demolition of real property for federal or federally funded projects.

- **49 CFR Part 24** is the government-wide regulation that implements the URA.
- **HUD Handbook 1378** provides HUD policy and guidance on implementing the URA and 49 CFR Part 24 for HUD funded programs and projects.

## What are the URA's objectives?

- To provide uniform, fair and equitable treatment of persons whose real property is acquired or who are displaced in connection with federally funded projects
- To ensure relocation assistance is provided to displaced persons to lessen the emotional and financial impact of displacement
- To ensure that no individual or family is displaced unless decent, safe, and sanitary (DSS) housing is available within the displaced person's financial means
- To help improve the housing conditions of displaced persons living in substandard housing
- To encourage and expedite acquisition by agreement and without coercion

## How do URA requirements impact your project?

Developers conducting a project under the URA must carry out their legal responsibilities to affected property owners and displaced persons. Developers should plan accordingly to ensure that adequate time, funding and staffing are available to carry out their responsibilities.

Some of those responsibilities include:

### For Real Property Acquisition

- Appraise property before negotiations
- Invite the property owner to accompany the appraiser during the property inspection
- Provide the owner with a written offer of just compensation and a summary of what is being acquired
- Pay for property before possession
- Reimburse expenses resulting from the transfer of title such as recording fees, prepaid real estate taxes, or other expenses

Please note that responsibilities for voluntary and involuntary acquisitions differ. (Please see Voluntary Acquisition vs. Involuntary Acquisition on subsequent page for additional information.)

### For Residential Displacements

- Provide relocation advisory services to displaced tenants and owner occupants
- Provide a minimum 90 days written notice to vacate prior to requiring possession
- Reimburse for moving expenses
- Provide payments for the added cost of renting or purchasing comparable replacement housing

### For Nonresidential Displacements (businesses, farms, and nonprofit organizations)

- Provide relocation advisory services
- Provide a minimum 90 days written notice to vacate prior to requiring possession
- Reimburse for moving and reestablishment expenses

## Which HUD Programs are covered by URA Requirements?

URA requirements apply to most HUD programs. There are, however, some exceptions such as Public Housing Program-Demolition and Disposition of Public Housing Projects (**24 CFR Part 970**).

# ***Planning for Real Estate Acquisition and Relocation***

Planning can "make" or "break" your project. A well-planned project may be completed on time and on schedule, whereas, a poorly planned project can result in delays, funding shortfalls, bad publicity, and even legal action. As a result, all acquisition and relocation activities should begin early in the project planning process.

Section 205 of the URA requires that, "Programs or projects undertaken by a federal agency or with federal financial assistance shall be planned in a manner that:

1. Recognizes, at an early stage in the planning of such programs or projects and before the commencement of any actions which will cause displacements, the problems associated with the displacement of individuals, families, businesses, and farm operations, and
2. Provides for the resolution of such problems in order to minimize adverse impacts on displaced persons and to expedite program or project advancement and completion."

Developers should plan their projects to ensure adequate time, funding, and staffing is available to carry out their responsibilities under the URA.

## **What issues do you need to consider when planning for acquisition and relocation?**

- **Minimizing Displacement:** HUD requires that all reasonable steps be taken to minimize displacement as a result of a HUD assisted project.
- **Budgetary Implications:** Planning is essential to ensure that enough funds are available to comply with all applicable requirements. Plan early so that project budgets will include realistic estimates for acquisition and relocation expenses.
- **Coordination of the Project:** The developer should take steps to coordinate activities and facilitate cooperation among government agencies, neighborhood groups, and persons affected by the project. This will ensure that the project can proceed efficiently and with minimal duplication of effort.
- **Determining Resource Needs:** During the planning stage, HUD recommends that the grantee review applicable relocation policies, staffing needs, and training or other capacity building needs to anticipate any issues that may hinder the acquisition and relocation process.
- **Administrative Requirements:** Developers must adhere to HUD administrative requirements involved in the planning for acquisition and relocation projects.

## **Where can you go to find more information about relocation planning?**

You should consult [49 CFR 24.205](#) and Chapter 2 of [HUD Handbook 1378](#) for more guidance.

## ***What is a Program or Project?***

The answer to this question may seem simple, but it can be more complex than it appears.

Your acquisition and relocation activities may trigger URA requirements even when you may feel they are unrelated. It is important for you to have a clear understanding of these and other important terms as defined in the URA and the regulations.

## **What is a "Program or Project" under the URA?**

The phrase "program or project" is defined in 49 CFR Part 24 as, "any activity or series of activities undertaken by a federal agency or with federal financial assistance received or anticipated in any phase of an undertaking in accordance with the federal funding agency guidelines".

## **Where can you go to find more information about this topic?**

You should consult [49 CFR 24.2\(a\)\(22\)](#), and Chapter 1 and Chapter 8 of [HUD Handbook 1378](#) for more guidance.

# ***Voluntary Acquisition vs. Involuntary Acquisition of Property***

Oftentimes, HUD funded projects require the acquisition of real property. Developers may acquire the needed real property from owners by voluntary or involuntary means. Under the URA, an acquisition is involuntary when an agency acquires property under threat or use of eminent domain. Eminent domain is the power of the government to take private property for public purposes with payment of just compensation.

The Fifth Amendment of the U.S. Constitution states that "private property shall not be taken without payment of just compensation" and that "no person shall be deprived of life, liberty, or property without due process of the law." These constitutional rights form the basis of the URA's protections for property owners.

The URA requirements for voluntary acquisitions and involuntary acquisitions differ significantly. While there are protections for property owners in both circumstances, only involuntary acquisitions trigger the full acquisition requirements of the URA found in **49 CFR Part 24 Subpart B**.

Developers must understand the critical differences between voluntary acquisitions and involuntary acquisitions under the URA before acquiring property for a HUD funded project.

## **What makes a transaction "voluntary"?**

**For developer's with eminent domain authority, if:** (Eminent Domain: a right of a government to take private property for public use by virtue of the superior dominion of the sovereign power over all lands within its jurisdiction)

- No specific site is needed and any of several properties could be acquired for project purposes; and
- The property is not part of an intended, planned or designated project area where other properties will be acquired within specific time limits; and
- The developer informs the owner in writing of the property's market value; and
- The developer also informs the owner in writing that the property will not be acquired, through condemnation, if negotiations do not reach an amicable agreement
- Tenants are displaced, the tenants are provided relocation assistance

**For developer's without eminent domain authority, if:**

- The developer notifies the owner in writing of the property's market value; and
- The developer notifies the owner prior to making an offer, that it will not acquire property if an amicable settlement cannot be reached
- Tenants are displaced, the tenants are provided relocation assistance

## **Where can you go to find more information about voluntary and involuntary acquisition?**

You should consult **49 CFR 24.101(b)(1)-(5)** and Chapter 5 of **HUD Handbook 1378** for more guidance.

## ***Key Acquisition Steps - Involuntary Acquisition***

The following steps represent the general process an agency must follow under the URA when acquiring property under threat of eminent domain:

- Notify owner of the agency's intentions to acquire the property and their protections under the URA
- Appraise the property and invite the owner to accompany the appraiser
- Review the appraisal
- Establish just compensation for the property
- Provide owner with written offer and summary statement for property to be acquired
- Negotiate with owner for the purchase of property
- If negotiations are successful, complete the sale and reimburse property owner for related incidental expenses
- If negotiations are unsuccessful, consider an administrative settlement to complete the sale
- If negotiations are still unsuccessful, the agency should acquire the property through use of eminent domain

## What is "just compensation"?

Just compensation is derived from the appraisal process. Typically, the approved appraisal's estimate of fair market value is the basis for just compensation offered for the property to be acquired. Just compensation cannot be less than the approved appraisal's estimate of fair market value of the property being acquired.

## What is an administrative settlement?

When negotiations result in a purchase price exceeding the agency's estimate of just compensation, it is called an administrative settlement. Administrative settlements are made for administrative reasons that are in the best interest of the public. Authorized agency officials may approve administrative settlements if they are:

- Reasonable
- Prudent, and
- In the public interest

Agency files should include proper documentation to justify and support the decision for an administrative settlement.

## Where can you go to find more information about these acquisition process and related requirements?

You should consult [49 CFR 24.102-.108](#) and Chapter 5 of [HUD Handbook 1378](#) for more guidance.

## *Who is Displaced? / Who is Not Displaced?*

### Who is a Displaced Person?

Generally, a displaced person under the URA is an individual, family, partnership, association, corporation, or organization, which moves from their home, business, or farm, or moves their personal property, as a direct result of acquisition, demolition or rehabilitation for a federally funded project. Displaced persons are eligible for relocation assistance under the URA.

### Who is Not Displaced?

Generally, persons not displaced are not eligible for relocation assistance under the URA. Examples of persons not displaced include, but are not limited to, the following:

- Persons temporarily relocated from their dwellings for less than 12 months during rehabilitation or demolition
- Illegal aliens; the URA prohibits providing relocation assistance to persons not lawfully present in the U.S.

The URA contains specific definitions of a "displaced person" and "persons not displaced." These definitions in addition to the HUD handbook should be used when making any determinations of relocation eligibility. When in doubt, developers should contact their Relocation Specialist at the Fund for assistance.

## Where can you go to find more information about these displacement requirements?

You should consult [49 CFR 24.2\(a\)\(9\)](#) and Chapter 1 of [HUD Handbook 1378](#) for more guidance.

## *Relocation Notices*

The URA regulations require three notices to be issued to eligible persons. These notices provide important information about the project, the affected persons' resulting rights, their protections, and their eligibility for relocation assistance and payments under the URA. It is critical for developers to issue appropriate notices to affected persons at the appropriate time.

One of the most important URA notices is the 90 Day Notice. No person shall be required to move without a minimum of 90 days written notice of the required date of the move.

HUD has specific requirements relating to the three URA notices and requires additional notices be issued when conducting acquisition and relocation activities for HUD funded programs and projects. Developers should refer to the HUD handbook for more information on this topic.

## What notices are required under the URA?

- **General Information Notice (GIN):** Informs affected persons of the project and that they may be displaced by the project.
- **Notice of Relocation Eligibility:** Informs persons that they will be displaced by the project and establishes their eligibility for relocation assistance and payments.
- **90 Day Notice:** Informs displaced persons of the earliest date by which they will be required to move. This notice may not be issued unless a comparable replacement dwelling is available, and the displaced person is informed of its location and has enough time to lease or purchase the property.

## Where can you go to find more information about required notices?

You should consult [49 CFR 24.203](#) and Chapter 2 of [HUD Handbook 1378](#) for more guidance.

## *Relocation Advisory Services*

In addition to being required by law, relocation advisory services are the single most important part of a successful relocation program. Relocation advisory services are required to be provided to all eligible displaced persons including nonresidential displaced persons.

## What is some key relocation advisory services requirements?

- Determine the needs and preferences of displaced persons
- Explain available relocation assistance
- Explain a person's right to appeal if they are not satisfied with developer decisions
- Offer and provide transportation to locate replacement housing
- Offer other assistance (e.g. social services or financial referrals, housing inspection, etc.)
- Provide current and ongoing listings of comparable dwellings for residential displacements and replacement sites for businesses
- Supply information on other federal and state programs offering assistance
- Provide counseling and other assistance to minimize hardship in adjusting to relocation
- And other required and appropriate assistance

## Where can you go to find more information about relocation advisory services?

You should consult [49 CFR 24.205](#) and Chapter 2 of [HUD Handbook 1378](#) for more guidance.

## *Residential Relocation*

In addition to relocation advisory services, residential displaced persons may be eligible for other relocation assistance including relocation payments for moving expenses and replacement housing payments for the increased costs of renting or purchasing a comparable replacement dwelling.

## What types of moving payment options are available to residential displaced persons?

The URA provides the following moving payment options:

In cases where a displaced person's move is performed by the developer at no cost to the person, the displaced person should receive a \$100 expense and dislocation allowance.

## What types of replacement housing payments are available to residential displaced persons?

The URA provides for different replacement housing payments (RHP) based on a displaced person's occupancy status and length of occupancy. Tenant occupants may be eligible for a rental assistance payment to supplement the costs of leasing a comparable replacement dwelling, or downpayment assistance payment to purchase a replacement dwelling. Owner occupants may be eligible for a price differential payment, mortgage interest differential payment, or incidental payments to supplement the costs of purchasing a comparable replacement dwelling.

### For tenant occupants of 90 days or more

A rental assistance payment is based on the difference, if any, between the cost of the monthly rent and utilities of the displacement dwelling and a comparable decent, safe, and sanitary replacement dwelling, as determined by the agency. The URA established a 42-month period for supplementing this payment difference, for a total amount up to \$7,200. (Please see Housing of Last Resort for additional information).

It is important to note that a rental assistance payment should be based on income for low-income persons. ([Please see 49 CFR 24.402\(b\)](#) and [FHWA's Low Income Calculations](#) for additional information.)

Furthermore, tenant occupants may be eligible to use their rental assistance payment as a downpayment for the purchase of a replacement dwelling.

### For owner occupants of 90 days or more

A price differential payment is based on the difference, if any, between the acquisition price of the acquired dwelling and the purchase price of a comparable decent, safe, and sanitary replacement dwelling, as determined by the agency. The URA established a maximum amount of \$31,000 for an RHP for 90-day owner occupants (Please see Housing of Last Resort for additional information).

## Where can you go to find more information on moving expense payments?

You should consult [49 CFR 24.301-.302](#) and Chapter 3 of [HUD Handbook 1378](#) for more guidance.

## Where can you go to find more information on replacement housing payments?

You should consult [49 CFR 24.401-.404](#) and Chapter 3 of [HUD Handbook 1378](#) for more guidance.

- Payment for the actual, reasonable moving costs and related expenses, or
- Payment based on a fixed schedule
- Or a combination of both based on circumstances

## *Housing of Last Resort*

The URA requires that comparable decent, safe, and sanitary replacement (DSS) housing within a person's financial means be made available before that person may be displaced. When such housing cannot be provided by using replacement housing payments, the URA provides for "housing of last resort." Housing of last resort may involve the use of replacement housing payments that exceed the URA maximum amounts. Housing of last resort may also involve the use of other methods of providing comparable decent, safe, and sanitary housing within a person's financial means.

Developers have broad flexibility in the use of housing of last resort. It is intended to enable developers to respond to difficult or special displacements, but it should not be used as a substitute for lack of time or lack of relocation advisory services.

Remember that it is crucial to identify potential housing of last resort situations early so that they may be addressed in a proper manner.

## Where can you go to find more information on housing of last resort?

You should consult [49 CFR 24.404](#) and Chapter 3 of [HUD Handbook 1378](#) for more guidance



## ***Temporary Relocation (Displacement less than 1 year)***

Sometimes a project may require persons to be displaced from their dwellings for only a short period of time. Although temporarily displaced persons do not receive the same relocation assistance and payments as persons permanently displaced under the URA, they do have certain rights and protections.

### **What are the requirements for temporary relocation?**

When necessary or appropriate, residential tenants who will not be required to move permanently may be required to relocate temporarily for the project. Temporary relocation should not extend beyond one year before the person is returned to his or her previous unit or location. Any residential tenant who has been temporarily relocated for more than one year must be offered all permanent relocation assistance which may not be reduced by the amount of any temporary relocation assistance previously provided.

All conditions of temporary relocation must be reasonable. At a minimum, the tenant shall be provided the following:

- Reimbursement for all reasonable out-of-pocket expenses incurred in connection with the temporary relocation, including the cost of moving to and from the temporarily occupied housing and any increase in monthly rent or utility costs at such housing.
- Appropriate advisory services, including reasonable advance written notice of the following:
  - Date and approximate duration of the temporary relocation (30 Day Notice if available);
  - Address of the suitable decent, safe, and sanitary dwelling to be made available for the temporary period;
  - Terms and conditions under which the tenant may lease and occupy a suitable decent, safe and sanitary dwelling in the building/complex upon completion of the project; and
  - Provisions of reimbursement for all reasonable out of pocket expenses incurred in connection with the temporary relocation as noted above.

### **Where can you go to find more information about these relocation requirements?**

You should consult [49 CFR 24.2\(a\)\(9\)\(ii\)\(D\)](#) and [HUD Handbook 1378](#) for more guidance.

## ***Nonresidential Relocation***

### **Businesses, farms, and nonprofit organizations**

Nonresidential relocation can be extremely complex and expensive. Developers should be cautious when conducting nonresidential displacements under the URA. It is recommended for developers to seek guidance and assistance from knowledgeable persons with this expertise early in the process.

In addition to relocation advisory services, nonresidential displaced persons may be eligible for other relocation assistance including relocation payments for moving expenses and reestablishment.

### **What types of moving options are available to nonresidential displaced persons?**

The URA provides the following moving options:

- Payment for the actual, reasonable moving costs and related expenses, and
- Payment for actual, reasonable reestablishment expenses or a fixed payment "in lieu of" moving and reestablishment costs

### **Where can you go to find more information about these business relocation requirements?**

You should consult [49 CFR 24.301, 24.303-305](#) and Chapter 4 of [HUD Handbook 1378](#) for more guidance.

# Overview of Section 104(d)

Section 104(d) of the Housing and Community Development Act (HCD) provides minimum requirements for certain HUD funded programs or projects.

## Which HUD programs are subject to Section 104(d) requirements?

- CDBG
- HOME

## What is the Section 104(d) requirements?

- Funding recipients must certify they have in effect and are following a Residential Antidisplacement and Relocation Assistance Plan (RARAP)
- Relocation assistance to lower-income residential tenants displaced as a direct result of demolition of any dwelling unit or conversion of a lower-income dwelling unit in connection with an assisted activity
- Replacement, on a one-for-one basis, of all occupied and vacant occupiable lower-income dwelling units that are demolished or converted to a use other than lower income dwelling units in connection with an assisted activity

## What are the relocation requirements under Section 104(d)?

The relocation assistance and payments for eligible persons under Section 104(d) are like those required for the URA but there are several differences. One significant difference between the laws is the period used to calculate a rental assistance payment; Section 104(d) uses 60 months vs. 42 months for the URA. Section 104(d)-eligible displaced persons may also choose to receive relocation assistance under Section 104(d) or relocation assistance under the URA.

## What are the regulations for Section 104(d) requirements?

Section 104(d) Regulations: [24 CFR Part 42](#) is the regulation that implements Section 104(d) of the Housing and Community Development Act.

## Where can you go to find more information about Section 104(d) requirements?

You should consult [24 CFR Part 42](#) and Chapter 7 of [HUD Handbook 1378](#) for more guidance.

# Section 104(d) Relocation Assistance Compared to URA

**URA:** Any displaced tenant – family or individual, qualifies for relocation assistance when forced to move as a result of rehabilitation, demolition, or acquisition, for a project which uses Federal funds.

**Section 104(d):** For lower-income persons (family or individual) forced to move as a direct result of conversion or demolition of a dwelling unit involving HOME or HTF. A household that qualifies for Section 104(d) assistance may choose Section 104(d) or URA benefits.

Permanent loss, through demolition or conversion, of a low/ moderate income rental unit (within HUD's Fair Market Rent limits) can qualify certain low-income displaced tenants for Section 104(d) assistance, in addition to assistance under URA.

Similarities between URA and 104(d):

- Notices required (GIN, NND or NOE, 90-day, etc.) and documentation.
- Developers must offer displaced tenant's comparable units.
- Tenants must receive access to advisory services and appeal process.
- Equivalent moving expenses (actual expenses or fixed payment).

# SUMMARY OF MAJOR DIFFERENCES BETWEEN URA & 104(d) RELOCATION ASSISTANCE FOR DISPLACED RESIDENTIAL TENANTS

## PART I. ELIGIBILITY

Subject	URA Regulations	Section 104(d)
Displaced Person	<ul style="list-style-type: none"> <li>• Residential tenants and homeowner occupants</li> <li>• Nonresidential owners and tenants (businesses, non- profits &amp; farms)</li> </ul>	<p>Only residential tenants are covered</p> <p>Other displaced persons (e.g., homeowners) may be eligible under URA provisions.</p>
Income Requirements	No income requirements, covers persons of all income levels.	Only lower-income (LI) residential tenants
Persons displaced by <u>acquisition</u>	Eligible for assistance.	NA (unless housing units are demolished, or LI units are converted <sup>1</sup> )
Persons displaced by <u>rehabilitation</u>	Eligible for assistance.	NA (unless LI units are converted as a result of rehabilitation)
Persons displaced by <u>demolition</u>	Eligible for assistance.	Displaced LI residential tenants are eligible.
Persons displaced by <u>conversion</u> of lower income dwelling	NA (provided no acquisition, rehabilitation, or demolition involved)	Displaced LI tenants eligible only if market rent (including utilities) of the displacement dwelling did not exceed the FMR before conversion.

<sup>1</sup> Conversion (1) This term means altering a housing unit so that it is: (s) Used for non-housing purposes; (ii) Used for housing purposes, but no longer meets the definition of lower-income dwelling unit; or (iii) Used as an emergency shelter. See 24 CFR 42.305.

# SUMMARY OF MAJOR DIFFERENCES BETWEEN URA & 104(d) RELOCATION ASSISTANCE FOR DISPLACED RESIDENTIAL TENANTS

## PART II. RELOCATION ASSISTANCE FOR DISPLACED RESIDENTIAL TENANTS

Subject	URA Regulations	Section 104(d)
Advisory Services	Comprehensive services provided.	Same as URA.
Rental Assistance	Payment equals 42 x monthly rental assistance payment	Payment equals 60 x monthly rental assistance payment
Monthly Rental Assistance Payment	<p>Monthly difference between the lesser of:  <b>Old rent/utility costs;</b></p> <ul style="list-style-type: none"> <li>• 30% of gross monthly income (if low income);</li> <li>• Welfare rent<sup>3</sup> (as paid)</li> </ul> <p><b>AND</b></p> <p>Monthly rent/utility costs for the lesser of:</p> <ul style="list-style-type: none"> <li>➤ comparable or</li> <li>➤ DSS replacement dwelling occupied</li> </ul>	<p>Monthly difference between Total Tenant Payment<sup>2</sup> (TTP), the greater of:</p> <ul style="list-style-type: none"> <li>• 30% of adjusted monthly income;</li> <li>• 10% of gross monthly income;</li> <li>• Welfare rent<sup>3</sup> (as paid); Minimum Rent (PHAs)</li> </ul> <p><b>AND</b></p> <p>Monthly rent/utility costs for the lesser of:</p> <ul style="list-style-type: none"> <li>➤ comparable or</li> <li>➤ DSS replacement dwelling occupied</li> </ul>
Use of Government Housing Assistance (Vouchers, etc.)	<p>If displaced residential tenant is not currently receiving government housing assistance, cash replacement housing payment is required (person may accept government housing assistance, if available).</p> <p>If displaced person currently in government assisted housing, must be offered a government assisted rental, unless one is not available</p>	<p>Agency may offer Housing Choice Voucher (Section 8) assistance in lieu of cash replacement housing payment under 104(d).</p> <p>However, LI tenants may request assistance calculated under URA instead.</p>
Pay Security Deposit	Only if non-refundable.	Payment required
Downpayment Assistance	<p>Payment equals 42 x monthly rental assistance payment.</p> <p>May increase up to \$5,250 (if calculation is less).</p>	Limited to purchase of cooperative or mutual housing and based on present (discounted) value of 60 x monthly rental assistance payment.
Moving and Related Expenses	<p>Displaced person may choose:</p> <ul style="list-style-type: none"> <li>• Payment for actual moving and related expenses;</li> <li>• Fixed Residential Moving Cost Schedule;</li> <li>• or in some cases, a combination of both.</li> </ul>	Same as URA.

<sup>2</sup> See 24 CFR 5.628 for the definition of Total Tenant Payment (TTP).

<sup>3</sup> Welfare rent (welfare recipients in as-paid localities only).

# Temporary Relocation VS and Permanent Relocation

## Temporary Relocation

Temporary relocation means that the tenant vacates their present residence and occupies a comparable dwelling during the rehabilitation or reconstruction of the housing unit. Developers must provide temporary relocation assistance to non-displaced households (those not permanently displaced from the project site). Developers must budget for temporary relocation costs. A temporary relocation budget must include moving expenses from the unit and returning to the unit, utility connection fees, non-refundable deposits, and rent increases at both the temporary unit during the period of relocation.

Temporarily relocated tenants who remain on the project site must receive:

- Temporary unit that meets standards of a decent, safe and sanitary (DSS) dwelling.
- Advance written notice of move-out date and length of temporary move.
- Documented terms and conditions of return to rehabilitated property.
- Reimbursement of all reasonable out-of-pocket expenses including cost of moving to and from temporary unit and any increase in monthly rent/utility costs at temporary unit.

**Very short-term:** During temporary relocation of less than 30 days, the Developer may accommodate the household in a hotel, if the hotel provides functional equivalence to the tenant's existing dwelling. For instance, if the household vacated a fully-occupied three-bedroom unit, the project must provide three hotel bedrooms – either separately or in a suite. If the hotel lacks kitchen facilities that conform to DSS standards, the Developer must provide a per-diem meal allowance to each household member. Developer's per-diem meal allowance must be approved by the Fund.

**Process to document appropriate expenditures:** When selecting comparable units to create a budget, the Developer may use **HUD Form 40061**: Selection of Most Representative Comparable Replacement Dwelling for Purposes of Computing a Housing Relocation Payment (**HUD 1378 Handbook -Appendix 12**).

**Tenant voids eligibility:** Households deemed eligible for temporary relocation, but who choose – for their own reasons and on their own terms – to vacate the currently occupied unit, after receipt of the General Information Notice (GIN) and Notice of Non-Displacement (NND), effectively relinquish their eligibility for either displacement or relocation benefits.

## Permanent Relocation

Permanent displacement requires strict compliance with all requirements in HUD Handbook 1378. Displaced households qualify for reimbursement of all moving-related expenses, either on a fixed schedule or based on actual costs. A household may qualify for rental assistance payments or a lump sum for down payment assistance – if the displaced resident chooses to purchase a home. Developers cannot use HUD funds for relocation assistance if the replacement unit does not meet the definition of DSS housing, whether a rental or owned unit.

Permanently relocated, or displaced, tenants must receive:

- Replacement unit that meets suitable standards of a decent, safe and sanitary (DSS) dwelling.
- Advance written notice of move-out date.
- Documented terms and conditions of benefit eligibility.
- Reimbursement of all reasonable out-of-pocket moving expenses and any increase in monthly rent and utility costs at replacement unit for the time determined by URA or 104(d).

When selecting comparable units for the purposes of creating a budget, the Developer may utilize **HUD Form 40061**: Selection of Most Representative Comparable Replacement Dwelling for Purposes of Computing a Housing Relocation Payment (**HUD 1378 Handbook-Appendix 12**). If a household is a minority household, they must be offered at least one comparable unit in a non-minority concentrated area.

Tenants who receive Housing Choice Vouchers ("HCV") as relocation assistance must adhere to the URA and Section 104(d) HCV relocation assistance mandates. To calculate HCV and Section 8 project-based relocation assistance payments, the completion of the Claim for Rental Assistance or Down Payment Assistance (**form HUD-40058**) (**HUD 1378 Handbook -Appendix 14**) is required. In

addition, the replacement comparable unit must comply with the HUD Housing Quality Standards (“HQS”) ([HUD form 52580](#)) inspection standards instead of DSS.

Tenants who move permanently from a project after rehabilitation completion because of their inability to pay the higher rent charged, are deemed economically displaced and are entitled to receive “permanent displacement” relocation assistance in accordance with URA and Section 104(d) regulations.

## Moving and Related Expenses

Generally, the displaced person may choose a payment for actual reasonable moving and related expenses, or a fixed payment for moving expenses.

### Fixed Payment for Moving Expenses ([49 CFR 24.302](#))

Use the applicable Fixed Residential Moving Cost Schedule published by the Federal Highway Administration (FHWA). The allowance reflects the number of rooms in the displacement dwelling, all moving and related expenses, and whether the displaced household must move furniture.

### Actual Reasonable Moving and Related Expenses ([49 CFR 24.301\(g\)\(1\)-\(7\)](#))

Expenses to move personal property may depend on a combination of the methods described at 49 CFR 24.301(b). For moves from a mobile home, Fund approval and direction is required to ensure compliance with 49 CFR 24.301(c) and the 1378 Handbook. For a person with disabilities, reasonable expenses might cover moving assistive equipment, personal belongings of a live-in aide, etc.

## Public Housing Tenant Options

The Public Housing Authority (“PHA”) may choose the type of moving assistance. The PHA may use its own employees or hire a moving company, at no cost to the displaced household. The rule also entitles the household to a moving expense and dislocation allowance, limited by the most recent Fixed Residential Moving Cost Schedule (“FHWA”). ([HUD 1378 Handbook, Chapter 3, 3-2 \(B\)](#)).

## Resident Options

- Low-income households who qualify for Section 104(d) may choose either URA or Section 104(d).
- Renters who choose to move into a project property after the Initiation of Negotiations (ION) date may not receive relocation benefits. ([24 CFR 92.353\(c\)\(3\)](#))
- Households of all income levels may select either the comparable unit recommended by the property manager or a unit of their own choosing that meets the same quality and cost criteria.
- Certain qualifying tenants may choose to use their rental assistance benefits as a down payment to buy a house.
- Residents who disagree with any decision that affects them may appeal that decision. The appeals process is described in Chapter 1 of the HUD Relocation Handbook ([HUD-1378](#)), paragraph 1-10. Find a link to the handbook on this web site: [https://www.hud.gov/program\\_offices/administration/hudclips/handbooks/cpd/13780](https://www.hud.gov/program_offices/administration/hudclips/handbooks/cpd/13780)

## Conditions Affecting Tenant Eligibility and Benefits

- **Type of Project:** Federally funded acquisition, rehabilitation, conversion or demolition of occupied dwelling unit. Funding programs include HOME & HTF programs.
  - a. Available vacant units on the property may help minimize displacements.
  - b. Demolition, conversion, or change of income eligibility may cause more displacements.
- **Tenure of tenant:** 90-day occupant ([49 CFR 24.402](#)); occupancy of less than 90 days prior to or after the initiation of negotiation, which is triggered at the time the agreement is executed, does not qualify for full URA benefits. They might qualify for “Last Resort Housing”, under ([49 CFR 24.404\(c\)](#)). Note: URA disqualification of 90-day occupant does not apply if tenant is low-income nor does it exclude tenant entitlement to receive moving allowance payment.
- **Temporary relocation or permanent displacement of tenants:** Tenant’s relocation status will affect the level of assistance.
- **Time:** Temporary relocation longer than 12 months qualifies as “permanent” displacement.
- **Program:** Income eligibility varies among programs and may displace some low-income renters.
- **Resident Income:** Residents who earn 80% or less of HUD median household income qualify for Section 104(d). Program eligibility set at 60% of median household income will displace households earning between 61% and 80%, even if they qualified for assistance at 80% before the project.
- **Fair Market Rent (FMR – derived by HUD):** influences definition of “affordable housing unit” or “conversion” to “market rate” – implying unaffordable to low-income households. This cost standard will generally exceed rent in the displacement

(pre-existing) housing – if subsidized or substandard. Market/actual rent for replacement housing often exceeds FMR. The difference between market/actual rent and FMR influences the replacement housing payment amount.

- **Last Resort Housing Measures:** If a Developer cannot find a comparable replacement dwelling, within established monetary limits, the Developer must provide alternative assistance under [49 CFR 24.404](#).
- **Mobile home occupants displaced:** must follow rules under [49 CFR Part 24, Subpart F](#). The determination of relocation assistance of a mobile home occupant is complex and costly. If a proposed project involves the relocation of mobile home occupant(s), Developer must seek Fund guidance and direction.
- **URA Only:** Tenants who exceed 80% Area Median Family Income (“AMFI”) are entitled to relocation assistance, which is calculated based on the difference between the [rent plus utilities] paid at the displaced unit and [rent plus utilities] paid at replacement unit.
- **Homeownership** – Although both URA and 104(d) offer down payment assistance options, typically it will be to the advantage of an eligible household to use URA assistance rather than section 104(d) because URA offers more housing options available:  
URA – Down payment assistance is paid in lump sum and limited to the amount of rental assistance payment.  
Section 104(d) – Down payment is limited by statute to securing participation in a housing cooperative or mutual housing association.

## Records to Keep

Developers must maintain all records associated with relocation assistance, see [HUD Handbook 1378 Chapter 6](#) for more information. Maintain the following relocation documentation.

### Documentation

- Relocation File: items such as the relocation plan, documentation of relocation budget.
- List of Occupants: name, address, and occupant characteristics for all persons occupying the property at key relocation milestones.
- Persons Not Displaced: copies of notices; evidence of delivery of notices; evidence of reimbursement of expenses; for tenants who elect to relocate, documentation supporting ineligibility for relocation payments as a displaced person; documentation to support eviction for cause; documentation to support determination that a person was not a legal occupant of the property; and copy of any appeal or complaint filed and response.
- Displaced Persons: copies of all notices; evidence of delivery of notices; verification of relocation needs and their eligibility for relocation assistance; demographic information; income documentation; legal residence/citizenship; unit information; rent and utility costs for comparable units; relocation needs and preferences; record of advisory services provided; referrals to comparable replacement dwellings; DSS inspections; moving cost estimates; claim forms; evidence of payment; documentation of hardship claim; purchase documentation for tenants receiving down payment assistance; reasonable accommodations needs and payment; copy of any appeal or complaint filed and response.

### Record retention periods

All pertinent records shall be retained for the period specified in the applicable program regulations, but no less than three years after the latest of:

- The date by which all payments have been received by persons displaced for the project and all payments for the acquisition of the real property have been received;
- The date the project has been completed (i.e., date of Certificate of Occupancy or Certificate of Substantial Completion (AIA G704));
- The date by which all issues resulting from litigation, negotiation, audit, or other action (e.g., civil rights compliance) have been resolved and final action taken; or
- For real property acquired with HUD funds, the date of final disposition ([24 CFR 200.311](#)).

### Monitoring and Compliance

The Fund will monitor for compliance with the Uniform Relocation Act and Section 104(d). The Contract Monitoring section ensures

that Developers administer programs and expend funds in accordance with contract provisions and applicable state and federal rules, regulations, policies, and related statutes. Contract-monitoring responsibility includes the requirements of URA and Section 104(d) rehabilitation/ demolition/ conversion projects using funds administered by the Fund.

## Appeal Rights of Tenants

The Developer must inform the tenant of their rights to appeal and provide the appropriate contact information. For tenants with communication barriers, or who otherwise require assistance in preparing an appeal, the Developer shall provide such assistance directly or through an appropriate third party at no cost to the tenant.

The tenant has a right to appeal to the Fund if he/she disagrees with:

- a. Developer's determination as a displaced person;
- b. Amount of relocation assistance offered; or
- c. Comparability of the identified replacement dwelling.

All appeals submitted to the Fund must be in writing and include a copy of the complete case file. The Fund will send the Developer and tenant requesting the appeal receipt confirmation within fifteen days. The Fund may request additional information from the Developer or the tenant seeking WVHDF appeal at any stage during the review.

The Fund's Relocation Specialist will facilitate the appeal and determine URA eligibility within thirty days unless the allegation investigative process demands more time. A copy of the determination will be sent to the Developer and tenant requesting the Fund's review.

When an appeal alleges a violation of civil rights, discrimination, or that minority persons were not provided reasonable opportunities to relocate to decent, safe and sanitary dwellings, that are within their financial means, as required by 49 CFR 24.205(c)(2)(ii)(D), the appeal will be reviewed by the Fund's staff.

Direct appeals to WVHDF, by way of:

Tammy Jones, HOME Regulatory Specialist  
West Virginia Housing Development Fund  
5710 MacCorkle Avenue, SE  
Charleston, WV 25304 (304) 391-8652  
Email: [tjones@wvhdf.com](mailto:tjones@wvhdf.com)



# WVHDF Required Relocation Plan & Budget Information

The Developer's application for LIHTC (form 1040) or HOME/HTF (Rental Housing Proposal) must include: (a) a current rent roll along with the monthly rent rolls from 4 months prior to the application; (b) for permanent displacement, completed tenant questionnaires for all of the current tenants; (c) a detailed relocation plan describing the manner in which the temporary and permanent displacements of tenants will be handled (for permanent displacements, include with the plan a comparison of the current rents being charged and the proposed rents for the project); (d) a relocation budget that details the calculations for temporary relocation assistance, and for permanently displaced tenants the rental payment assistance and moving expenses and three (3) comparable replacement housing options; and (e) copies of the GIN notices with dated tenant signatures showing that each tenant received a notice or a signature sheet showing dated signatures with GIN information.

## Items to be addressed in your submitted Relocation Plan:

1. Which tenants may be affected and to what degree (permanent or temporarily)?
2. Total number of households in the property and the number to be temporarily or permanently displaced.
3. Circumstances under which displacement is necessary.
4. Who will gather household data; prepare relocation notices, process payments, etc.?
5. Description of households to be displaced.
  - a. Head of household's name.
  - b. Household size.
  - c. Household income.
  - d. Ages.
  - e. Needs for accessibility, etc.
6. Timeline for unit vacancy and re-occupancy.
7. Procedures and or methods by which those being displaced will be advised of their rights and available assistance through advisory services.
8. Where are the temporary and/or permanent replacements units located?
  - a. How will the units be secured for the tenants?
  - b. For permanent displacements, include with the plan a comparison of the current rents being charged and the proposed rents for the project.
9. Relocation budget.
  - a. Description and schedule of assistance to be provided to tenants.
  - b. Source(s) of funds to be used for the relocation assistance.
  - c. Detailed calculations for temporary relocation assistance; and for permanently displaced tenants: the rental payment assistance and moving expenses and three comparable replacement housing options.

\*\*\*Temporary Relocation - The Applicant will be responsible for **all** reasonable out-of-pocket expenses incurred in connection with the temporary relocation, including the cost of moving to and from the temporarily occupied housing and any increase in monthly rent/utility costs at such housing.
10. A copy of all forms that are to be provided to tenants (General Information Notices, Notice of Non-Displacement, 90/30-Day Notices.
11. If property includes a business that must be moved, you should consult **49 CFR 24.301, 24.303-.305** and Chapter 4 of **HUD Handbook 1378** for more guidance.

## Project Completion

The Developer must provide the Fund with a final rent roll for all tenants occupying the property at the time of project completion. If this rent roll differs from the rent rolls received earlier, the Developer must explain why the tenant(s) is no longer an occupant. Please be prepared to submit evidence that the tenant(s) moved of his own volition and not for reasons related to the federal funds received.

# WVHDF Timeline of Relocation Events: Who? What? When?

<b>Prior to Application/Proposal Submission</b>		
<b>Who?</b>	<b>What?</b>	<b>When?</b>
1. Developer	Notifies residents of proposed project and possible relocation or displacement using the General Information Notice (“GIN”).	<b>Before submitting application for WVHDF funding.</b>
2. Developer	Applies to WVHDF for project funding.	<b>After</b> serving GIN notifications and obtaining receipts.
<b>Project has now been selected for funding</b>		
3. Developer	Assesses households on the rent roll.	After funding award.
4. Developer	Confirms which households qualify for temporary relocation assistance and which ones will be displaced.	Before executing the Written Agreement with WVHDF. (“Initiation of Negotiations” date or “ION”)
5. Developer	Issues Notice of Non-Displacement (“NND”) and Notice of Eligibility (“NOE”) letters based on household-level determinations. This includes identification of comparable dwelling units for relocation of tenants, if relocated off- site.	Upon or prior to execution of the WVHDF Written Agreement (at ION date).
6. Developer	Executes the Written Agreement with WVHDF for the project	<b>This event establishes ION date.</b>
7. Developer	Provides counseling and advice to tenants.	Beginning immediately after ION date.
8. Developer	Issues 90-day notices advising tenants to move: 30-day notice if temporary displacement.	Stated number of days before actual move.
9. Developer	Commences construction.	May begin on vacant units first, so some tenants may relocate on-site only once.
10. Developer	Processes payments for moving, utility hook- ups, etc., and submits to Fund for approval and reimbursement.	As expeditiously as possible.
11. Developer	Notifies tenants of timeline to return to rehabilitated units.	Prior to completion of construction.
12. Tenants	Become “permanently” displaced.	If “temporary” relocation continues more than 12 months.
13. Tenants	Retain the right to appeal any decision affecting the tenant.	At any phase during the relocation process.
14. FUND	Releases final payment (retainage) pursuant to Written Agreement to Developer.	Upon satisfactory completion of all relocation requirements.

**Developer:** Owner/Developer of project prior to award approval by WVHDF

**Tenants:** The current occupants of the project.

# Additional Information

## Where can you go to find more information on Real Estate Acquisition and Relocation for HUD-funded programs and projects?

You should visit the [Real Estate Acquisition and Relocation web site](#) for all your acquisition and relocation needs. There, you will find the following information and much more, including:

[Laws and Regulations](#)

[Policy and Guidance](#)

[Training](#)

[Publications](#)

[Forms](#)

[HUD Handbook 1378 Forms](#)

# SAMPLE FORMS

All forms submitted to tenant and WVHDF  
**MUST** be on company letterhead.

## Forms

### HUD Handbook 1378 Forms

**TEMPORARY  
DISPLACEMENT  
FORMS**

# RESIDENTIAL FORMS

**GENERAL INFORMATION NOTICE  
RESIDENTIAL TENANT NOT DISPLACED**

Date \_\_\_\_\_

Tenant Name \_\_\_\_\_

Tenant Mailing Address \_\_\_\_\_

Tenant Mailing City State Zip \_\_\_\_\_

Dear Mr./Mrs. \_\_\_\_\_ Tenant Name \_\_\_\_\_ :

\_\_\_\_\_ Purchaser \_\_\_\_\_, is interested in rehabilitating the property you currently occupy at \_\_\_\_\_ Tenant Physical Address \_\_\_\_\_ for a proposed project which may receive funding assistance from the U.S. Department of Housing and Urban Development (HUD) under the HOME / HTF program.

The purpose of this notice is to inform you that you will **not** be displaced in connection with the proposed project.

If the project application is approved and federal financial assistance provided, you may be required to move temporarily so that the rehabilitation can be completed. If you must move temporarily, suitable housing will be made available to you and you will be reimbursed for all reasonable out of pocket expenses, including moving costs and any increase in housing costs. You will need to continue to pay your rent and comply with all other lease terms and conditions.

Upon completion of the rehabilitation, you will be able to lease and occupy your present apartment or another suitable, decent, safe and sanitary apartment in the same building/complex under reasonable terms and conditions. \*

If federal financial assistance is provided for the proposed project, you will be protected by a federal law known as the Uniform Relocation Assistance and Real Property Acquisition Policies Act (URA). One of the URA protections for persons temporarily relocated is that such relocations shall not extend beyond one year. If the temporary relocation lasts more than one year, you will be contacted and offered all permanent relocation assistance as a displaced person under the URA. This assistance would be in addition to any assistance you may receive in connection with temporary relocation and will not be reduced by the amount of any temporary relocation assistance previously provided. You will also have the right to appeal the agency's determination, if you feel that your application for assistance was not properly considered.

We urge you not to move at this time. If you choose to move, you will not be provided relocation assistance.

Please remember:

**This is not a notice to vacate the premises nor a notice of relocation eligibility.**

You will be contacted soon so that we can provide you with more information about the proposed project. If the project is approved, we will make every effort to accommodate your needs. In the meantime, if you have any questions about our plans, please contact:

\_\_\_\_\_ Relocation Contact \_\_\_\_\_ at \_\_\_\_\_ Relocation Contact Phone # \_\_\_\_\_.

Sincerely,

\_\_\_\_\_  
Name of person sending letter

\_\_\_\_\_  
(Title)Name of person sending ltr

\*(NOTE: Pursuant to Public Law 105-117, aliens not lawfully present in the United States are not eligible for relocation assistance, unless such ineligibility would result in exceptional hardship to a qualifying spouse, parent, or child. All persons seeking relocation assistance will be required to certify that they are a United States citizen or national, or an alien lawfully present in the United States.)

**GENERAL INFORMATION NOTICE  
RESIDENTIAL TENANT TO BE DISPLACED**

Date \_\_\_\_\_

Tenant Name \_\_\_\_\_

Tenant Mailing Address \_\_\_\_\_

Tenant Mailing City State Zip \_\_\_\_\_

Dear Mr./Mrs. Tenant Name \_\_\_\_\_ :

\_\_\_\_\_ Purchaser \_\_\_\_\_, is interested in rehabilitating the property you currently occupy at \_\_\_\_\_ Tenant Physical Address \_\_\_\_\_ for a proposed project which may receive funding assistance from the U.S. Department of Housing and Urban Development (HUD) under the HOME / HTF program.

The purpose of this notice is to inform you that you may be displaced as a result of the proposed project. This notice also serves to inform you of your potential rights as a displaced person under a federal law known as the Uniform Relocation Assistance and Real Property Acquisition Policies Act (URA). You may be eligible for relocation assistance and payments under the URA, if the proposed project receives HUD funding and if you are displaced as a result of acquisition, rehabilitation or demolition for the project.

Please remember:

***This is not a notice to vacate the premises nor a notice of relocation eligibility.***

If you are determined to be eligible for relocation assistance in the future, you may be eligible for: 1) Relocation advisory services including help to you find another place to live; 2) At least 90 days advance written notice of the date you will be required to move; 3) Payment for your moving expenses; and 4) Replacement housing payments to enable you to rent, or if you prefer to purchase, a comparable replacement home. You will also have the right to appeal the agency's determination, if you feel that your application for assistance was not properly considered. The enclosed HUD brochure, "Relocation Assistance To Tenants Displaced From Their Homes" provides an explanation of this assistance and other helpful information.

Please be advised that you should continue to pay your rent and meet any other obligations as specified in your lease agreement. Failure to do so may be cause for eviction. If you choose to move or if you are evicted prior to receiving a formal notice of relocation eligibility you will not be eligible to receive relocation assistance. It is important for you to contact us before making any moving plans.

**Again, this is not a notice to vacate the premises and does not establish your eligibility for relocation payments or assistance at this time.** If you are determined to be displaced and are required to vacate the premises in the future, you will be informed in writing. In the event the proposed project does not proceed or if you are determined not to be displaced, you will also be notified in writing.

You will be contacted soon so that we can provide you with more information about the proposed project. If the project is approved, we will make every effort to accommodate your needs. In the meantime, if you have any questions about our plans, please contact:

\_\_\_\_\_ Relocation Contact \_\_\_\_\_ at \_\_\_\_\_ Relocation Contact Phone # \_\_\_\_\_.

Sincerely,

\_\_\_\_\_  
Name of person sending letter  
(Title)Name of person sending ltr

\*(NOTE: Pursuant to Public Law 105-117, aliens not lawfully present in the United States are not eligible for relocation assistance, unless such ineligibility would result in exceptional hardship to a qualifying spouse, parent, or child. All persons seeking relocation assistance will be required to certify that they are a United States citizen or national, or an alien lawfully present in the United States.)



**NON-  
RESIDENTIAL  
FORMS**

**GENERAL INFORMATION NOTICE  
NONRESIDENTIAL TENANT NOT DISPLACED**

Date \_\_\_\_\_

Tenant Name \_\_\_\_\_

Tenant Mailing Address \_\_\_\_\_

Tenant Mailing City State Zip \_\_\_\_\_

Dear Mr./Mrs. \_\_\_\_\_ Tenant Name \_\_\_\_\_ :

\_\_\_\_\_ Purchaser \_\_\_\_\_, is interested in rehabilitating the property you currently occupy at \_\_\_\_\_ Tenant Physical Address \_\_\_\_\_ for a proposed project which may receive funding assistance from the U.S. Department of Housing and Urban Development (HUD) under the HOME / HTF program.

The purpose of this notice is to inform you that you will **not** be displaced in connection with the proposed project.

If the project application is approved and federal financial assistance provided, you may be required to move temporarily so that the rehabilitation can be completed.

If federal financial assistance is provided for the proposed project, you will be protected by a federal law known as the Uniform Relocation Assistance and Real Property Acquisition Policies Act (URA). One of the URA protections for nonresidential tenants (businesses, non-profit organizations, or farms) temporarily relocated is that if your operation will be shut down for any length of time due to the rehabilitation project, at our option, you may be: 1) Temporarily relocated and reimbursed for all reasonable out of pocket expenses; or 2) determined to be displaced and eligible for relocation assistance and payments as a displaced person under the URA.

We urge you not to move at this time. If you choose to move, you will not be provided relocation assistance.

Please remember:

**This is not a notice to vacate the premises nor a notice of relocation eligibility.**

You will be contacted soon so that we can provide you with more information about the proposed project. If the project is approved, we will make every effort to accommodate your needs. In the meantime, if you have any questions about our plans, please contact:

\_\_\_\_\_ Relocation Contact \_\_\_\_\_ at \_\_\_\_\_ Relocation Contact Phone # \_\_\_\_\_.

Sincerely,

\_\_\_\_\_  
Name of person sending letter

\_\_\_\_\_  
(Title)Name of person sending ltr

\*(NOTE: Pursuant to Public Law 105-117, aliens not lawfully present in the United States are not eligible for relocation assistance, unless such ineligibility would result in exceptional hardship to a qualifying spouse, parent, or child. All persons seeking relocation assistance will be required to certify that they are a United States citizen or national, or an alien lawfully present in the United States.)

**GENERAL INFORMATION NOTICE  
NONRESIDENTIAL TENANT TO BE DISPLACED**

Date \_\_\_\_\_

Tenant Name \_\_\_\_\_

Tenant Mailing Address \_\_\_\_\_

Tenant Mailing City State Zip \_\_\_\_\_

Dear Mr./Mrs. \_\_\_\_\_ Tenant Name \_\_\_\_\_ :

\_\_\_\_\_ Purchaser \_\_\_\_\_, is interested in rehabilitating the property you currently occupy at \_\_\_\_\_ Tenant Physical Address \_\_\_\_\_ for a proposed project which may receive funding assistance from the U.S. Department of Housing and Urban Development (HUD) under the HOME / HTF program.

The purpose of this notice is to inform you that your Other-Enter your type \_\_\_\_\_ may be displaced as a result of the proposed project. This notice also serves to inform you of your potential rights as a displaced person under a federal law known as the Uniform Relocation Assistance and Real Property Acquisition Policies Act (URA). You may be eligible for relocation assistance and payments under the URA if the proposed project receives HUD funding assistance and if you are displaced as a result of acquisition, rehabilitation or demolition for the project.

Please remember:

***This is not a notice to vacate the premises nor a notice of relocation eligibility.***

If you are determined to be eligible for relocation assistance in the future, you may be eligible for: 1) Relocation advisory services including help to find you a replacement location; 2) At least 90 days advance written notice of the date you will be required to move; 3) Payment for your moving and reestablishment expenses. You also have the right to appeal the agency's determination, if you feel that your application for assistance was not properly considered. The enclosed HUD brochure, "Relocation Assistance To Displaced Businesses, Nonprofit Organizations, and Farms" provides an explanation of this assistance and other helpful information.

Please be advised that you should continue to pay your rent and meet any other obligations as specified in your lease agreement. Failure to do so may be cause for eviction. If you choose to move or if you are evicted prior to receiving a formal notice of relocation eligibility you will not be eligible to receive relocation assistance. It is important for you to contact us before making any moving plans.

**Again, this is not a notice to vacate the premises and does not establish your eligibility for relocation payments or assistance at this time.** If you are determined to be displaced and are required to vacate the premises in the future, you will be informed in writing. In the event the proposed project does not proceed or if you are determined not to be displaced, you will also be notified in writing.

You will be contacted soon so that we can provide you with more information about the proposed project. If the project is approved, we will make every effort to accommodate your needs. In the meantime, if you have any questions about our plans, please contact: \_\_\_\_\_ Relocation Contact \_\_\_\_\_ at \_\_\_\_\_ Relocation Contact Phone # \_\_\_\_\_.

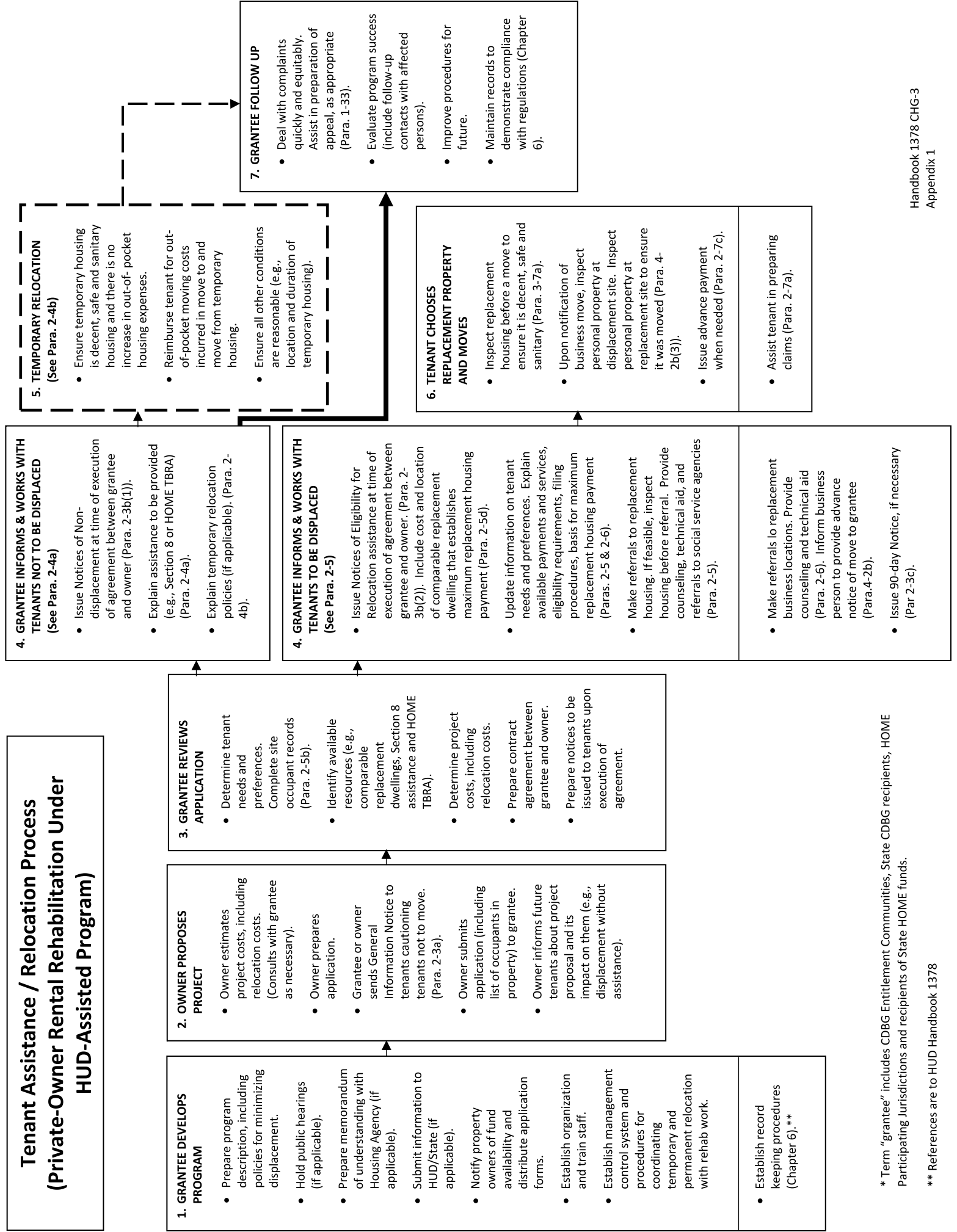
Sincerely,

\_\_\_\_\_  
Name of person sending letter  
(Title)Name of person sending ltr

\*(NOTE: Pursuant to Public Law 105-117, aliens not lawfully present in the United States are not eligible for relocation assistance, unless such ineligibility would result in exceptional hardship to a qualifying spouse, parent, or child. All persons seeking relocation assistance will be required to certify that they are a United States citizen or national, or an alien lawfully present in the United States.)

**PERMANENT  
DISPLACEMENT  
FORMS**

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



**1. GRANTEE DEVELOPS PROGRAM**

- Prepare program description, including policies for minimizing displacement.
- Hold public hearings (if applicable).
- Prepare memorandum of understanding with Housing Agency (if applicable).
- Submit information to HUD/State (if applicable).
- Notify property owners of fund availability and distribute application forms.
- Establish organization and train staff.
- Establish management control system and procedures for coordinating temporary and permanent relocation with rehab work.
- Establish record keeping procedures (Chapter 6). \*\*

**2. OWNER PROPOSES PROJECT**

- Owner estimates project costs, including relocation costs. (Consults with grantee as necessary).
- Owner prepares application.
- Grantee or owner sends General Information Notice to tenants cautioning tenants not to move. (Para. 2-3a).
- Owner submits application (including list of occupants in property) to grantee.
- Owner informs future tenants about project proposal and its impact on them (e.g., displacement without assistance).

**3. GRANTEE REVIEWS APPLICATION**

- Determine tenant needs and preferences. Complete site occupant records (Para. 2-5b).
- Identify available resources (e.g., comparable replacement dwellings, Section 8 assistance and HOME TBRA).
- Determine project costs, including relocation costs.
- Prepare contract agreement between grantee and owner.
- Prepare notices to be issued to tenants upon execution of agreement.

**4. GRANTEE INFORMS & WORKS WITH TENANTS TO BE DISPLACED (See Para. 2-5)**

- Issue Notices of Eligibility for Relocation assistance at time of execution of agreement between grantee and owner. (Para. 2-3b(2)). Include cost and location of comparable replacement dwelling that establishes maximum replacement housing payment (Para. 2-5a).
- Update information on tenant needs and preferences. Explain available payments and services, eligibility requirements, filing procedures, basis for maximum replacement housing payment (Paras. 2-5 & 2-6).
- Make referrals to replacement housing, if feasible, inspect housing before referral. Provide counseling, technical aid, and referrals to social service agencies (Para. 2-5).
- Make referrals to replacement business locations. Provide counseling and technical aid (Para. 2-6). Inform business person to provide advance notice of move to grantee (Para. 4-2b).
- Issue 90-day Notice, if necessary (Par 2-3c).

**4. GRANTEE INFORMS & WORKS WITH TENANTS TO BE DISPLACED (See Para. 2-4a)**

- Issue Notices of Non-displacement at time of execution of agreement between grantee and owner (Para. 2-3b(1)).
- Explain assistance to be provided (e.g., Section 8 or HOME TBRA) (Para. 2-4a).
- Explain temporary relocation policies (if applicable). (Para. 2-4b).

**6. TENANT CHOOSES REPLACEMENT PROPERTY AND MOVES**

- Inspect replacement housing before a move to ensure it is decent, safe and sanitary (Para. 3-7a).
- Upon notification of business move, inspect personal property at displacement site. Inspect replacement site to ensure it was moved (Para. 4-2b(3)).
- Issue advance payment when needed (Para. 2-7c).
- Assist tenant in preparing claims (Para. 2-7a).

**5. TEMPORARY RELOCATION (See Para. 2-4b)**

- Ensure temporary housing is decent, safe and sanitary and there is no increase in out-of-pocket housing expenses.
- Reimburse tenant for out-of-pocket moving costs incurred in move to and move from temporary housing.
- Ensure all other conditions are reasonable (e.g., location and duration of temporary housing).

**7. GRANTEE FOLLOW UP**

- Deal with complaints quickly and equitably. Assist in preparation of appeal, as appropriate (Para. 1-33).
- Evaluate program success (include follow-up contacts with affected persons).
- Improve procedures for future.
- Maintain records to demonstrate compliance with regulations (Chapter 6).

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

\*\* References are to HUD Handbook 1378