



Uniform Relocation Act (URA)

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Community Planning and Development

Presenters

- Host and Moderator
 - Kent Buhl, Enterprise Community Partners/KB Consulting
- Panelists
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 - John Laswick, NSP
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Uniform Relocation Act (URA)

- “Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended”
 - AKA the “Uniform Relocation Act” or “URA”
 - One of several “cross-cutting” requirements that apply to federal programs, including NSP.
- Applies when real property is acquired, rehabilitated, or demolished with federal funds.
- HUD grants, loans, and contributions
 - HOME, CDBG, Section 108, NSP



Uniform Relocation Act (URA)

- Establishes minimum standards
- When persons are displaced from:
 - Homes
 - Businesses
 - Farms



Uniform Relocation Act (URA)

- Implemented under
 - 49 CFR Part 24
 - The “cross-cutting common” rule
 - Applies to 18 federal agencies
 - These are DOT regulations
 - 24 CFR 570.606 – CDBG regulations



Objectives of the URA

- To encourage and expedite acquisition by agreement, without coercion.
- Uniform, fair and equitable treatment.
- To lessen the impact of displacement.
- To ensure decent, safe and sanitary housing is available and affordable for displaced persons



Federally-Funded Acquisition and Relocation is Complicated

- Many rules govern acquisition of property and relocation of persons.
- State and federal law. (Sometimes even local.)
- Section 104(d) also applies to HUD projects and programs.
- This is not a comprehensive training.
- Refer to HUD Handbook 1378
“Tenant Assistance, Relocation and Real Property Acquisition.”



To whom does the URA apply?

- Any entity engaged in real property
 - Acquisition
 - Rehabilitation
 - Demolition
- For a federally funded project
- Public and private
 - UGLGs, states, persons, sub-grantees, contractors
- Handbook 1378, Chapter 1



Who is responsible for assuring compliance with URA?

You, the grantee!



Section 104(d)

- Section 104(d) of the HCD Act
- Implemented at 24 CFR Part 42
- Applies when using certain HUD funds
 - HOME, CDBG/NSP, Section 108
- When lower-income housing is demolished or converted.



Section 104(d)

- Requires 1-for-1 replacement of
 - lower-income housing that is demolished or converted
- ALSO requires assistance to lower-income tenants
 - displaced by demolition (of any housing) or conversion of lower-income housing



Section 104(d)

- Tenants eligible under Section 104(d) can choose assistance under URA or section 104(d)
- Calculation of assistance is different under Section 104(d)
- Not applicable to acquisition, or if rehabilitation or other activities do not convert lower-income housing.
- Handbook 1378, Chapter 7



Involuntary Acquisition

- Most NSP acquisition will be voluntary.
- Requirements for involuntary are different.
- Standards in the regulations for “voluntary”
 - [49 CFR 24.201(b)(1) - (5)]
- Differ by agencies with or without power of eminent domain. (Most grantees have powers.)
- Owner-occupants are not displaced if voluntary
- Tenants are always considered displaced



Voluntary Acquisition with power of Eminent Domain

- No specific site or property must be acquired. Can walk away.
- The acquisition is not part of a larger plan or strategy to acquire all or most of the property in a given area.
- The agency will not acquire if negotiations fail and the owner is so informed.
- The agency informs the owner of what it believes to be the market value of the property.



Voluntary Acquisition— no power of Eminent Domain

- Prior to making an offer, owner is informed that the property will not be acquired if negotiations fail.
- The agency informs the owner of what it believes to be the market value of the property.



Acquisition Recap

- Involuntary – owner-occupants and tenants are considered to be “displaced persons.”
- Voluntary – only tenants are “displaced persons.”
- Regulations have standards for “voluntary.”
- Standards differ if the agency has powers of eminent domain or not.
- Tenants are always displaced persons.
- *Seek legal counsel for involuntary acquisition.*
- *Handbook 1378, Chapter 5*



Owner Notification Requirements

- Voluntary Acquisition
 - Have/don't have eminent domain
 - Agency will not pursue acquisition if negotiations fail.
 - Market value of property.
- Involuntary = seek legal counsel.
- Guide forms provided by HUD = Safe Harbor



Obligations for residential displacements

- Provide relocation advisory services.
- Minimum 90-day notice to vacate
- Reimburse moving expenses.
- Provide payments for the additional cost of replacement housing.



Tenant Notification Requirements

- General Information Notice (GIN)
 - Possibility that project may displace residents, rights under the URA.
- Notice of Relocation Eligibility (NOE)
 - Will be displaced and eligibility for assistance and replacement housing payments.
- 90-Day Notice
 - Earliest move-out



General Information Notice

- Must be issued “as soon as feasibly possible.”
- Must issue no later than the point of “Initiation of Negotiations” (ION)
- Goes to all occupants.



Initiation of Negotiations (ION)

- Date after which Notice of Eligibility or Notice of Ineligibility must be issued to all occupants.
- Date after which new occupants must be issued a Move-in Notice.
 - Not eligible for URA benefits.
- HUD programs each have ION definition or default URA definition applies.
- NSP is at 24 CFR 570.606(b)(3) [CDBG Regs]



Initiation of Negotiations (ION)

- 24 CFR 570.606(b)(3)

“...if the displacement is the result of privately undertaken rehabilitation, demolition, or acquisition...[the ION is] the execution of the grant or loan agreement between the grantee ... and the person owning or controlling the real property.”



Notice of Relocation Eligibility (NOE)

- Must issue “promptly” at ION.
- Describe
 - Available relocation assistance
 - Estimated amount/type of assistance
 - Procedures for obtaining assistance
 - Who to contact to get assistance/ask questions
- Must be specific to individual household.
- Rights to assistance.



Notice of Non-Displacement

- Will not be displaced.
- Will not be considered to be a displaced person.
- Temporary relocation assistance, if applicable.
- Other reasons for ineligibility.



90-Day Notice

- May not be issued before the NOE or Notice of Non-displacement is given.
- Minimum of 90 days prior to the date at which possession must be surrendered.
- Must have identified suitable replacement housing.
- Required for “displacement.”
- Recommend minimum 30 days notice for temporary relocation.
- State and local laws may be more restrictive.



Noticing Standards

- Timing and content are critical.
- Documentation is essential.
- All reasonable avenues of notification should be exhausted.
- Must be in primary language of household and/or offer translation services.
- *Guide forms provided by HUD = Safe Harbor*
- *Handbook 1378, Chapter 2*



Service of Notice

- U.S.P.S.
 - Use Certified Mail with Return Receipt
 - Certified Mail evidences delivery.
 - Return Receipt provides you with evidence of who received the letter.
 - Request a hard copy receipt, e-mail receipt may be printed for file.
- Keep the receipt together with the copy of the letter to document your file.



Service of Notice

- Personal
 - Affidavit of delivery or posting.
 - Can also verify occupancy.
- Consider both methods to be sure occupants are fully informed.



Documentation of Occupancy

- NOE or NOI must go to all occupants at ION
 - Grantee must know names, addresses and primary household language of all occupants.
 - Annotated rent roll at ION
 - Make a condition of purchase offer
- Use HUD “Site Occupant Record”
 - Handbook 1378, Appendix 8



Relocation Advisory Services

- Required, and key to successful program.
- Assess needs and preferences.
- Explain rights to assistance.
- Offer listings of comparable replacement housing.
- Information on other forms of housing assistance.
- Transportation and referrals.
- Other assistance as appropriate.



Relocation Assistance

- Payment of “actual, reasonable and necessary” moving costs and related expenses.
- Three methods:
 - Actual cost
 - Fixed schedule
 - Combination
- HUD Form 40054: “Residential Claim for Moving and Related Expenses”
- Handbook 1378, Chapter 3



Actual Moving Costs and Related Expenses

- Packing and Transportation
- Disassembly/re-assembly of appliances and furniture.
- Up to 12 months of storage (if necessary).
- Insurance (replacement value)
- Utility transfer and connection fees
- Other reasonable expenses
 - Determined by the agency



Fixed Moving Costs

- Federal Highway Administration
<http://www.fhwa.dot.gov/realestate/fixsch96.htm>
- State-by-state rates
- Lump sum payment
- For residential displacement only
- Great budgeting tool!



Replacement Housing Payment

- Mitigate economic hardship caused by displacement.
- Tenure and length of occupancy will determine form of assistance and maximum amount.
- Important to calculate correctly.
- Inform displaced persons of the options.
- Must be used to place persons in comparable “decent, safe and sanitary” housing.



Replacement Housing Payment

- Tenant occupants 90-days or more eligible.
 - \$5,250 max
- Owner occupants 180-day or more eligible.
 - \$22,500 max
- Tenants can get rental assistance or lump sum for purchase down-payment.
- Tenants receive rental assistance payments based on 42 months.



Replacement Housing Payments

- Based on difference between rent being paid at displacement unit and rent of “replacement” unit.
 - Get that rent roll at or before ION.
 - If replacement unit is rent restricted, still must calculate and pay replacement housing payment.
 - May be based on income for low-income persons.
- Remember: owner-occupants are not eligible for relocation assistance in a voluntary acquisition.



Replacement Housing Payments

- “Housing of last resort” applies if comparable housing not available:
 - Within the assistance limits
 - Less than 90-day tenants may receive RHP
 - 90-180 day owners may receive RHP
- *Handbook 1378, Chapter 3*
- *Several claim forms and documentation tools available.*



Temporary Relocation

- Advisory services.
- Payment of “actual, reasonable and necessary” moving costs and related expenses.
 - Out-of-pocket only.
- Rental assistance payment
 - actual cost difference, if any
- Temporary is no more than 12 months.
- *Handbook 1378, Chapter 2*



Tenant Protection Requirements

- Not URA
 - Included in the Recovery Act.
 - NSP Policy Alert 08/12/10
- Properties transferred after 02/17/09
- Meet NSP definition of “foreclosed”
- Protects tenants only.
 - Must be “bona fide” tenant
 - Must have occupied at time of foreclosure
- Applies to “initial successor in interest” (ISII)



Tenant Protection Requirements

- Under a lease that has a set term
 - Permit to stay to end of current lease term
 - provide min. 90-day notice to vacate
- Month to month tenants
 - min. 90-day notice
- Selling to owner-occupant for primary residence
 - May terminate lease
 - min. 90-day notice



Tenant Protection Requirements

- See the questionnaire in the 08/12/10 Policy Alert
 - When was the property foreclosed?
 - Was the property occupied by a tenant at foreclosure?
 - Was the tenant *bona fide*?
 - Is the property now occupied?
 - What is the lease term?
 - Circumstances regarding termination of lease?



Tenant Protection Requirements

- Requires the cooperation of the ISII
- Requires due diligence on part of grantee.
 - Documentation of transfer of title.
 - Affidavit from ISII regarding occupancy (condition of close) or other evidence.
 - Site visit.
 - Mailing to occupant (GIN).
 - “do not forward”
 - Certified mail



Rules of Relocation

1. Plan.
2. Budget.
3. Inform.
4. Assist.
5. Document.



NSP Resource Exchange Links

NSP Resource Exchange	
Search the Resource Library	http://hudnsphelp.info/resources
Search the FAQs	http://hudnsphelp.info/faqs
View All Training Materials on the Learning Center	http://hudnsphelp.info/learning
Submit a Policy Question via Ask A Question	http://hudnsphelp.info/question
Request Technical Assistance	http://hudnsphelp.info/RequestTA

Connect with NSP	
Join the Listserv	http://hudnsphelp.info/listserv
Visit the NSP Flickr Gallery	http://www.flickr.com/photos/nspresourceexchange
Visit the NSP YouTube Channel	http://www.youtube.com/user/NSPResourceExchange



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- <http://www.surveymonkey.com/s/XWG5MBD>

Your opinion is valuable!

THANK YOU!

