



U.S. Department of Housing and Urban Development

# URA & NSP Tenant Protections

Uniform Relocation Assistance and Real Property  
Acquisition Policies Act (Uniform Act or URA)

&

NSP Tenant Protections under the Recovery Act

June 10, 2010

Community Planning and Development

# Moderators and Q & A Format

- Moderators
  - Joan Morgan, HUD
  - Bryan O’Neill, HUD
  - Les Warner, ICF
- How to ask questions
  - Change status in Live Meeting from **green** to **purple**
  - Press \*1 to ask a question through Premiere Conference
    - Provide Name and Organization
    - If question already answered, press \*2 to remove from queue
  - Change status back to **green** after question answered



# Uniform Act (URA)

- **Federal Law**

- Protects property owners and displaced persons
- Establishes minimum requirements for Federally funded programs/projects involving real property acquisition or relocation

- **Federal Regulations**

- 49 CFR Part 24 - “Government-wide Rule”
- 24 CFR 570.606 - HUD CDBG regulations



# When is the URA Triggered?

When:

- Real property is acquired *or*
  - Persons displaced as a direct result of acquisition, demolition, or rehabilitation
  - **For** a Federally funded project
- 
- Applies to government agencies, private organizations and persons who acquire real property or displace persons



# ACQUISITIONS

- URA sets criteria for transactions subject to Subpart B (Involuntary acquisition)
  - In general, transactions where there is the threat of eminent domain are subject to Subpart B
- Acquisitions documented as voluntary are not subject to Subpart B
- Owner/occupants are not eligible for relocation assistance when the transaction is a voluntary sale - not subject to Subpart B - **BUT tenants are eligible**



# Acquisitions for NSP funded projects

- Most NSP acquisitions should be voluntary
- URA acquisition requirements apply if acquisition is NSP funded
- URA acquisition requirements also apply when acquisition not NSP funded but for NSP funded project
- URA requirements apply to acquisitions made by Grantees, Nonprofits, For-profits, Agents or consultants acting on grantee's behalf, and homebuyers
- Sample NSP Voluntary acquisition forms have been provided as attachments



# Relocation & NSP

- If “persons” (residential/nonresidential) displaced from *acquisition, rehabilitation or demolition* for NSP funded project, URA relocation requirements apply. **(note: section 104(d) may apply in some situations)**
  - Must determine if displaced persons eligible for URA relocation assistance
  - Eligible displaced persons entitled to:
    - Advisory services, notices, moving cost payments
    - Replacement housing payments for residential displacements
    - Reestablishment payments for some nonresidential displacements

# Temporary Relocation

- Persons who must relocate temporarily may be eligible for:
  - Reimbursement for reasonable out-of-pocket expenses including moving costs & increased housing costs
  - Advisory services & notices
  - Temporary relocation not to exceed 1 year or permanent assistance must be offered
  - CDBG economic displacement requirements may apply (24 CFR 570.606(b)(2)(D)(1))



# Section 104(d) Requirements

- Section 104(d) applies to CDBG & HOME programs (NSP = CDBG funding)
- 104(d) may be triggered in connection with demolition or conversion activities
- 104(d) 1-1 Replacement Housing Requirements waived (alternative requirements established)
- 104(d) RARAP & Relocation Assistance requirements not waived
- 104(d) Relocation costs may exceed URA costs

# NSP Tenant Protections under the Recovery Act

- Statutory “Recovery Act” protections for “bona fide” tenants in occupancy when unit acquired by initial successor in interest (ISII) through foreclosure (note: ISII usually lender)
  - “Bona fide” tenant:
    - Not former mortgagor;
    - Lease/tenancy is arms length transaction; and
    - Lease/tenancy requires rent not substantially less than fair market rent for property
      - Written lease/tenancy not required



# NSP Tenant Protections under the Recovery Act

- Grantee must document compliance
  - If “bona fide” tenant in occupancy, must have minimum 90 day notice to vacate. In some cases, remainder of lease/tenancy must be honored
  - If not occupied, determine property was not occupied by “bona fide” tenant at time of notice of foreclosure or tenant received required NSP Tenant Protections Notice to vacate
  - If tenant has Section 8 assistance, must continue lease & HAP contract



# Planning for Compliance

- Establish a voluntary acquisition process and standard forms
- Establish property search criteria to avoid properties with potential relocation or Tenant Protection compliance issues
- Persons eligible for NSP Tenant Protections-Recovery Act not automatically eligible for URA assistance



# NSP Help/Resources

- HUD NSP Acquisition & Relocation Resources Website
  - <http://www.hud.gov/offices/cpd/library/relocation/nsp/index.cfm>
- NSP Exchange Website - ([www.hud.gov/nspta](http://www.hud.gov/nspta), OR <http://hudnsphelp.info/>)
- NSP Tenant Protections Guidance Memo,  
<http://www.hud.gov/offices/cpd/library/relocation/nsp/pdf/nsp-tenant-protection-5272010.pdf>
- Learning Center (<http://hudnsphelp.info/index.cfm?do=viewLearningCenter>)
  - Webinar audio and presentation materials



# Give us your Feedback

- Answer a few short questions
- Link: <http://www.surveymonkey.com/s/URA>

