

## Chapter 8: Relocation under the URA and 104(d)

### Introduction

This chapter provides detailed guidance regarding relocation under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (URA) and Section 104(d), as well as one-for-one unit replacement requirements. It outlines the procedures that grantees should follow to ensure compliance with both the URA and 104(d). In addition, information is provided to calculate payments to displaced persons, to keep records, and comply with other relocation requirements that may be applicable to CDBG-assisted projects.

### Section 8-A. Overview

#### Applicable Regulations

There are three major types of requirements that cover relocation (and acquisition) activities in CDBG programs:

- ✓ The URA regulations, effective February 2005 implementing the Uniform Relocation Assistance and Real Property Acquisition Policies Act (URA) of 1970, as amended (49 CFR Part 24);
- ✓ Section 104(d) of the Housing and Community Development Act of 1974 and the implementing regulations at 24 CFR Part 570.496(a) and
- ✓ 24 CFR 570.606 of the CDBG Regulations which requires compliance with the regulations listed above.

49 CFR Part 24

Section 104(d) and 5305(a)(11) of Title 1, Housing and Community Development Act of 1974; 24 CFR 570.496(a);

24 CFR 570.606

An over-riding principle in the CDBG program and the URA is that the grantee shall assure that it has taken all reasonable steps to minimize displacement in implementing activities.

**Tip:** HUD Handbook 1378 (recently updated) is a resource available for relocation information. It can be downloaded from HUD's website at <http://www.hud.gov/offices/cpd/library/relocation/policyandguidance/handbook1378.cfm>. Grantees should also refer to the Department of Transportation's Federal Highway Administration's Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally-Assisted Programs. It may be downloaded from HUD's website at <http://www.hud.gov/offices/cpd/library/relocation/lawsandregs/finalrule/>.

### Overview of Requirements

Displacement results when people or a non-residential entity moves permanently as a direct result of the acquisition, demolition, or rehabilitation of property for CDBG-funded projects.

49 CFR Part 24

The Uniform Relocation Act (URA) protects all persons who are displaced by a Federally-assisted project **regardless of their income**. However, Section 104(d) **only protects low/moderate income persons** (within 80% of the Area Median Income limit for their household size).

Section 104(d) requirements focus on the “loss” of low and moderate-income housing rental units) in a community through CDBG-funded demolition or conversion. Section 104(d) has two distinct components:

- ✓ **People:** 104(d) specifies relocation assistance for displaced low- and moderate-income renter households. 24 CFR 570.496(a)
- ✓ **Units:** 104(d) requires one-for-one replacement of low and moderate-income dwelling units (as defined by the regulations) that are demolished or converted using CDBG or HOME funds to a use other than low-moderate income permanent housing. More information can be found later in the chapter.

## Section 8-B. Definitions

In order to understand applicable relocation requirements, it is necessary to understand some key terminology.

### Who is Displaced under the URA and CDBG?

The URA, the CDBG regulations and Section 104(d) each address specific circumstances that would qualify someone as a “displaced person.”

**Under the URA**, the term “displaced person” means:

- ✓ A person who moves permanently from the real property after the property owner (or person in control of the site) issues a vacate notice to the person. An owner who refuses to renew an expiring lease in order to evade the responsibility to provide relocation assistance will also trigger URA coverage for the tenant. 49 CFR 24.2(g); Handbook 1378, Chapter 1, Paragraph 1-4 I  
Handbook 1378, Chapter 8, Paragraph 8-23
- ✓ The effective move date of the displaced person is based on whether:
  - (a) If the grantee has site control at the time the grantee submits an application for KCDBG funds for the project that is later approved, then the household is considered displaced on the submission date of the application; or
  - (b) If the grantee does not have site control when the application for KCDBG funds, the effective date will be the date the grantee obtains site control.
- ✓ A person who moves permanently from the real property after the initiation of negotiations, unless the person is a tenant who was issued a written notice of the expected displacement prior to occupying the property (otherwise known as a “Move-In Notice”)
- ✓ A person who moves permanently and was not issued a Notice of Nondisplacement after the application for KCDBG funds is approved.

**Even if there was no intent to displace the person, if a Notice of Nondisplacement was not provided,**

Handbook 1378: Chapter 1-4, Paragraph 1- 4

**HUD has taken the position that the person's move was a permanent, involuntary move for the project since the person was not given timely information essential to making an informed judgment about moving from the project.**

**Under CDBG, the regulations define a “displaced person” as someone who moves after a specific event occurs:**

- This event establishes a presumption that a project may begin (e.g., date of submission of an application). It is presumed that displacement before this date did not occur "for the project" and is not covered by the URA, unless rebutted by convincing evidence to the contrary.
- It is also presumed that a permanent, involuntary move on or after that date is a displacement "for the project," unless the grantee or state determines otherwise.

HUD must concur in a determination to deny a person relocation benefits on this basis:

- ✓ When an owner either evicts a tenant or fails to renew a lease in order to sell a property as “vacant” to a grantee for a HUD-funded project, HUD will generally presume that the tenant was displaced “for the project.” (Evictions for serious or repeated violations of the lease are permissible, but the owner must follow State tenant-landlord laws governing eviction.)
- ✓ In cases where the tenant was not notified of their eligibility for URA benefits, the grantee is responsible for finding the displaced tenant and providing appropriate relocation assistance, unless the grantee can demonstrate that the move was not attributable to the project.
- ✓ CDBG regulations also define a “displaced person” as:
  - A tenant who moves permanently after the KCDBG-funded acquisition or rehabilitation, and the increased rent is not affordable (they are “economically displaced”).

The CDBG program regulations cover "economic displacement," while the URA is silent on this issue. If rents are increased after the KCDBG project is complete, and the new rent exceeds 30% of the tenant’s gross monthly income, they would be “economically displaced.”

Handbook 1378; Chapter 1;  
Paragraph 4 – 5;  
24 CFR 570.606(b)(2)(D)

The URA also protects the following “displaced persons”:

- ✓ A tenant-occupant of a dwelling who receives a Notice of Nondisplacement but is required to move to another unit in the building/complex may be considered displaced, if the tenant moves from the building/complex permanently and either:
  - (a) The tenant was not offered reimbursement for all reasonable out-of-pocket expenses incurred in connection with the move within the project; or
  - (b) Other conditions of the move within the project were not reasonable.
- ✓ A tenant who moves permanently after the building has a change from residential use to a public use as a direct result of a CDBG-assisted project (for example, the building now leases units to serve persons who were homeless or require supportive housing ). Under the CDBG program, leases of 15 years or more are considered acquisitions for the purposes of the URA.
- ✓ A nonresidential tenant who receives a Notice of Nondisplacement, but moves permanently from the building/complex, if the terms and conditions under which the tenant may remain are not reasonable.

It is expected that the grantee or property owner will negotiate these terms and conditions. A tenant who believes the offer is unreasonable may relocate and file an appeal seeking assistance as a "displaced person."

**When Section 104(d) is triggered:**

The term "displaced person" means any lower- income household that moves from real property permanently as a direct result of the conversion of an occupied or vacant occupiable low- and moderate-income dwelling unit or the demolition of any dwelling unit, in connection with a KCDBG-assisted activity.

**Persons not Considered Displaced**

A person does not qualify as a "displaced person" (and is not entitled to relocation assistance at URA levels), if:

- ✓ The person has no legal right to occupy the property under State or local law; or
- ✓ The person has been evicted for serious or repeated violation of the terms and conditions of the lease or occupancy agreement or other good cause, the grantee determines that the eviction was not undertaken for the purpose of evading the obligation to provide relocation assistance; or
- ✓ The person moves into the property after the date of the application for KCDBG funds and, before moving in, was provided written notice of the project, its possible impact on the person (e.g., the person may be displaced, temporarily relocated or suffer a rent increase) and the fact that he or she would not qualify for assistance as a "displaced person" as a result of the project. See Attachment 8-1 for a sample notice to provide to prospective tenants.

24 CFR 570.606(b)(2)(i)

49 CFR 24.2(a)(9)(ii)(k)

Handbook 1378, Chapter 1, Paragraph 1-4 J (1)

Handbook 1378, Chapter 1, Paragraph 1-4 J (2)  
Attachment 8-1: Notice to Prospective Tenants

People are also not considered displaced if:

- ✓ The person occupied the property for the purpose of obtaining relocation benefits.
- ✓ The person retains the right of use and occupancy of the property for life following its acquisition (life estates).
- ✓ The person is determined not to be displaced as a direct result of the project. Grantees may not make this determination on their own. Contact DLG for determination assistance.
- ✓ The person is an owner-occupant of the property who moves as a result of a voluntary acquisition. (Refer to Chapter 5 of HUD Handbook 1378 and Chapter 7: Acquisition of this Handbook for more information on voluntary acquisition.) (NOTE: Tenants living in properties that are acquired via a

49 CFR 24.2(a)(9)(ii)(C); Prospective Tenants

Attachment 8-1: Sample Notice to

49 CFR 24.2(a)(9)(ii)(l)

Handbook 1378, Chapter 1, Paragraph 1-4 J (4)

Handbook 1378, Chapter 1, Paragraph 1-4 J (3)

Handbook 1378, Chapter 5, Chapter 7: Acquisition

49 CFR 24.2(a)(9)(ii)(E)

voluntary acquisition are covered by the URA regardless of their willingness to move.)

- ✓ The person leaves due to code enforcement, unless the code enforcement results in rehabilitation or demolition for an assisted project. An owner-occupant or tenant who is required to move permanently as a direct result of this rehabilitation or demolition may be eligible for relocation assistance.
- ✓ The person, after receiving a notice of eligibility, is notified in writing that he or she will not be displaced.

49 CFR 24.2(a)(9)(ii)(G)

Such a notice cannot be delivered unless the person has not moved and the agency agrees to reimburse the person for any expenses incurred to satisfy any binding contractual relocation obligations entered into after the effective date of the notice of eligibility.

- ✓ The person is an owner-occupant who voluntarily applies for rehabilitation assistance on his or her property. When the rehabilitation work requires the property to be vacant for a period of time, this assistance is considered optional. Refer to Chapter 10: Housing for more information.
- ✓ The person is not lawfully present in the United States unless denial of benefits would result in “exceptional and extremely unusual hardship” to a lawfully-present spouse, child, or parent. This prohibition covers all forms of relocation assistance under the URA including both replacement housing payments (RHP) and moving assistance.

49 CFR 24.2(a)(9)(ii)(H)

49 CFR 24.2(a)(9)(ii)(L)

Public Law 105-117, passed on November 21, 1997; Final Rule published on February 12, 1999

The current URA regulations includes a definition of the phrase "exceptional and extremely unusual hardship," which focuses on significant and demonstrable impacts on health, safety, or family cohesion. This phrase is intended to allow judgment on the part of the grantee and does not lend itself to an absolute standard applicable in all situations. When considering whether such an exemption is appropriate, a displacing agency may examine only the impact on an alien's spouse, parent, or child who is a citizen or lawful resident alien.

An “alien not lawfully present in the United States” is defined as an alien present in the United States who has not been admitted or paroled into the United States pursuant to the Immigration and Nationality Act (8 United States C.1101 et seq) and whose stay in the United States has not been authorized by the United States Attorney General. It includes someone who is in the United States after the expiration of the period of stay authorized by the United States Attorney General or who otherwise violates the terms and conditions of admission, parole, or authorization to stay in the United States.

When a household contains some members who are present lawfully but others are present unlawfully, there are two different computation methods, one for moving expenses and one for replacement housing payments (RHP). For moving expenses, the payment is to be based on the proportion of lawful occupants to the total number of occupants. For example, if four out of five members of a family to be displaced are lawfully present, the proportion of lawful occupants is 80 percent and that percentage is to be applied against the moving expenses payment that otherwise would have been received.

For the RHP, the unlawful occupants are not counted as a part of the family and its size is reduced accordingly. Thus a family of five, one of whom is a person not lawfully present in the U.S., would be counted as a family of four. The comparable for the family would reflect the

makeup of the remaining four persons and the Replacement Housing Payment (RHP) would be computed accordingly.

## Initiation of Negotiations (ION)

The date of the Initiation of Negotiations (“ION”) serves as a milestone in determining a person’s eligibility for relocation assistance, including moving costs and a replacement housing payment. CDBG regulations establish a program-specific definition of ION as the trigger for issuance of the Notice of Eligibility for Relocation Assistance or Notice of Nondisplacement.

For CDBG programs, the term "initiation of negotiations" is defined as the following:

- ✓ If the displacement results from privately undertaken rehabilitation, demolition or acquisition, the execution of the grant or loan agreement between the grantee and the person owning or controlling the real property.
- ✓ If the displacement results from grantee demolition or rehabilitation and there is no related grantee acquisition, the notice to the person that he or she will be displaced by the project (or the person's actual move, if there is no such notice).
- ✓ When there is voluntary acquisition of real property by a grantee, the term “initiation of negotiations” means the actions described above, except that the ION does not become effective, for purposes of establishing eligibility for relocation assistance, until there is a written purchase agreement between the grantee and the owner. ( See chapter 7 )
- ✓ Whenever real property is acquired by a grantee that has the legal power under the Eminent Domain Act of Kentucky and the acquisition is an involuntary transaction, the initiation of negotiations means the delivery of the initial written offer of just compensation by the grantee to the owner to purchase the real property for the project.

24 CFR 570.606  
49 CFR 24.2(a)(15)

After the ION, any person who seeks to rent a unit in the project must be issued a Move-in Notice before executing a lease; otherwise, the project will incur liability for relocation costs if the persons are found to be eligible as displaced persons.

## Project

The definition of what is a “project” differs for URA and for Section 104(d).

Handbook 1378, Chapter 1,  
Paragraph 1-4 DD  
49 CFR 24.2(a)(22)

The term project is defined under URA as an activity or series of activities funded with federal financial assistance received or anticipated in any phase. In addition, URA states that program rules will further define what is considered a project.

Under Section 104(d), a project is an activity or series of activities undertaken with HUD financial assistance received or anticipated in any phase. Section 104(d) benefits are triggered if the activity is a CDBG or HOME funded activity and the HUD assisted activity is part of a single undertaking.

Handbook 1378, Chapter 7,  
Paragraph 7-10

- ✓ In order to determine whether a series of activities are a project, look at:
  - Timeframe – Do activities take place within a reasonable timeframe of each other?

- Objective – Is the single activity essential to the overall undertaking? If one piece is unfinished will the objective be incomplete?
- Location – Do the activities take place on the same site?
- Ownership – Are the activities carried out by, or on behalf of, a single entity?

## Section 8-C. General Relocation Requirements under the URA

The URA covers all types of displaced persons, including both residents and businesses. It also covers the temporary relocation of existing occupants. The following sections of the handbook are sorted by: (1) URA requirements that apply to all persons; (2) URA requirements that apply to displaced residential occupants; (3) URA requirements that apply to temporary relocation; and (4) URA requirements that apply to commercial occupants.

Acquisition and/or relocation of mobile homes is also covered by the URA. Since there are many variables in the ownership and tenancy of mobile homes, grant administrators are asked to consult with DLG before proceeding with the acquisition or relocation of mobile homes.

Following the URA text, this chapter covers Section 104(d). A flow chart summarizing the relocation process can be found as Attachment 8-2 of this chapter.

The requirements in this section apply to all projects where the URA is triggered. The URA relocation process can differ greatly depending upon the funding used in a project and whether an involuntary sale will be involved in the process. Attachment 8-2 provides a typical relocation scenario in a flow chart indicating key dates in the process.

Attachment 8-2: URA Relocation Flow Chart with Trigger Dates

## Planning for Relocation

If KCDBG funds will involve relocation, the grantee must develop written policies and procedures for managing the anticipated relocation caseload in the form of a “relocation plan.”

Attachment 8-3: Guideform Residential Antidisplacement and Relocation Plan

These procedures must be in compliance with all elements of the Final Rule implementing changes to the URA and the Residential Antidisplacement and Relocation Plan, previously developed as part of the application for CDBG assistance.

The plan must contain two components:

- ✓ A commitment to replace all low- and moderate-income dwelling units that are demolished or converted to a use other than low- and moderate-income housing as a direct result of the use of KCDBG funds, and
- ✓ A commitment to provide relocation assistance required under Section 104(d) of the Housing and Community Development Act.

The plan must be adopted by the local governing body.

A sample of this plan is included as Attachment 8-3 of this chapter.

## Advisory Services, Including Relocation Notices

The next step in the process is to provide relocation advisory services. This process requires the grantee to first personally interview the person to be displaced. The purpose of the interview is to explain the:

- ✓ Various payments and types of assistance available,
- ✓ Conditions of eligibility,
- ✓ Filing procedures, and
- ✓ Basis for determining the maximum relocation assistance payment available.

Grantees should use Attachment 8-6: Household Case Record to collect the required information for residential occupants. It is very important that all significant contact with displacees be logged into Section 5 of the Household Case Record.

Attachment 8-6: Household Case Record

As a part of advisory services, the URA requires that all occupants receive notices informing them of their various rights.

### *General Information Notice*

The General Information Notice is referred to in Chapter 7 as one of the required notices when there is involuntary acquisition. This is a VERY IMPORTANT NOTICE!

As soon as feasible after grant application, the project administrator must notify each household and/or business that the potential for displacement exists and provide them with a General Information Notice (GIN). The GIN informs residential and non-residential occupants of a possible project, including potential acquisition of the property. Samples of the GIN are provided as Attachments 8-4 and 8-5 of this chapter. The GIN also informs the occupant prior to the initiation of negotiations not to move prematurely, because doing so will jeopardize any assistance that they may be due. By providing occupants with the GIN, the grantee protects themselves from claims for relocation benefits that could have been avoided if the person would not have been displaced.

Attachments 8-4 and 8-5:  
General Information Notices for  
Residential Tenants

### *Notice of Eligibility and Notice of Nondisplacement*

After grant approval, the grantee should determine who must be displaced and who will be allowed to remain in (or return to) the project.

After making these determinations, the grantee should issue the appropriate relocation notices: either a Notice of Eligibility (for relocation assistance) or a Notice of Nondisplacement.

- ✓ The Notice of Eligibility informs occupants who will be displaced of their rights and levels of assistance under the URA.
- ✓ The Notice of Nondisplacement informs occupants who will remain in or return after completion of their rights under URA and of the terms and conditions of their remaining in the property. (See Attachments 8-7 and 8-8 for samples of these notices.)

Attachment 8-7: Notice of Non-displacement

Attachment 8-8: Notice of Eligibility for Relocation Assistance

Attachment 8-9: Relocation Assistance to Displaced Homeowners Brochure

Attachment 8-10: Relocation Assistance to Displaced Tenants from Their Homes

Brochures on HUD website at [www.hud.gov/offices/cpd/library/relocation/publications/](http://www.hud.gov/offices/cpd/library/relocation/publications/)

In addition to these notices, copies of the HUD brochures, "Relocation Assistance to Displaced Homeowner Occupants" and "Relocation Assistance to Tenants Displaced from Their Homes" should be provided to displaced persons (see

Attachments 8-9 and 8-10; these brochures can also be found on the HUD website.) Note that these two brochures are for residential relocation only. There are different requirements for relocation of businesses, farms, and nonprofit organizations. Contact DLG for guidance on non-residential relocation.

### *Notice to Move*

The grantee may issue a 90-Day Move Notice after a Notice of Eligibility has been sent and when the grantee wants to establish the move-out date (see Attachment 8-19). The 90-Day Notice may NOT be issued until at least one comparable unit has been identified and presented to the residential displaced person.

The 90-day notice must either state a specific date as the earliest date by which an occupant will be required to move, or state that the occupant will receive a further notice, at least 30 days in advance, indicating the specific date by which to move. A flow chart summarizing the relocation process can be found as Attachment 8-20 of this chapter.

Attachment 8-19:  
90-Day Move Notice  
Handbook 1378, Chapter 2,  
Paragraph 2-3(c)  
Attachment 8-20: Tenant  
Assistance/Relocation Process  
Flow Chart

### *Discrimination in Relocation*

Obviously, grantees must ensure that there is no discrimination in the relocation process. Individual displacees who have been discriminated against may not know how to take action on their own. Legal action is often too expensive to be a practical solution for them. The grantee must provide assistance in cases of discrimination. There are also different equal opportunity protections for businesses and additional protections for Fair Housing for displaced persons. See Chapter 9 Fair Housing of this handbook for additional information.

If a displacee has been discriminated against, there are two alternatives:

The displacee can send a complaint to DLG within 180 days of the incident, simply telling DLG what happened. The relocation officer and grant administrator should advise the displacee of this option and assist in preparing the complaint if the displacee desires to make one. Upon receipt of the complaint, DLG may take one or more of the following steps:

- ✓ Investigate to see if the law has been broken;
- ✓ Contact the person accused of the violation and try to resolve the discrimination complaint;
- ✓ Refer the complaint to a local human rights commission for investigation and possible resolution and/or the Kentucky Commission on Human Rights (phone number 1-800-292-5566).
- ✓ Recommend that the displacee go to court.
- ✓ A suit may be filed in a Federal court, in which case the displacee should either consult an attorney or the local Legal Aid Society for assistance. The relocation officer should advise the displacee regarding both sources of help. If the court finds in favor of the displacee, it can stop the sale of the house or the rental of the apartment to someone else, and award the displacee damages and court costs.

## Section 8-D. Residential Displacement under the URA

Residential occupants who will be displaced are entitled to receive a range of benefits under the URA. These include: (1) advisory services; (2) offer of a comparable replacement unit; (3) replacement housing payments; and (4) moving expenses. The following sections highlight each of these requirements.

### Advisory Services for Displaced Households

The grantee should work with the household that will be displaced throughout the process to ensure the household is provided appropriate and required advisory services.

- ✓ Grantees must provide counseling and appropriate referrals to social service agencies, when appropriate.
- ✓ Grantees must offer or pay for transportation (e.g., taxi, rental car) to inspect comparable units or the actual unit selected by the displaced person.
- ✓ When a displacee is a minority, every effort should be made to ensure that referrals are made to comparables located outside of areas of minority concentration, if feasible.
- ✓ The grantee must provide current and continuing information on the availability, purchase price or rental cost and location of "comparable replacement dwellings" (see the section below for more information on comparable replacement dwellings).

### Comparable Replacement Dwelling Units

The grantee must make referrals to the replacement housing units (comparables) for displaced residential households. It is also recommended that the grantee inspect the comparables to determine if they are in decent, safe and sanitary condition (including ensuring they are lead safe) prior to making referrals.

- ✓ The regulations stipulate that no person is to be displaced unless at least one, and preferably three, comparable dwellings are made available to the potential displacee. 49 CFR 24.204  
However, DLG requires the grantee to document the case file if three comparable dwellings are not identified.
- ✓ A comparable replacement dwelling means a dwelling which it meets local relevant housing codes and standards for occupancy;
- ✓ The replacement unit must be functionally equivalent to the displacement dwelling. The term "functionally equivalent" means that it performs the same function, and provides the same utility. While a comparable replacement dwelling need not possess every feature of the displacement dwelling, the principal features must be present. In determining whether a replacement dwelling is functionally equivalent to the displacement dwelling, the grantee may consider reasonable trade-offs for specific features when the replacement unit is equal to or better than the displacement dwelling;
- ✓ Adequate in size to accommodate the occupants;
- ✓ If the displaced household were over-crowded, the comparable must be large enough to accommodate them.
- ✓ In an area not subject to unreasonable adverse environmental conditions;

- ✓ In a location generally not less desirable than the location of the displaced person's dwelling with respect to public utilities and commercial and public facilities, and reasonably accessible to the person's place of employment;
- ✓ On a site that is typical in size for residential development with normal site improvements, including customary landscaping;
- ✓ Currently available to the displaced person on the private market (unless they are displaced from subsidized housing as described below); and
- ✓ Within the financial means of the displaced person. A replacement dwelling is considered to be within the person's financial means if a grantee pays the appropriate replacement housing payment.

For a person receiving government housing assistance before displacement, a comparable dwelling unit that has similar government housing assistance must be offered. (For example, a comparable unit for a tenant who had a Housing Choice Voucher prior to displacement must be offered another unit where the Voucher could be used or is accepted.) When the government housing assistance program has requirements relating to the size of the replacement dwelling the rules for that program apply.

Grantees may use Attachment 8-12: HUD Form 52580 Section 8 Existing Housing Program Inspection Checklist to determine whether a comparable unit is decent, safe and sanitary. Since replacement housing units must meet all local codes and housing standards, an inspector must be familiar with these requirements to ensure that displaced persons move to standard housing.

Attachment 8-13: HUD Form 40061 may be used to identify the most representative comparable replacement dwelling units for purposes of computing a replacement housing payment.

The grantee should then provide the potentially displaced household with a Notice of Eligibility for Relocation Assistance (Attachment 8-8). The notice must identify the cost and location of the comparable replacement dwelling(s).

Attachment 8-8: Notice of Eligibility for Relocation Assistance

## Replacement Housing Payments

In some instances, a comparable replacement dwelling may not be available within the monetary limits for owners or tenants. This is the purpose of the Replacement Housing Payment (RHP).

49 CFR 24.401 and 24.402  
49 CFR 24.404(a)

Relocation payments are not considered "income" for purposes of the IRS or the Social Security Administration.

49 CFR 24.209 and 24.207(f)

The revised regulations do not allow a grantee to encourage or ask a displaced person to waive their relocation assistance; however, a fully informed person may choose not to apply for financial benefits and must acknowledge that decision in writing by clearly describing the assistance for which he/she will not apply. Grantees are encouraged to contact DLG if this situation is likely to occur.

### *Replacement Housing Assistance for 180-Day Homeowners*

Only homeowner-occupants who were in residency for 180 days prior to an offer to purchase their home (“ION”) USING INVOLUNTARY ACQUISITION are eligible for a replacement housing payment as “displaced persons”. If homeowners were in occupancy for less than 180 days prior to the ION, they are protected by the URA as “displaced persons” but the calculation is made using the same method used for tenants.

49 CFR 24.401

**Note:** If an owner occupies a property acquired using voluntary acquisition requirements, they are NOT eligible for relocation benefits.

For involuntary acquisitions, the ION is defined as the delivery of the written offer of just compensation by the grantee to the owner.

The RHP made to a 180-day homeowner is the sum of:

Attachment 8-32: Claim Form for 180-day Homeowner

- ✓ The lesser of: the cost of the comparable or the cost of the actual replacement unit.
- ✓ Additional mortgage financing cost; and
- ✓ Reasonable expenses incidental to purchase the replacement dwelling.

To calculate the replacement housing payment for a 180-day homeowner, grantees should use the HUD claim form in Attachment 8-32. If an owner elects to become a renter, the RHP can be no more than the amount would otherwise have received as an owner.

The displaced homeowner must purchase and occupy the replacement unit in order to qualify for a RHP as a displaced owner-occupant of 180 days.

### *Replacement Housing Payments for Displaced Tenants*

The amount of the replacement housing payment paid to a displaced tenant does not vary depending upon whether the household was in occupancy more or less than 90 days prior to the date of execution of the agreement.

The replacement housing payment is intended to provide affordable housing for a 42-month period. Although the URA regulations establish a \$5,250 limitation on rental assistance payments, it also requires that persons receive the calculated payment under replacement “Housing of Last Resort”. Therefore, families are entitled to the full 42 months of assistance even though the amount may exceed \$5,250. See Section 8-G Relocation Requirements under Section 104(d) to determine if applicable to your project.

For all tenants, the replacement housing payment makes up (for a 42-month period) the difference between:

- ✓ The lesser of rent and estimated utility costs at the replacement dwelling or comparable unit; and
- ✓ The lesser of:
  - Thirty percent of the tenant’s average monthly gross household income (if the household is classified as low income- within 80% Area Median Income- using HUD’s income limits), or
  - The monthly rent and estimated average utility costs of the displacement dwelling.

URA cash rental assistance must be provided in installments, unless the tenant wishes to purchase a home. If the displaced tenant wishes to purchase a home, the payment must be provided in a single lump sum so that the funds can be used for a down payment, including incidental expenses.

The amount of cash rental assistance to be provided is based on a one-time calculation. The URA RHP payment is not adjusted to reflect subsequent changes in a person's income, rent/utility costs, or household size. See Attachment 8-15 for the claim form to use for rental assistance or down payment assistance.

Attachment 8-15:  
Claim for Rental Assistance or  
Down Payment Assistance

### *Housing of Last Resort*

When undertaking relocation activities, grantees must be sure to provide a comparable replacement dwelling in a timely manner. If the grantee cannot identify comparable replacement housing, they must seek other means of assisting displacees under the “Last Resort Replacement Housing” provisions of the regulations. This situation can occur in communities where there is a limited supply of available comparable units. Grantees should contact DLG to confer on how to proceed.

49 CFR 24.404

The Last Resort sections of the URA require grantees to take alternate measures to assist displaced persons to be able to afford to move to a decent, safe and sanitary comparable unit. Such alternatives include rehabilitation of, and/or additions to, an existing replacement dwelling; a replacement housing payment in excess of regulatory limits; construction of new units; relocation of a replacement dwelling; and removal of barriers to the disabled in a replacement dwelling.

Handbook 1378, Chapter 3,  
Paragraph 3-6

### *Early Movers: Relocation Prior to Notice of Eligibility*

Some displaced persons will not wait for the grantee to locate comparable units and offer replacement housing assistance. These households may search for their own units and relocate themselves.

The implication of the early move will depend on when it occurs. If the move occurs after a General Information Notice (GIN) was sent to the household but before the Initiation of Negotiations, the household may have jeopardized their eligibility for relocation assistance.

However, after the Initiation of Negotiations, (the date that triggers eligibility for relocation assistance) relocation eligibility can be triggered for all occupants. So, it is vital that the grantee immediately send the Notice of Eligibility or Nondisplacement. If these notices are not sent in a timely or complete manner and the household moves out, HUD may require that the replacement housing be based on the actual unit they have chosen (if that exceeds a possible comparable), if that unit qualifies as decent, safe and sanitary. The budgetary consequences can be substantial.

### *Relocation into a Substandard Unit*

If an individual locates or moves into a replacement unit that is not decent, safe and sanitary and that move occurred because the grantee was not timely in the delivery of the required URA notices, the grantee may try to upgrade the unit to the decent, safe and sanitary standard.

Alternately, the grantee can offer the household the opportunity to move to a decent, safe and sanitary unit and the grantee must pay for that move.

In the event the grantee was timely in the delivery of the Notice of Eligibility but the household moved anyway to a substandard unit, the grantee must inform the displacee that if they remain in a substandard unit, they will be eligible only for moving expenses and not for replacement housing payments. The grantee must also inform the displacee that if he or she moves into standard housing within a year from the date he or she moved from the displacement dwelling and files a claim within 18 months of the date of displacement, he or she will be eligible for a replacement housing payment. A sample letter is provided as Attachment 8-14 of this chapter.

## Payment for Residential Moving and Incidental Expenses

Displaced homeowners and tenants may choose to receive payment for moving and related expenses either by:

- ✓ Commercial mover selected through competitive bids obtained by the grantee paid directly to the mover or reimbursed to the household; OR
- ✓ Reimbursement of actual expenses for a self-move, OR
- ✓ Receipt of a fixed payment based upon a schedule established by the Department of Transportation, Federal Highway Administration (FHWA), for the current payment level established for Kentucky which is available on their website.

<http://www.fhwa.dot.gov/reales/tate/fixsch96.htm>

The updated regulations at 49 CFR 24.301(b) clarified that grantees cannot allow residential self moves based on the lower of two bids.

49 CFR 24.301(b) and (g)(1-7)

If reimbursement of actual expenses for a self-move is chosen, the grantee must determine that the expenses are reasonable and necessary and include only eligible expenses, which are:

- ✓ Transportation of the displaced person and personal property. (This may include reimbursement at the current mileage rate for personally owned vehicles that need to be moved). Transportation costs for a distance beyond 50 miles are not eligible, unless the Agency determines that relocation beyond 50 miles is justified.
- ✓ Packing, crating, uncrating and unpacking of the personal property.
- ✓ Storage of the personal property for a period not to exceed 12 months, unless the Agency determines that a longer period is necessary.
- ✓ Disconnecting, dismantling, removing, reassembling, and reinstalling relocated household appliances, and other personal property.
- ✓ Insurance for the replacement value of the property in connection with the move and necessary storage.
- ✓ The replacement value of property lost, stolen, or damaged in the process of moving (not through the fault or negligence of the displaced person, his or her agent, or employee) where insurance covering such loss, theft or damage is not reasonably available.
- ✓ Credit checks.
- ✓ Utility hook-ups, including reinstallation of telephone and cable service.

49 CFR 24.301(h)

- ✓ Other costs as determined by the agency to be reasonable and necessary.

The following are ineligible expenses:

- ✓ Refundable security and utility deposits; or
- ✓ Interest on a loan to cover moving expenses; or
- ✓ Personal injury; or
- ✓ Any legal fee or other cost for preparing a claim for a relocation payment or for representing the claimant before the Agency; or
- ✓ The cost of moving any structure or other real property improvement in which the displaced person reserved ownership; or
- ✓ Costs for storage of personal property on real property owned or leased by the displaced person before the initiation of negotiations.

If the displaced homeowner/tenant chooses a fixed payment based upon a schedule established by the Department of Transportation, Federal Highway Administration (FHWA), the following apply:

- ✓ A person displaced from a dwelling or a seasonal residence may, at his or her discretion, choose to receive a fixed moving expense payment as an alternative to a payment for actual reasonable moving and related expenses.
- ✓ This payment is determined according to the applicable schedule published by FHWA. The most current schedule was published August 2008. [www.hud.gov/relocation](http://www.hud.gov/relocation)
- ✓ The payment reflects the number of rooms in the displacement dwelling and whether the displaced person owns and must move the furniture. If a room or an outbuilding contains an unusually large amount of personal property (e.g., a crowded basement), the Agency may increase the payment accordingly (i.e., count it as two rooms). A current schedule is accessible on HUD's website.
- ✓ Occupant of Dwelling with Congregate Sleeping Space (Dormitory). The moving expense for a person displaced from a permanent residence with congregate sleeping space ordinarily occupied by three or more unrelated persons is \$100.
- ✓ Homeless Persons. A displaced "homeless" person (e.g., the occupant of an emergency shelter) is not considered to have been displaced from a permanent residence and, therefore, is not entitled to a fixed moving expense payment. (Such a person may, however, be eligible for a payment for actual moving expenses.)

In addition to the moving expenses, the updated regulations at 49 CFR 24.401(e)(4) added professional home inspection to the list of eligible incidental expenses for displaced owner-occupants only. This will only apply when a property is involuntarily acquired and owner occupied for a period of at least 180 days.

49 CFR 24. 401(e)(4)

The URA also allows grantees to pay for non-refundable security deposits but clarifies that refundable security and utility deposits are ineligible.

49 CFR 24.301(h)(12)

## Section 8-E. Temporary Relocation

Agencies administering housing rehabilitation programs should establish written policies for temporary relocation of both owner-occupants and tenants.

Any temporary relocation may not exceed 12 months or the household is considered displaced. Agencies must administer their temporary relocation activities consistently and treat all people in similar circumstances the same. All terms must be “reasonable” or the temporarily-relocated household may become eligible as a “displaced person”.

### *Lead-Based Paint Hazards Requirements and Relocation*

The Lead Safe Housing Rule, 24 CFR Part 35, contain rules concerning the temporary relocation of occupants (renters and owners) before and during hazard reduction activities.

24 CFR Part 35

24 CFR 570.608

Under the lead regulations, circumstances when temporary occupant relocation is **not required** include:

- ✓ Treatment will not disturb lead-based paint or create lead-contaminated dust; or
- ✓ Treatment of interior will be completed within one period in eight daytime hours, the site will be contained, and the work will not create other safety, health or environmental hazards: or
- ✓ Only the building’s exterior is treated; the windows, doors, ventilation intakes, and other openings near the work site are sealed during hazard reduction activities and cleaned afterward; and a lead-free entry is provided; or
- ✓ Treatment will be completed within five calendar days; the work area is sealed; at the end of each day, the area within 10 feet of the contaminant area is cleared of debris; at the end of each day, occupants have safe access to sleeping areas, bathrooms, and kitchen facilities; and treatment does not create other safety, health or environmental hazards.

If these above conditions are not met, then the temporary relocation of the household is required. However, because the rehabilitation of owner-occupied units is considered voluntary, the relocation requirements of the URA do not apply regardless of whether the unit is being treated for lead-based paint. Any payments made on an owner-occupants’ behalf would be addressed in an Optional Relocation Policy.

Again, note that the rehabilitation of tenant-occupied units is not considered voluntary and the URA requirements detailed earlier in this section apply.

**Tip:** Elderly residents living in units undergoing lead hazard reduction activities may waive the requirement to relocate but only if the grantee obtains a written and signed waiver. (See Attachment 8-11.)

Attachment 8-11:  
Elderly Waiver for Relocation

The lead rule further requires that temporary dwellings not have lead-based paint hazards. Therefore, grantees are required to ensure that units used for temporary relocation are lead safe. This means that temporary housing units were built after 1978 or have undergone a visual assessment and dust wipe sampling to ensure no lead hazards are present.

## Temporary Relocation of Owner-Occupants in Rehabilitation Projects

An owner-occupant who participates in a CDBG grantee's housing rehabilitation program is considered a voluntary action under the URA, provided that code enforcement was not used to induce an owner-occupant to participate.

If a grantee chooses to provide temporary relocation assistance to owner-occupants, the grantee must adopt an Optional Temporary Relocation Assistance Policy.

### *Guidance for Owner-Occupant Temporary Relocation in Rehabilitation Projects*

The grantee should develop written policies as early as possible in the application stage so occupants can make suitable arrangements to move from of their homes with the least amount of disruption. Because the URA does not cover owner-occupants who voluntarily participate in housing rehabilitation programs, the grantee has broad discretion regarding payments to owners during the period of temporary relocation. If a grantee chooses to provide temporary relocation assistance to owner-occupants through a "voluntary" CDBG Program, the grantee must adopt an optional relocation assistance policy.

24 CFR 570.488 and 570.606(d)(2)

The owner-occupant may be encouraged to stay with family or friends (noting the requirement to inspect these units to ensure the units are decent, safe and sanitary and lead-safe), but if there are circumstances in which there is no suitable alternative, and the owner would be faced with a hardship, the agency may set a policy that describes what constitutes a "hardship" and provide a certain level of financial assistance.

An agency may negotiate with various hotels to establish an attractive rate and pay the negotiated rate on the owner's behalf. The hotel units must be decent, safe and sanitary, and cannot present a lead-paint hazard to occupants. Agencies should inspect the hotel units prior to signing an agreement to use them as a resource. In addition, agencies may provide a stipend for meals if the temporary unit does not have cooking facilities.

## Temporary Relocation of Tenants in Rehabilitation Projects

Tenants are protected by the URA during temporary relocation. HUD's Handbook 1378 suggests that at least 30 days advance notice be given to tenants prior to the temporary move. In addition, the tenant must be provided:

Handbook 1378, Chapter 2,  
Paragraph 2-7

- ✓ 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/utility costs at such housing. (They are still responsible for paying their share of the rent for the unit undergoing renovation.)
- ✓ Appropriate advisory services, including reasonable advance written notice of:
- ✓ The date and approximate duration of the temporary relocation;
- ✓ The address of the suitable, decent, safe, and sanitary dwelling to be made available for the temporary period;
- ✓ The 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

- ✓ The provisions of reimbursement for all reasonable out-of-pocket expenses.

Handbook 1378, Chapter 2,  
Paragraph 2-7

The tenant must receive a Notice of Nondisplacement (Attachment 8-7) which advises a person that they may be or will be temporarily relocated.

Once it becomes evident that the tenant will need to be temporarily relocated, the grantee should send a Temporary Relocation Notice to inform households who will be temporarily relocated of their rights and of the conditions of their temporary move. (See Attachment 8-24 for a sample Temporary Relocation Notice.)

Attachment 8-7: Notice of  
Nondisplacement  
Attachment 8-24: Sample  
Temporary Relocation Notice

**Tip:** The Notice of Non-displacement is very important when dealing with temporary relocation because it helps prevent temporary moves from becoming permanent.

### *Guidance on Tenant Temporary Relocation*

To assist with the temporary relocation of tenants, the grantee could encourage tenants to identify their own temporary housing (within the established guidelines), but ultimately the agency is responsible for finding suitable shelter until rehabilitation is complete. In addition, the agency could use hotel rooms and provide a meal stipend if there are no cooking facilities. The stipend could vary depending on the age of the children in the household (if any).

The terms and conditions of the temporary move must be reasonable or the tenant may become “displaced”. The grantee should be aware that the temporary unit need not be comparable, but it must be suitable for the tenant’s needs. It must be inspected, found to be decent, safe, sanitary, and lead safe. Attachment 8-12: Section 8 Existing Housing Program Inspection Checklist may be used to document the inspection. If the tenant claims to be paying rent to a friend or family member, the grantee should document that rent was paid and the housing was suitable. The tenant must be provided adequate advance notice to move out of their unit and back when rehabilitation work is complete. A good rule of thumb suggested by DLG is that temporary relocation is reasonable for six months or less. Anything in excess of one year is considered permanent displacement.

Attachment 8-12: Section 8  
Existing Housing Program  
Inspection Checklist

If the owner of the property is planning to raise the rent or offer a different unit in the property (that exceeds the greater of: their former rent or 30% of gross monthly income), the tenant must be notified of these changes before moving back. If the cost of rehabilitation including lead hazard control work causes the rent to be increased and creates a rent burden (“economic displacement”), the tenant is protected by the URA and could be eligible for relocation assistance.

The term “economic displacement” is used to cover households who lived in the project prior to the Federally-funded activity (acquisition or rehabilitation) and whose rent is raised resulting in a move because they can no longer afford to remain.

If the rent will be increased and the household can no longer afford to stay, the grantee should treat the household as a displaced person and provide them with all of the assistance outlined under Section 8-D including: Advisory Services, Moving Expenses, and a Replacement Housing Payment as needed..

## Section 8-F. Non-Residential Relocation under the URA

Displaced businesses (including non-profit organizations and farm owners) are entitled to advisory services and relocation assistance under the URA. A business is defined for this purpose as:

49 CR 24.2(a)(4)

A for-profit business, engaged in any lawful activity involving purchase, sale of goods or services, manufacturing, processing, marketing, rental of property, or outdoor advertising when the display must be moved;

.To qualify for assistance, the business must meet the definition of a “displaced person” discussed earlier in this chapter. It must move permanently as a direct result of an assisted project involving acquisition, rehabilitation, or demolition.

Handbook 1378, Chapter 1,  
Paragraphs 1-4

The URA provides coverage for business owners (whether they are on-site or not), for owner/occupants of a business, and for tenants operating a business in rented space.

### Business versus Residential Assistance

URA coverage for moving expenses is similar for residential and non-residential displacees:

Qualified businesses may choose between a fixed payment or actual moving expense. The fixed payment is based on a formula, rather than a schedule.

Handbook 1378, Chapter 4,  
Paragraphs 4-2 and 4-5

A displaced business is eligible to choose a fixed payment if the grantee determines that:

- ✓ The business either (a) discontinues operations, or (b) it relocates but is likely to incur a substantial loss of its existing patronage (The URA presumes this unless there is a preponderance of evidence to the contrary.); and
- ✓ The business is not part of a commercial enterprise having more than three other entities which are not being displaced by the grantee, and which are under the same ownership and engaged in the same or similar business activities; and
- ✓ The business contributed materially to the income of the displaced person; and
- ✓ The business operation at the displacement property is not solely for the rental of that real property to another property management company.

Actual moving expenses provide for reimbursement of limited reestablishment expenses.

Handbook 1378, Chapter 4,  
Paragraph 4-3

There are differences between coverage for residential and non-residential displacees:

- ✓ A 90-day Notice to Move may be issued without a referral to a comparable site.
- ✓ Businesses are entitled to temporary moving expenses; however, displaced businesses are not eligible for 104(d) assistance.

Owners or tenants who have paid for improvements will be compensated for their real property under acquisition rules. A complete, thorough appraisal is essential to making these decisions.

## Advisory Services

Non-residential moves are often complex. Grantees must interview business owners to determine their relocation needs and preferences. Displaced businesses are entitled to the following:

- ✓ Information about the upcoming project and the earliest date they will have to vacate the property;
- ✓ A complete explanation of their eligibility for relocation benefits and assistance in understanding their best alternatives;
- ✓ Assistance in following the required procedures to receive payments;
- ✓ Current information on the availability and cost to purchase or rent suitable replacement locations;
- ✓ Technical assistance, including referrals, to help the business obtain an alternative location and become reestablished;
- ✓ Referrals for assistance from State or Federal programs, such as those provided by the Small Business Administration, that may help the business reestablish, and help in applying for funds; and
- ✓ Assistance in completing relocation claim forms.

## Notices and Inspections

The grantee must provide a business to be displaced with written information about their rights, and provide them with a General Information Notice (GIN) tailored to the situation when a Notice of Interest is issued to the property owner. See Attachment 25(a) for a sample GIN to use for businesses (non-residential tenants). The General Information Notice should include:

- ✓ An explanation that a project has been proposed and caution the business not to move until they receive a Notice of Eligibility for Relocation Assistance. (See Attachment 8-25(b) for a sample of this notice.)
- ✓ A general description of relocation assistance payments they could receive, the eligibility requirements for these payments, and the procedures involved. The HUD Information Booklet, Relocation Assistance to Displaced Businesses, Nonprofit Organizations, and Farms (HUD 1043-CPD) includes this general information and should be given to the business. See Attachment 8-26 for a copy of this HUD information booklet for businesses.
- ✓ Information that they will receive reasonable relocation advisory services to help locate a replacement site, including help to complete claim forms;

Handbook 1378, Chapter 2,  
Paragraph 2-3 B

Attachment 8-25(a):  
Guideform GIN Non-Residential  
Tenant to be displaced

Attachment 8-25(b): Guideform  
Notice of Eligibility for Relocation  
Assistance – Business

Handbook 1378, Chapter 7,  
Paragraph 7-7

Attachment 8-26: Relocation  
Assistance to Displaced  
Businesses, Nonprofit  
Organizations, and Farms

Handbook 1378, Chapters 2 and 4,  
Paragraphs 2-3 B and 4-2b

- ✓ Information that they will not be required to move without at least 90 days' advance written notice; and
- ✓ A description of the appeal process available to businesses.

If a business must be displaced, a tailored Notice of Relocation Eligibility (NOE) must be provided as soon as possible after the ION (see Attachment 8-25(b) for a sample notice). This Notice should:

Handbook 1378, Chapter 2,  
Paragraph 2-3 C

- ✓ Inform the business of the effective date of their eligibility.
- ✓ Describe the assistance available and procedures.
- ✓ If necessary, a 90-day Notice to Move may be sent after the initiation of negotiations.
- ✓ The business must be told as soon as possible that they are required to:

Handbook 1378, Chapter 4,  
Paragraph 4-2b

- ✓ Allow inspections of both the current and replacement sites by the grantee's representatives, under reasonable terms and conditions;
- ✓ Keep the grantee informed of their plans and schedules;
- ✓ Notify the grantee of the date and time they plan to move (unless this requirement is waived); and
- ✓ Provide the grantee with a list of the property to be moved or sold.

Grantees need to be aware of when a property will be vacated. In many situations, the grantee must be on-site during a business move to provide technical assistance and represent the grantee's interests. In accordance with state law, any property not sold, traded or moved by the business becomes the property of the grantee.

Handbook 1378, Chapter 4,  
Paragraphs 4-2b (2) and 4-2d

To be certain that the move takes place at a reasonable cost, an inventory containing a detailed itemization of personal property to be moved should be prepared and provided to the grantee. The grantee should verify this inventory and use it as a basis of comparison with bids or estimates and eventual requests for payment.

Handbook 1378, Chapter 4,  
Paragraphs 4-2b (2)

## Reimbursement of Actual Moving Expenses

Any displaced business is eligible for reimbursement of reasonable, necessary actual moving expenses.

Handbook 1378, Chapter 4,  
Paragraph 4-2a

- ✓ Only businesses that choose actual moving expenses - versus a fixed payment - are eligible for a reestablishment expense payment.
- ✓ Grantees should not place additional hardships on businesses, but they can limit the amount of payment for actual moving expenses based on a least-cost approach.
- ✓ Businesses may choose to use the services of a professional mover or perform a self-move. Eligible expenses include:
  - Transportation of personal property;

- Packing, crating, uncrating, unpacking of personal property;
- Disconnecting, dismantling, removing, reassembling, and reinstalling machinery, equipment, and personal property;
- Storage of personal property;
- Insurance for replacement value of personal property in connection with the move and/or storage;
- Any license, permit or certification required at the new location;
- Professional services to plan the move, move the personal property or install the personal property at the new location;
- Provision of utility service from the Right of Way to the business;
- Professional services performed prior to the purchase or lease of a replacement site to determine its suitability for the displaced person's business operation including but not limited to, soil testing, feasibility and marketing studies (excluding any fees or commissions directly related to the purchase or lease of such site).
- Impact fees or one-time heavy utility use assessments;
- Re-lettering signs and replacing existing stationery that are obsolete due to the displacement; and
- Reasonable costs incurred while attempting to sell items that will not be relocated.

A business is eligible for either a "Direct Loss" or "Substitute Equipment" payment if the displacee will leave or replace personal property. A business can accept either of these (but not both) for an item.

A "Direct Loss" payment can be made for personal property that will not be moved. Payments can also be made as a result of discontinuing the business of the nonprofit or farm.

49 CFR 24.301(g)(14)

The business must make a good faith effort to sell the personal property (unless the grantee determines it is unnecessary) in order to be eligible for a Direct Loss payment. A Direct Loss payment is based on the lesser of:

- ✓ The fair market value of the item for continued use at the displacement site, minus the proceeds from the sale, or
- ✓ The estimated cost to move the item, with no allowance for the following: storage, or reconnecting a piece of equipment if the equipment is in storage or not being used at the acquired site. If the business is discontinuing, the cost to move is based on a moving distance of 50 miles.

A "Substitute Equipment" payment can be made when an item used by the business, nonprofit, or farm is left in place, but is promptly replaced with a substitute item that performs a comparable function at the new site. A Substitute Equipment payment is based on the lesser of:

- ✓ The cost of the substitute item, including installation costs at the replacement site, minus any proceeds from the sale or trade-in of the replaced item; or
- ✓ The estimated cost to move and reinstall the item, but with no allowance for storage.

Certain costs incurred while searching for a replacement location are also eligible. Businesses are entitled to reimbursement up to \$2,500. Grantees can pay more than this if they believe it is justified.

Costs may include reasonable levels of such items as:

- ✓ Transportation;
- ✓ Meals and lodging away from home;
- ✓ Time spent while searching, based on a reasonable pay salary or earnings; and
- ✓ Fees paid to a real estate agent or broker while searching for the site (Note that commissions related to the purchase are not eligible costs).

Handbook 1378, Chapter 4,  
Paragraph 4-4a

49 CFR 24.301 (e)

The grantee may pay other moving and related expenses that the grantee determines are reasonable and necessary and are not listed as ineligible. Payment of other reasonable and necessary expenses' may be limited by the grantee to the amount determined to be least costly without causing the business undue hardship.

There may be instances where a person is required to move personal property from real property but is not required to move from a dwelling (including a mobile home), business, farm or nonprofit organization. Eligible expenses for moving the personal property are listed above.

Businesses may have personal property that is considered low value, high bulk such as stock piled sand, gravel, minerals, metals or other similar items in stock. When the personal property to be moved is of low value and high bulk, and the cost of moving the property would be disproportionate to its value in the judgment of the grantee, the allowable moving cost payment shall not exceed the lesser of:

- ✓ The amount which would be received if the property were sold at the site; or
- ✓ The replacement cost of a comparable quantity delivered to the new businesses location.

See Attachment 8-27 for a sample claim form for moving and related expenses for businesses.

Attachment 8-27: Claim for Actual  
Reasonable Moving and Related  
Expenses – Businesses

## Reestablishment Expenses

Only certain small businesses are eligible for reestablishment expenses, up to \$10,000. "Small businesses" for this purpose are defined as those with at least one, and no more than 500 people, working at the project site. Businesses displaced from a site occupied only by outdoor advertising signs, displays, or devices are not eligible for a reestablishment expense payment.

Handbook 1378, Chapter 4,  
Paragraph 4-3  
49 CFR 24.304

Eligible items included in the \$10,000 maximum figure are:

- ✓ Repairs or improvements to the replacement site, as required by codes, or ordinances;
- ✓ Modifications to the replacement property to accommodate the business;
- ✓ Modifications to structures on the replacement property to make it suitable for conducting the business;

- ✓ Construction and installation of exterior advertising signs;
- ✓ Redecoration or replacement at the replacement site of soiled or worn surfaces, such as paint, paneling, or carpeting;
- ✓ Other licenses, fees, and permits not otherwise allowed as actual moving expenses;
- ✓ Feasibility surveys, soil testing, market studies;
- ✓ Advertisement of the replacement location;
- ✓ Estimated increased costs of operation for the first two years at the replacement site for such items as:
  - Lease or rental charges,
  - Utility charges,
  - Personal or property taxes, and
  - Insurance premiums.
- ✓ Other reestablishment expenses as determined by the grantee to be essential to reestablishment.

## Ineligible Expenses

The following are ineligible for payment as an actual moving expense, as a reestablishment expense, or as an “other reasonable and necessary expense”:

Handbook 1378, Chapter 4,  
Paragraph 4-4b

- ✓ Loss of goodwill;
- ✓ Loss of profits;
- ✓ Personal injury;
- ✓ Interest on a loan to cover any costs of moving or reestablishment expense;
- ✓ Any legal fees or other costs for preparing a claim for a relocation payment, or for representing the claimant before the grantee;
- ✓ The cost of moving any structure or other real property improvement in which the business reserved ownership;
- ✓ Costs for storage of personal property on real property already owned or leased by the business before the initiation of negotiations;
- ✓ Costs of physical changes to the replacement site above and beyond that required to move and reestablish the business;
- ✓ The purchase of capital assets, manufactured materials, production supplies, or product inventory, except as permitted under “moving and related costs;” or
- ✓ Interior and exterior finishes solely for aesthetic purposes, except for the redecoration or replacement of soiled or worn surfaces described in “reestablishment expenses.”

Handbook 1378, Chapter 4,  
Paragraph 4-4c

## Fixed Payments

A displaced business may select a fixed payment instead of actual moving expenses (which include reestablishment expenses) if the grantee determines that the displacee meets the following eligibility criteria:

Handbook 1378, Chapter 4,  
Paragraph 4-5  
49 CFR 24.305

- ✓ The nature of the business cannot solely be the rental of property to others.
- ✓ The business discontinues operations or it will lose a substantial portion of its business due to the move. (The latest regulations state that a business is presumed to meet this test unless the grantee can demonstrate it is not “location sensitive”.)
- ✓ The business is not part of an operation with more than three other entities where:
  - ✓ No displacement will occur, and
  - ✓ The ownership is the same as the displaced business, and
  - ✓ The other locations are engaged in similar business activities.
- ✓ The business contributed materially to the income of the displaced business.
- ✓ The term “contributed materially” means that during the two taxable years prior to the taxable year in which the displacement occurred (or the grantee may select a more equitable period) the business or farm operation:
  - ✓ Had average gross earnings of at least \$5,000; or
  - ✓ Had average net earnings of at least \$1,000;
  - ✓ Contributed at least 33 1/3 percent (one-third) of the owner’s or operator’s average annual gross income from all sources;
  - ✓ If the grantee determines that the application of these criteria would cause an inequity or hardship, it may waive these criteria.

Handbook 1378, Chapter 4,  
Paragraph 4-5c

The amount of the fixed payment is based upon the average annual net earnings for a two-year period of a business or farm operation.

Net earnings include any compensation obtained from the business that is paid to the owner, the owner’s spouse, and dependents. Calculate net earnings before Federal, State, and local income taxes for a two-year period. Divide this figure in half. The minimum payment is \$1,000; the maximum payment is \$20,000

Handbook 1378, Chapter 4,  
Paragraph 4-5d (1)

The two-year period should be the two tax years prior to the tax year in which the displacement is occurring, unless there is a more equitable period of time that should be used.

- ✓ If the business was not in operation for a full two-year period prior to the tax year in which it would be displaced, the net earning should be based on the actual earnings to date and then projected to an annual rate.
- ✓ If a business has been in operation for a longer period of time, and a different two-year period of time is more equitable within reason, the fixed payment should be based on that time period.

When income or profit has been adjusted on tax returns to reflect expenses or income not actually incurred in the base period, the amount should be adjusted accordingly.

Handbook 1378, Chapter 4,  
Paragraph 4-5d (2)

When two or more entities at the same location are actually one business, they are only entitled to one fixed payment. This determination should be based on:

Handbook 1378, Chapter 4,  
Paragraph 4-5d

- ✓ Shared equipment and premises, and
- ✓ Substantially identical or inter-related business functions and financial affairs that are co-mingled, and
- ✓ Entities that are identified to the public and their customers as one entity, and
- ✓ The same person or related persons own, control, or manage the entities.
- ✓ Businesses must furnish grantees with sufficient documentation of income to justify their claim for a Fixed Payment. This might include:
  - ✓ Income tax returns,
  - ✓ Certified or audited financial statements,
  - ✓ W-2 forms, and
  - ✓ Other financial information accepted by the grantee.

Optional form HUD-40056 "Claim for Fixed Payment in Lieu of Payment for Actual Reasonable Moving and Related Expenses" (Appendix 17 of HUD Handbook 1378) may be used to claim the fixed payment. If another form is used, it should provide the same information in at least the same level of detail (see Attachment 8-28).

Attachment 8-28: Claim for Fixed  
Payment in Lieu of Payment for  
Actual Moving and Related  
Expenses – Businesses

## Section 8-G. Relocation Requirements under Section 104(d)

The relocation requirements of Section 104(d) differ from URA requirements. The grantee is required to provide certain relocation assistance to any lower-income person displaced as a direct result of (1) the demolition of any dwelling unit, or (2) the conversion of a low- and moderate-income dwelling unit to a use other than a low- and moderate-income dwelling in connection with an assisted activity. The rules implementing the Section 104(d) relocation requirements for the State CDBG program are found at 24 CFR 570.488.

24 CFR 570.496a(c)(2) and (3)

104(d) replacement housing payments are available only to low- or moderate-income households. In addition, Section 104(d) relocation assistance is not triggered for a project, but rather for a household within a specific unit.

### Eligibility

To be eligible for Section 104(d) relocation assistance, a person must meet certain criteria. Under Section 104(d), a displaced person is a lower-income tenant who moves permanently, in

24 CFR 42.305

connection with an assisted activity, as a direct result of conversion of a low- and moderate-income dwelling unit or demolition of any dwelling unit.

## Amount of Assistance

Under Section 104(d), each displaced household is entitled to choose either assistance at URA levels (detailed earlier in the chapter) or the following relocation assistance:

- ✓ Advisory services (same as under URA) - Includes notices, information booklets, explanation of assistance, referrals to comparable housing and counseling.
  - In general, both 104(d) and the URA require that a General Information Notice, and a Notice of Nondisplacement or a Notice of Eligibility for Relocation Assistance be provided.
  - The Notice of Nondisplacement informs residential occupants who will remain in the project area after completion of the assisted activity of their rights and of the terms and conditions of their remaining in the property.
  - The Notice of Eligibility for Relocation Assistance informs residential occupants who will be displaced of their rights and levels of assistance under 104(d). (See Attachments 8-7, 8-8, 8-16 and 8-17 for samples of these notices).
- ✓ Payment for moving and related expenses (the same as under URA) - Payment for actual reasonable moving and related expenses or a moving expense and dislocation allowance based on a schedule that is available from DLG (see Attachment 8-21: Residential Moving Expense and Dislocation Allowance Schedule). Also see Attachment 8-22 for the claim form to use for moving costs and related expenses.
- ✓ Security Deposits – (not required under URA) The reasonable and necessary cost of any security deposit required to rent the replacement dwelling unit.
- ✓ Credit checks – (not required under URA) Required to rent or purchase the replacement dwelling unit (also eligible under URA).
- ✓ Interim living costs – (same as for URA) The person shall be reimbursed for actual reasonable out-of-pocket costs incurred in connection with temporary relocation, including moving expenses and increased housing costs if the person must relocate temporarily because continued occupancy of the dwelling unit constitutes a substantial danger to the health or safety of the person or the public.
- ✓ Replacement Housing Assistance: The 104(d) replacement housing payment is intended to provide affordable housing for a 60-month period. There is no cap on the 104(d) replacement housing payment. As with URA, the 104(d) payment is calculated using the cost of the tenant’s actual, decent, safe and sanitary replacement dwelling (including utilities) or a comparable replacement dwelling.
- ✓ The replacement housing payment makes up (for a 60-month period, not 42 months as in URA) the difference between:
  - The rent and utility costs for the actual replacement dwelling (or comparable), and

Attachments 8-7, 8-8, 8-16 and 8-17: Guideform Notices

Attachment 8-21: Residential Moving Expense and Dislocation Allowance Payment Schedule (<https://www.fhwa.dot.gov/realestate/fixsch96.htm>)

Attachment 8-22: Claim Form for Moving Costs and Related Expenses

- The tenant's Total Tenant Payment, calculated as the greater of:
  - Thirty percent of adjusted income,
  - Ten percent of gross income,
  - The welfare rent (see 24 CFR 5.628(a)(3)), and
  - Minimum rent in accordance with 24 CFR 5.630.

**Note:** The amount of the rent at the displacement unit is NOT used in calculating the RHP under 104(d).

Persons eligible for assistance under Section 104(d) are also eligible for URA assistance. In order for such persons to make an informed decision, grantees must determine and inform the person of the amount of replacement housing assistance available under Section 104(d) and the amount of replacement housing assistance available under the URA.

Attachment 8-18 to this Chapter summarizes the major differences between URA and Section 104(d) relocation assistance.

Attachment 8-18: Summary of Major Differences between 104(d) and URA Relocation Assistance

The grantee has the option to offer all or a portion of this 104(d) rental assistance through a Section 8 Housing Choice Voucher, if the grantee has access to a Voucher and provides referrals to comparable replacement dwelling units where the owner is willing to participate in the Section 8 Existing Housing Program.

Attachments 8-16 and 8-17: Guideform Notices of Eligibility for Section 104(d) Relocation Assistance  
Attachment 8-23: Claim for Rental or Purchase Assistance under Section 104(d)

If a person then refuses Section 8 assistance, the grantee has satisfied the Section 104(d) replacement housing assistance requirements. In such case, the displaced person may seek URA replacement housing assistance.

Cash rental assistance must be provided in installments, unless the tenant wishes to purchase a home. If the displaced tenant wishes to purchase a home, the payment must be provided in a lump sum so that the funds can be used for a down payment, including incidental expenses. The amount of cash rental assistance to be provided is based on a one-time calculation. The payment is not adjusted to reflect subsequent changes in a person's income, rent/utility costs, or household size. (Note: This guidance is also applicable under the URA.) Under 104(d), only a housing cooperative or mutual housing are eligible forms of ownership for down payment assistance.

Sample eligibility notices for Section 104(d) relocation assistance are included as Attachments 8-16 and 8-17 of this chapter. Also, the claim form for rental or purchase assistance under Section 104(d) can be found as Attachment 8-23.

## Total Tenant Payment (TTP)

Under the URA, a displaced person's gross monthly income and old rent are used to calculate the replacement housing payment. However, under Section 104(d), the Total Tenant Payment (TTP) is used to establish the amount of replacement housing assistance.

Handbook 1378, Chapter 7, Paragraph 7-20

Under Section 104(d), a displaced person is eligible for financial assistance sufficient to reduce the monthly rent and estimated average monthly utility costs for a replacement dwelling to the Total Tenant Payment (TTP).

To receive assistance, a person must sign a release authorizing any depository or source of income to furnish the grantee information necessary to verify income. In order of acceptability, the three methods of verifying a person's income are:

Handbook 1378, Chapter 7,  
Paragraph 7-21(c)

- ✓ Third party written or oral verification. Written verification should not be hand-carried by the person.
- ✓ Review of documents, when third party verification is unavailable. Documents may include items such as pay stubs, government benefits statements like social security, and income tax returns provided they are updated to project income.
- ✓ Notarized self-certification, unless the grantee determines notarization is unnecessary.

**Caution:** The method of verifying income for the purposes of determining eligibility for housing assistance varies from what is described above. (See Chapter 10 for further guidance.)

## Section 8-H. Section 104(d) One-for-One Unit Replacement

The basic concept behind the Section 104(d) requirements is that CDBG funds may not be used to reduce a jurisdiction's stock of affordable housing.

The 104(d) regulations state that: "All occupied and vacant occupiable low- and moderate-income dwelling units that are demolished or converted to a use other than as low- and moderate-income dwelling units in connection with an assisted activity must be replaced with comparable low income dwelling units."

Before obligating or expending funds that will directly result in demolition or conversion, the grantee must make public and submit to DLG the information required in the grantee's Residential Anti-displacement and Relocation Assistance Plan.

24 CFR 42.375(a)

There are four key issues in understanding the one-for-one replacement requirement.

- ✓ Which dwelling units must be replaced (and which need not be replaced)?
- ✓ What counts as a replacement dwelling unit?
- ✓ What information must be made public and submitted to the State before execution of contracts?
- ✓ What is the exception to one-for-one replacement rules?

All replacement housing must initially be made available for occupancy at any time during the period beginning one year before the grantee makes public the information required under the Residential Anti-displacement and Relocation Assistance Plan and ending three years after the commencement of the demolition or rehabilitation related to the conversion. Also, a One-for-One Replacement Summary Grantee Performance Report must be submitted before relocation activities can begin and kept updated (informing DLG of updates) for the low- and moderate-income units demolished or converted in the project. See Attachment 8-30 for a sample of the One-for-One Replacement Summary Grantee Performance Report.

Attachment 8-30: One-for-One  
Replacement Summary Grantee  
Performance Report

## Dwelling Units That Must Be Replaced

Grantees must replace a housing unit if the unit meets all three conditions listed below:

- ✓ **Condition 1:** It meets the definition of low/moderate dwelling unit. A low/mod dwelling unit is defined as a dwelling unit with a market rent (including an allowance for utilities) that is equal to or less than the Fair Market Rent (FMR) for its size. A reduced rent charged to a relative or on-site manager is not considered market rent. Fair Market rents may be found on the HUD website at <http://www.hud.gov/offices/cpd/affordablehousing/programs/home/limits/rent/index.cfm>.

[www.hud.gov/offices/cpd/affordablehousing/programs/home/limits/rent/index.cfm](http://www.hud.gov/offices/cpd/affordablehousing/programs/home/limits/rent/index.cfm)

AND

- ✓ **Condition 2:** It is occupied or is a vacant occupiable dwelling unit. A vacant occupiable dwelling unit is defined as:
  - A dwelling unit in standard condition (regardless of how long it has been vacant); or
  - A vacant unit in substandard condition that is suitable for rehabilitation (regardless of how long it has been vacant); or
  - A dilapidated unit, not suitable for rehabilitation, which has been legally occupied within three months from before the date of agreement.

AND

- ✓ **Condition 3:** It is to be demolished or converted to a unit with a market rent (including utilities) that is above the FMR or to a use that is no longer for permanent housing (including conversion to a homeless shelter).

It is important to note that the income of the particular occupant is irrelevant in one-for-one replacement. It is also important to note that local funds used to match a CDBG grant (including those in excess of the required match amount) are defined as any monies expended to support CDBG activity, which means that the use of the matching funds for the demolition or conversion of a unit that meets the criteria listed above would also trigger the Section 104(d) replacement requirements.

## Criteria for Replacement Units

Replacement low- and moderate-income dwelling units may be provided by any public agency or private developer. Replacement units must meet all of the following criteria:

- ✓ Replacement units must be located within the grantee's jurisdiction and, to the extent feasible and consistent with other statutory priorities, the units shall be located within the same neighborhood as the units lost.

Applicable statutory priorities include those promoting housing choice, avoiding undue concentrations of assisted housing, and prohibiting development in areas affected by hazardous waste, flooding, and airport noise.

Replacement units must be sufficient in number and size to house no less than the number of occupants who could have been housed in the units that are demolished or converted.

- ✓ The number of occupants who could have been housed in units shall be determined in accordance with applicable local housing occupancy codes. The grantee may not replace those units with smaller units (e.g., a 2-bedroom unit with two 1-bedroom units), unless the grantee, before committing funds, must provide information to citizens and to DLG demonstrating that the proposed replacement is consistent with the housing needs of lower-income households in the jurisdiction.

Provided in standard condition and vacant; rehabilitation of occupied units toward replacement does not count. Replacement low- and moderate-income dwelling units may include units that have been raised to standard from substandard condition if:

- ✓ The unit must have been vacant for at least three months before execution of the agreement covering the rehabilitation (e.g., the agreement between the grantee and the property owner); and
- ✓ No one was displaced from the unit as a direct result of the assisted activity.

Provided within a four-year timeframe:

- ✓ Replacement units must be initially made available for occupancy at any time during the period beginning one year before the grantee's submission of the information required under 24 CFR 570.606(c) and ending three years after the commencement of the demolition or rehabilitation related to the conversion. 24 CFR 570.606(c)(1)(iii)
- ✓ This period may slightly exceed four years. However, DLG requires all replacement units to be available before the project is closed.
  - A grantee that fails to make the required submission, will lose the year before submission for counting replacement units
- ✓ Affordable for 10 years.
  - Replacement units must be designed to remain LMI dwelling units for at least 10 years from the date of initial occupancy.
  - A key factor in projecting affordability is the character of the neighborhood in which the replacement units are located (i.e., neighborhood where current market rents are moderate and projected future rents are expected to remain within future FMRs).
  - Replacement low- and moderate-income dwelling units may include, but are not limited to, public housing, existing housing receiving Section 8 project-based assistance, HOME or CDBG-funded units that have at least a 10-year affordability period.

## Grantee Submission Requirements

Before a grantee executes a contract committing to provide CDBG funds for any activity that will directly result in either the demolition of low- and moderate-income dwellings units or the conversion of low- and moderate-income dwelling units to another use, the grantee must make public by posting in the Chief Elected Official's (CEO) office and submit the following information in writing to DLG for monitoring purposes:

- ✓ Description – A description of the proposed assisted activity.

- ✓ Location and number of units to be removed – The location on a map and number of dwelling units by size (number of bedrooms) that will be demolished or converted to a use other than as a LMI dwelling units as a direct result of the assisted activity.
- ✓ A time schedule for the commitment and completion of the demolition or conversion.
- ✓ Location and number of replacement units – The location on a map and the number of dwelling units by size (number of bedrooms) that will be provided as replacement dwelling units.
- ✓ If such data is not available at the time of the general submission, the submission shall identify the general location on an area map and the approximate number of dwelling units by size. Information identifying the specific location and number of dwelling units by size shall be submitted and disclosed to the public as soon as it is available.

### Exception to One-for-One Replacement

Replacement is not required if DLG determines that enough standard, vacant, affordable housing serving the jurisdiction is available. A grantee may not execute a contract for demolition or rehabilitation of dwelling units for which an exception is sought until the exception is authorized in writing by DLG.

The one-for-one replacement requirement does not apply to the extent DLG determines, based upon objective data, that there is an adequate supply of vacant lower-income dwelling units in standard condition available on a non-discriminatory basis within the grantee's jurisdiction.

In determining the adequacy of supply, DLG will consider whether the demolition or conversion of the low- and moderate-income dwelling units will have a material impact on the ability of lower-income households to find suitable housing. DLG will consider relevant evidence of housing supply and demand including, but not limited to, the following factors:

- ✓ Vacancy rate – The housing vacancy rate in the jurisdiction.
- ✓ Number of vacancies – The number of vacant LMI dwelling units in the jurisdiction (excluding units that will be demolished or converted).
- ✓ Waiting list for assisted housing – The number of eligible families on waiting lists for housing assisted under the United States Housing Act of 1937 in the jurisdiction. However, DLG recognizes that a community that has a substantial number of vacant, standard dwelling units with market rents at or below the FMR may also have a waiting list for assisted housing. The existence of a waiting list does not disqualify a community from consideration for an exception.
- ✓ Consolidated Plan – The needs analysis contained in the State's Consolidated Plan and relevant past predicted demographic changes.
- ✓ Housing outside the jurisdiction – DLG may consider the supply of vacant low- and moderate-income dwelling units in a standard condition available on a non-discriminatory basis in an area that is larger than the grantee's jurisdiction. Such additional dwelling units shall be considered if DLG determines that the units would be suitable to serve the needs of lower-income households that could be served by the low- and moderate-income dwelling units that are to be demolished or converted to another use. DLG will base this determination on geographic and demographic factors, such as location and access to places of employment and to other facilities.

## Procedure for Seeking an Exception

The grantee must submit a request for determination for an exception directly to DLG. Simultaneously with the submission of the request, the grantee must make the submission public and inform interested persons that they have 30 days from the date of submission to provide to DLG additional information supporting or opposing the request. If DLG, after considering the submission and the additional data, agrees with the request, DLG must provide its recommendation with supporting information to HUD.

## Section 8-I. Record Keeping

Each grantee is responsible for maintaining readily available and retrievable records in sufficient detail to demonstrate compliance with the URA, 104(d) and applicable relocation program regulations, irrespective of any tasks assigned to the real property owner. These records must be maintained for a period of five years after final project close-out, or the date a person has received all of the financial assistance due, whichever is the latest date.

Each notice that the grantee is required to provide to a property owner or occupant must be mailed certified or registered, first-class mail, return receipt requested. The return receipt must be affixed to each individual case file. If hand delivered, a written acknowledgment of receipt must be obtained from the addressee.

Attachment 8-31: Relocation File Checklist identifies all the information required for each file. Grantees should keep a copy of the checklist in front of each relocation file for tracking purposes and to facilitate State and local review.

Attachment 8-31:  
Relocation File Checklist

## Records on Displaced Persons

The grantee must maintain a separate case file on each residential and non-residential displaced person. The case file must contain the following:

- ✓ Identification of person, address, racial/ethnic group classification, age and sex of all members of the household, household income, monthly rent and utility costs (if the unit is a dwelling), type of enterprise (if non-residential), and person's relocation needs and preferences'

The list may be maintained manually or electronically and may be used to track progress in implementing the relocation process.

- ✓ A list of all persons occupying the real property on:
  - The date of the application for KCDBG assistance;
  - The date the applicant obtained site control, if this is not obtained until after the date the KCDBG application was made;
  - The date of Initiation of Negotiations applicable to the project. (Refer to Chapter 8, Handbook 1378 to identify the applicable date for KCDBG projects.)
- ✓ A list of all persons moving into the project after the application for KCDBG funds has been made but before the project was completed.

- ✓ Evidence that the person received a timely General Information Notice and a general description of the relocation payments and advisory services for which he/she may be eligible, basic eligibility conditions and procedures for obtaining payments.
- ✓ Evidence that the person received a timely written Notice of Eligibility for Relocation Assistance and, for those displaced from a dwelling, the specific comparable replacement and the related cost to be used to establish the upper limit of the replacement housing payment.
- ✓ Evidence of dates of personal contacts and a description of the advisory services offered and provided.
- ✓ Identification of referrals to replacement properties, date of referrals, rents/utility costs (if rental dwelling), date of availability and reason(s) person declined referral.
- ✓ Identification of actual replacement property, rent/utility cost (if rental dwelling) and date of relocation.
- ✓ Replacement dwelling inspection report and date of inspection.
- ✓ A copy of each approved claim form and related documentation, evidence that the person received payment and if applicable, the Section 8 Certificate or Housing Voucher.
- ✓ A copy of any appeal or complaint filed and the grantee response. DLG also requires a separate complaint file be maintained for all general complaints.

## Records of Persons Not Displaced

The grantee must also maintain information on persons not displaced:

For each occupant who has not been displaced, the grantee must maintain evidence that the person received a timely General Information Notice indicating that he/she would not be displaced by the project.

For each residential or non-residential occupant who was not displaced, evidence of the provision and receipt of a Notice of Nondisplacement.

If by staying in the project there is a possibility the occupant may become “rent burdened,” there are three options available to the grantee:

- ✓ The grantee can provide additional subsidies to make the unit affordable (e.g., tenant-based rental assistance),
- ✓ The owner can elect to limit rent increases for some units where the increase would result in a rent burden, or
- ✓ If neither of the above options is feasible, the grantee must consider the occupant a displaced person and issue a Notice of Eligibility for Relocation Assistance. If the occupant moves, the occupant is considered to be displaced by virtue of the activity that caused the rent to increase.

**Note:** Some rent-burdened tenants may elect to remain in the project and pay the higher rent. The tenant must be fully informed (via Notice of Eligibility for Relocation Assistance) of their rights to relocation assistance and waive those rights.

For tenants occupying a dwelling, there must be evidence that the tenant received a timely offer of:

- ✓ A reasonable opportunity to lease and occupy a suitable, affordable, decent, safe and sanitary dwelling on the real property, and
- ✓ Reimbursement of any out-of-pocket expenses incurred in connection with any temporary relocation or move to another unit on the real property.

For each occupant that is not displaced, but elects to move permanently from the real property, this documentation is especially important to ensure that the person does not have a basis for filing a claim for relocation payments as a "displaced person."

### Records of Occupants in Private Owner Rehabilitation Projects

For each private owner, multi-family rehabilitation project, the grantee must develop and maintain records identifying the name and address of:

- ✓ Category 1: All occupants of the real property at the time of submission of the application by the owner to the grantee;
- ✓ Category 2: All occupants moving into the property after the submission of the application but before completion of the project; and
- ✓ Category 3: All occupants immediately following completion of the project.

The grantee must be able to reconcile the available information on the persons in categories 1 and 2 above with the information on persons in category 3 so that a person reviewing the files can account for occupants (i.e., remained in occupancy, were displaced and received relocation assistance, or elected to relocate permanently even though not displaced).

### Records on Voluntarily Relocated Households

The grantee must establish individual case files for each household that was temporarily relocated on a voluntary basis. At a minimum, each case file must contain the following:

- ✓ Name of homeowner or tenant being temporarily displaced;
- ✓ Address of unit being rehabilitated;
- ✓ Address of replacement dwelling unit;
- ✓ Copies of all financial records attributable to the relocatee during the temporary displacement;
- ✓ Date relocatee(s) occupied the temporary unit and returned to the rehabilitated dwelling;
- ✓ Inspections of the condition of the relocation dwelling upon evacuation and prior to occupying the temporary unit; and
- ✓ All invoices for temporary relocation costs including all utility charges during the relocation and any other charges directly attributable to the temporary displacement.

### Section 8-J. Appeals

The grantee must develop an appeals procedure. It must outline the appeals process, including the grounds for filing an appeal,

Attachment 8-29:  
Grievance Procedures

which appeals would be filed in the locality, appropriate time limits, and the right of appeal to DLG. These are outlined in Chapter 7: Acquisition and apply to appeals concerning relocation assistance as well.

See Attachment 8-29 for sample grievance procedures.

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## **Attachments**

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- Attachment 8-1: Sample Guideform Notice to Prospective Tenants
  - Attachment 8-2: URA Relocation Flow Chart with Trigger Dates
  - Attachment 8-3: Sample Guideform Residential Antidisplacement and Relocation Plan
  - Attachment 8-4: Sample Guideform General Information Notice – Residential Tenant That Will Not be Displaced
  - Attachment 8-5: Sample Guideform General Information Notice – Residential Tenant to Be Displaced
  - Attachment 8-6: Sample Household Case Record
  - Attachment 8-7: Sample Guideform Notice of Eligibility for Relocation Assistance – Residential Tenant
  - Attachment 8-8: Sample Guideform Notice of Nondisplacement to Residential Tenant
  - Attachment 8-9: Relocation Assistance to Displaced Homeowners (HUD Brochure)
  - Attachment 8-10: Relocation Assistance to Displaced Tenants from Their Homes (HUD Brochure)
  - Attachment 8-11: Elderly Waiver for Relocation-Sample Form
  - Attachment 8-12: HUD Form 52580 Section 8 Existing Housing Program Inspection Checklist
  - Attachment 8-13: HUD Form 40061 – Selection of Most Representative Comparable Replacement Dwelling for Purposes of Computing a Replacement Housing Payment
  - Attachment 8-14: Sample Letter to Relocates in a Substandard Unit
  - Attachment 8-15: Claim for Rental Assistance or Down payment Assistance
  - Attachment 8-16: Sample Guideform Notice of Eligibility for Section 104(d) Relocation Assistance – Lower Income Residential Tenant, Section 8 Assistance Available
  - Attachment 8-17: Sample Guideform Notice of Eligibility for Section 104(d) Relocation Assistance – Lower Income Residential Tenant, Section 8 Assistance Not Available
  - Attachment 8-18: Summary of Major Differences Between 104(d) and URA Relocation Assistance
  - Attachment 8-19: Sample 90-Day and 30-day Notice to Vacate
  - Attachment 8-20: Tenant Assistance/Relocation Process Flow Chart
  - Attachment 8-21: Residential Moving Expense and Dislocation Allowance Payment Schedule
  - Attachment 8-22: Claim for Moving Costs and Related Expenses
  - Attachment 8-23: Claim for Rental or Purchase Assistance under Section 104(d)
  - Attachment 8-24: Sample Temporary Relocation Notice
  - Attachment 8-25(a): Sample General Information Notice (Non-residential)
  - Attachment 8-25(b): Sample Guideform Notice of Eligibility for Relocation Assistance – Businesses
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Attachment 8-26: HUD 1043 CPD Information Booklet – Relocation Assistance to Displaced Businesses, Nonprofit Organizations, and Farms

Attachment 8-27: Claim for Actual Reasonable Moving and Related Expenses – Businesses

Attachment 8-28: Claim for Fixed Payment in Lieu of Payment for Actual Moving and Related Expenses – Businesses, Nonprofit Organizations and Farm Operations

Attachment 8-29: Sample Grievance Procedures

Attachment 8-30: One-for-One Replacement Summary Grantee Performance Report

Attachment 8-31: Sample Relocation File Checklist

Attachment 8-32: Claim Form for 180-Day Homeowner

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**Attachment 8-1:  
Sample Guideform Notice to Prospective Tenants**

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GUIDEFORM NOTICE TO PROSPECTIVE TENANT  
(Sample)

Grantee or Agency Letterhead

(Date)

Dear \_\_\_\_\_:

On     (date)    ,     (property owner)     submitted an application to the     (Grantee)     for financial assistance to     [acquire] [rehabilitate] [demolish] [convert]     the building located at     (address)    . Because Federal funds are being used in this project, the Uniform Relocation Assistance and Real Property Acquisition Policies Act (URA) of 1970, as amended, applies for tenants in residence at the time of application. However, as a new tenant, you will not be eligible for relocation benefits under the URA.

This notice is to inform you of the following information before you enter into any lease agreement and occupy a unit at the above address:

- You may be displaced by the project.
- You may be required to relocate temporarily.
- You may be subject to a rent increase.
- You will not be entitled to any relocation benefits provided under the URA. If you have to move or your rent is increased as a result of the above project, you will not be reimbursed for any such rent increase or for any costs or expenses incurred by you in connection with a move as a result of the project.

Please read this notification carefully prior to signing a rental agreement and moving into the project. If you should have any questions about this notice, please contact     (Grantee)     at     (address and telephone number)    . Once you have read and have understood this notice, please sign the statement below if you still desire to lease the unit.

Sincerely,

\_\_\_\_\_  
(Name and Title)

I have read the above information and understand the conditions under which I am moving into this project.

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Print Name of Tenant(s)

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Signature(s)

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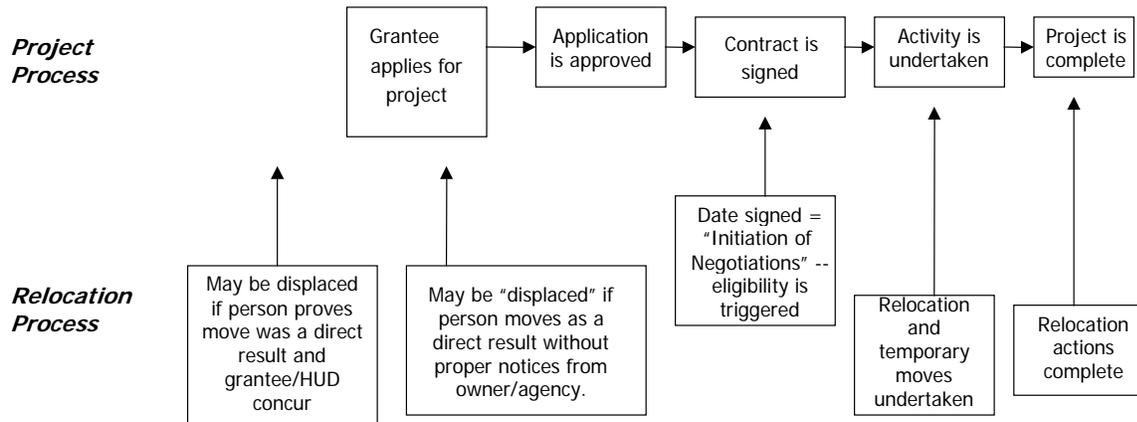
Address and Unit Number

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Date

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## Attachment 8-2: URA Relocation Flow Chart with Trigger Dates





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**Attachment 8-3:  
Sample Guideform Residential Antidisplacement  
and Relocation Plan**

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**Guideform Residential Antidisplacement and Relocation Assistance Plan under  
Section 104(d) of the Housing and Community Development Act of 1974,  
as amended  
(Sample)**

The     (jurisdiction)     will replace all occupied and vacant occupiable low/moderate income dwelling units demolished or converted to a use other than low/moderate income housing as a direct result of activities assisted with funds provided under the Housing and Community Development Act of 1974, as amended, as described in 24 CFR 570.488a(c)(1).

All replacement housing will be provided within three years of the commencement of the demolition or rehabilitation relating to conversion. Before obligating or expending funds that will directly result in such demolition or conversion, the (jurisdiction) will make public and submit to the Department of Local Government the following information in writing:

1. A description of the proposed assisted activity;
2. The general location on a map and approximate number of dwelling units by size (number of bedrooms) that will be demolished or converted to a use other than as low/moderate income dwelling units as a direct result of the assisted activity;
3. A time schedule for the commencement and completion of the demolition or conversion;
4. The general location on a map and approximate number of dwelling units by size (number of bedrooms) that will be provided as replacement dwelling units;
5. The source of funding and a time schedule for the provision of replacement dwelling units; and
6. The basis for concluding that each replacement dwelling unit will remain a low/moderate income dwelling unit for at least 10 years from the date of initial occupancy.

The     (jurisdiction)     will provide relocation assistance, as described in 570.488a(c)(1) to each low/moderate income household displaced by the demolition of housing or by the conversion of a low/moderate income dwelling to another use as a direct result of assisted activities.

Consistent with the goals and objectives of activities assisted under the Act, the     (jurisdiction)     will take the following steps to minimize the displacement of persons from their home:

[INSERT TEXT – STEPS TO BE COMPLETED BY THE JURISDICTION]



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**Attachment 8-4:  
Sample Guideform General Information Notice  
Residential Tenant That Will Not be Displaced**

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GUIDEFORM GENERAL INFORMATION NOTICE  
RESIDENTIAL TENANT NOT DISPLACED

Grantee or Agency Letterhead

(date)

Dear \_\_\_\_\_:

\_\_\_\_ (City, County, State, Public Housing Authority (PHA), other)\_\_\_\_, is interested in rehabilitating the property you currently occupy at \_\_\_\_\_ (address)\_\_\_\_\_ for a proposed project which may receive funding assistance from the U.S. Department of Housing and Urban Development (HUD) under the \_\_\_\_\_ 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.

**(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.)**

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.**
- **This is not 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: (name) \_\_\_\_\_, (title) \_\_\_\_\_, (address) \_\_\_\_\_, (phone) \_\_\_\_\_.

Sincerely,

(name and title) \_\_\_\_\_

Enclosure

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NOTES.

1. The case file must indicate the manner in which this notice was delivered (e.g., personally served or certified mail, return receipt requested) and the date of delivery. (See Paragraph 2-3 I of Handbook 1378.)
2. This is a guideform. It should be revised to reflect the circumstances.

- \* *Based on the applicable HUD program regulations, if “reasonable terms and conditions,” are defined, one of the following statements or other language may also be required in this Notice:*
- a. *Under HOME at 24 CFR 92.353(c)(2)(C)(1):* “Your new lease will be for a term of not less than one year at a monthly rent will remain the same or, if increased, your new monthly rent and estimated average utility costs will not exceed: 1) If you are low income, the total tenant payment as defined by HUD (under 24 CFR 5.628), or (2) 30% of the monthly gross household income, if you are not low income.”
  - b. *Under CDBG at 24 CFR 570.606(b)(2)(D)(1):* “Your monthly rent will remain the same or, if increased, your new rent and estimated average utility costs will not exceed 30% of the household’s average monthly gross income.”
  - c. *Under Section 221 Mortgage Insurance Programs under 24 CFR 221.795(i):* “Your monthly rent and estimated average utility costs will not exceed the amount approved by HUD.”

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**Attachment 8-5:  
Sample Guideform General Information Notice  
Residential Tenant to Be Displaced**

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GUIDEFORM GENERAL INFORMATION NOTICE  
RESIDENTIAL TENANT TO BE DISPLACED

Grantee or Agency Letterhead

(date)

Dear \_\_\_\_\_:

\_\_\_\_\_ (City, County, State, Public Housing Authority (PHA), other) \_\_\_\_\_, is interested in \_\_\_\_\_ (acquiring, rehabilitating, demolishing) \_\_\_\_\_ the property you currently occupy at \_\_\_\_\_ (address) \_\_\_\_\_ for a proposed project which may receive funding assistance from the U.S. Department of Housing and Urban Development (HUD) under the \_\_\_\_\_ 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.

- **This is not a notice to vacate the premises.**
- **This is not 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.

**(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.)**

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.

If you have any questions about this notice or the proposed project, please contact (name) \_\_\_\_\_, (title) \_\_\_\_\_, (address) \_\_\_\_\_, (phone) \_\_\_\_\_.

Sincerely,

(name and title) \_\_\_\_\_

Enclosure

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NOTES

1. The case file must indicate the manner in which this notice was delivered (e.g., personally served or certified mail, return receipt requested) and the date of delivery. (See Paragraph 2-3 I of Handbook 1378.)
2. This is a guideform. It should be revised to reflect the circumstances.
3. Optional paragraphs for displaced residents of public housing projects (may be modified based on the PHA's resident return policy):

“Even though you will be provided all of the assistance the URA requires for a permanent move, the Authority believes that every resident displaced from the site should have the right to reapply for occupancy once this project is complete. For this reason, after project completion, every resident who receives assistance as a “displaced person” will be contacted and offered an opportunity to reapply for occupancy in the newly-revitalized community. Furthermore, because you will be a former occupant who was “displaced” from the site, you will also receive a priority preference to return.

In the event the number of those who request to return and qualify for housing exceeds the number of units available, rating and ranking criteria will be used to identify those who will be offered a unit at the site until all available units are filled. If you do return, the Authority may help defray the costs of the return move. If you have Replacement Housing Payments not yet spent or obligated, you may be asked to forfeit these payments as a condition for returning to public housing, since this assistance will no longer be necessary to meet your housing needs. Such assistance, if not forfeited, must be considered as income and may affect your eligibility and rent.”

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**Attachment 8-6:  
Sample Household Case Record**

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**HOUSEHOLD CASE RECORD**  
**(Sample)**

1. HOUSEHOLD SURVEY DATE OF ORIGINAL INTERVIEW: \_\_\_\_\_

NAME OF INTERVIEWER: \_\_\_\_\_

Name of Occupant: \_\_\_\_\_ Racial/Ethnic Classification: \_\_\_\_\_

Address: \_\_\_\_\_ Contact In Case of Emergency:

\_\_\_\_\_ Name: \_\_\_\_\_

Phone: Day \_\_\_\_\_ Night \_\_\_\_\_ Address: \_\_\_\_\_

Date of Original Occupancy: \_\_\_\_\_ Phone: \_\_\_\_\_

CHARACTERISTICS OF CURRENT UNIT

HOUSING COSTS OF CURRENT UNIT

# of Rooms: _____	_____		_____	
	TENANT		OWNER	
# of Bedrooms: _____	_____			
# of Bathrooms: _____	Rent: \$ _____	Monthly Mortgage: \$ _____		
Approximate Square Footage: _____	Average Utilities: \$ _____	Average Utilities: \$ _____		
Accessibility to Shopping: _____	Total Monthly Housing Costs: \$ _____	Real Property Taxes: \$ _____		
Medical: _____		Total Monthly Housing Costs: \$ _____		
Public Transit: _____				
Other Services: _____				
_____				

Date Verified: \_\_\_\_\_





5. SERVICES AND ASSISTANCE PROVIDED

<u>Date</u>	<u>Nature of Contact Assistance Provided</u>	<u>Person Providing Service</u>	<u>Result of Assistance or Contact</u>
-------------	--	---------------------------------	--

6. REPLACEMENT UNIT

Date of Move: \_\_\_\_\_ Address: \_\_\_\_\_

Area of Low-Income or Minority Concentration:      Yes      No

<u>INSPECTION</u>	<u>MONTHLY HOUSING COSTS</u>
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	<u>RENTAL</u>	<u>SALES</u>
Date Inspected: _____	Rent: \$ _____	Mortgage Payment: \$ _____
Decent, Safe and Sanitary:      Yes      No	Estimated Utilities: \$ _____	Real Property Tax: \$ _____
Date of the Re-Inspection: _____	Total Monthly Housing Cost: \$ _____	Estimated Utilities: \$ _____
# of Rooms: _____		Total Monthly Housing Cost: \$ _____
# of Bedrooms: _____		Sales Price: \$ _____
Accessibility to Services: _____		

7. TEMPORARY RELOCATION

DATE: \_\_\_\_\_

REASON: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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\_\_\_\_\_

ADDRESS: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

RENTAL \$ \_\_\_\_\_

8. RELOCATION PAYMENTS

	TYPE	PAID	DATE AMOUNT	RECEIPT ACKNOW- LEDGED
--	------	------	----------------	------------------------------

\_\_\_\_\_

Moving:

Fixed

Actual

\_\_\_\_\_

Housing:

Rental

Down Payment

180 Homeowner

\_\_\_\_\_

Rent

Other

\_\_\_\_\_

Total

\_\_\_\_\_

9. APPEALS

APPEAL FILED

\_\_\_ Yes

\_\_\_ No

TYPE OF APPEAL

\_\_\_ Payments

\_\_\_ Housing

\_\_\_ Other

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



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**Attachment 8-7:  
Sample Guideform Notice of Eligibility for  
Relocation Assistance – Residential Tenant**

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GUIDEFORM NOTICE OF ELIGIBILITY FOR  
URA RELOCATION ASSISTANCE  
RESIDENTIAL TENANT

Grantee or Agency Letterhead

(date)

Dear \_\_\_\_\_:

On \_\_\_\_\_ (date), the \_\_\_\_\_ (City, County, State, Public Housing Authority (PHA), other), notified you of proposed plans to \_\_\_\_\_ (acquire, rehabilitate, or demolish) \_\_\_\_\_ the property you currently occupy at \_\_\_\_\_ (address) \_\_\_\_\_ for a project which could receive funding assistance from the U.S. Department of Housing and Urban Development (HUD) under the \_\_\_\_\_ program. On \_\_\_\_\_ (date), the project was approved and will receive federal funding.

It has been determined that you will be displaced by the project. Since you are being displaced in connection with this federally funded project, you will be eligible for relocation assistance and payments under the Uniform Relocation Assistance and Real Property Acquisition Policies Act (URA).

- **This is your Notice of Eligibility for relocation assistance**
- **The effective date of your eligibility is \_\_\_\_\_.** (*Insert date of Initiation of Negotiations, see 49 CFR 24.1(a)(15) or applicable HUD program regulations*)

**(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.)**

To carry out the project, it will be necessary for you to move. However, **you do not need to move now.** You will be provided written notice of the date by which you will be required to move. This date will be no less than 90 days from the date comparable replacement housing has been made available to you.

Enclosed is a brochure entitled, "Relocation Assistance to Tenants Displaced From Their Homes." Please read the brochure carefully. It explains your rights and provides additional information on eligibility for relocation payments and what you must do in order to receive these payments.

The relocation assistance to which you are entitled includes:

Relocation Advisory Services. Including counseling and other assistance to help you find another home and prepare to move.

Payment for Moving Expenses. You may choose: (1) a payment for your actual reasonable moving and related expenses, or (2) a fixed moving payment in the amount of \$\_\_\_\_\_ based on the URA Fixed Residential Moving Cost Schedule, or (3) a combination of both.

Replacement Housing Payment. You may be eligible for a replacement housing payment to rent or buy a replacement home. The payment is based on several factors including: (1) the monthly rent and cost of utility services for a comparable replacement dwelling, (2) the monthly rent and cost of utility services for your present home, and (3) for low-income persons, 30 percent of your average monthly gross household income. This payment is calculated on the difference in the old and new housing costs for a one-month period and multiplied by 42.

Listed below are three comparable replacement dwellings that you may wish to consider for your replacement home. If you would like, we can arrange transportation for you to inspect these and other replacement dwellings.

	Address	Rent & Utility Costs	Contact Info
1.	_____		
2.	_____		
3.	_____		

We believe that the dwelling located at \_\_\_ (*address*) \_\_\_ is the most representative of your present home. The monthly rent and the estimated average monthly cost of utilities for this dwelling is \$\_\_\_\_\_ and it will be used to calculate your maximum replacement housing payment. Please contact us immediately if you believe this dwelling is not comparable to your current home. We can explain our basis for selecting this dwelling as most representative of your current home and discuss your concerns.

Based on the information you have provided about your income and the rent and utilities you now pay, you may be eligible for a maximum replacement housing payment of approximately \$\_\_\_\_\_ (42 x \$\_\_\_\_), if you rent the dwelling identified above as the most comparable to your current home or rent another dwelling of equal cost.

Replacement housing payments are not adjusted to reflect future rent increases or changes in income. This is the maximum amount that you would be eligible to receive. If you rent a decent, safe and sanitary home where the monthly rent and average estimated utility costs are less than the comparable dwelling, your replacement housing payment will be based on the actual cost of the dwelling. We will not base your payment on any dwelling that is not a comparable replacement home. All replacement housing payments must be paid in installments. Your payment will be paid in # installments.

Should you choose to purchase (rather than rent) a decent, safe and sanitary replacement home, you would be eligible for a downpayment assistance payment which is equal to your maximum replacement housing payment, \$\_\_\_\_\_\* . Let us know if you are interested in purchasing a replacement home and we will help you locate such housing.

Please note that all replacement housing must be inspected in order to ensure it is decent, safe and sanitary before any replacement housing payments are made.

If you have any questions about this letter and your eligibility for relocation assistance and payments, please contact           (name)          ,           (title)           at           (phone)          ,           (address)           before you make any moving plans. He/she will assist you with your move to a new home and help ensure that you preserve your eligibility for all relocation payments to which you may be entitled.

**Remember, do not move or commit to the purchase or lease of a replacement home** before we have a chance to further discuss your eligibility for relocation assistance. This letter is important to you and should be retained.

Sincerely,

          (name & title)          

Enclosure/s

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**NOTES.**

- \* At the agency's discretion, a downpayment assistance payment that is less than \$5,250 may be increased to any amount not to exceed \$5,250. (See 49 CFR 24.402(c)(1))
- 1. The case file must indicate the manner in which this notice was delivered (e.g., personally served or certified mail, return receipt requested) and the date of delivery. (See Paragraph 2-3 I of Handbook 1378.)
- 2. This is a guideform. It should be revised to reflect the circumstances.
- 3. Optional paragraphs for displaced residents of public housing projects (may be modified based on the PHA's resident return policy):

“Even though you will be provided all of the assistance the URA requires for a permanent move, the Authority believes that every resident displaced from the site should have the right to reapply for occupancy once this project is complete. For this reason, after project completion, every resident who receives assistance as a “displaced person” will be contacted and offered an opportunity to reapply for occupancy in the newly-revitalized community. Furthermore, because you will be a former occupant who was “displaced” from the site, you will also receive a priority preference to return.

In the event the number of those who request to return and qualify for housing exceeds the number of units available, rating and ranking criteria will be used to identify those who will be offered a unit at the site until all available units are filled. If you do return, the Authority may help defray the costs of the return move. If you have Replacement Housing Payments not yet spent or obligated, you may be asked to forfeit these payments as a condition for returning to public housing, since this assistance will no longer be necessary to meet your housing needs. Such assistance, if not forfeited, must be considered as income and may affect your eligibility and rent.”

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**Attachment 8-8:  
Sample Guideform Notice of Nondisplacement to  
Residential Tenant**

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GUIDEFORM NOTICE OF NONDISPLACEMENT  
TO RESIDENTIAL TENANT

*Grantee or Agency Letterhead*

9.7  
(date)

Dear \_\_\_\_\_:

On \_\_\_\_\_ (date), the \_\_\_\_\_ (City, County, State, Public Housing Authority (PHA), other), notified you of proposed plans to rehabilitate the property you currently occupy at \_\_\_\_\_ (address) for a project which could receive funding assistance from the U.S. Department of Housing and Urban Development (HUD) under the \_\_\_\_\_ program. On \_\_\_\_\_ (date), the project was approved and will receive federal funding. Repairs will begin soon.

- **This is a notice of nondisplacement.** You will not be required to move permanently as result of the rehabilitation.

This notice guarantees you the following:

1. 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. \*
2. If you must move temporarily so that the rehabilitation can be completed, you will be reimbursed for all of your extra expenses, including the cost of moving to and from temporary housing and any increased interim housing costs. The temporary unit will be decent, safe and sanitary, and all other conditions of the temporary move will be reasonable.

Since you will have the opportunity to occupy a newly rehabilitated apartment, I urge you not to move. (If you do elect to move for your own reasons, you will not receive any relocation assistance.) We will make every effort to accommodate your needs. Because federal funding is involved in this project, you are protected by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended. Of course, you must continue to comply with the terms and conditions of your lease.

If you have any questions, please contact \_\_\_\_\_ (name), at \_\_\_\_\_ (phone),  
\_\_\_\_\_. This letter is important to you and should be retained.

Sincerely,  
\_\_\_\_\_  
(name and title)

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NOTES.

1. The case file must indicate the manner in which this notice was delivered (e.g., personally served or certified mail, return receipt requested) and the date of delivery. (See Paragraph 2-3 I of Handbook 1378.)
  2. This is a guideform. It should be revised to reflect the circumstances.
- \* *Based on the applicable HUD program regulations, if “reasonable terms and conditions,” are defined, one of the following statements or other language may also be required in this Notice:*
- a. *Under HOME at 24 CFR 92.353(c)(2)(C)(1):* “Your new lease will be for a term of not less than one year at a monthly rent will remain the same or, if increased, your new monthly rent and estimated average utility costs will not exceed: 1) if you are low income, the total tenant payment as defined by HUD (*under 24 CFR 5.628*), or (2) 30% of the monthly gross household income, if you are not low income.”
  - b. *Under CDBG at 24 CFR 570.606(b)(2)(D)(1):* “Your monthly rent will remain the same or, if increased, your new rent and estimated average utility costs will not exceed 30% of the household’s average monthly gross income.”
  - c. *Under Section 221 Mortgage Insurance Programs at 24 CFR 221.795(i):* “Your monthly rent and estimated average utility costs will not exceed the amount approved by HUD.”

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**Attachment 8-9:  
Relocation Assistance to Displaced Homeowners  
(HUD Brochure)**

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**RELOCATION ASSISTANCE  
TO DISPLACED HOMEOWNER  
OCCUPANTS**

**U. S. Department of Housing  
and Urban Development**  
Office of Community Planning  
and Development

[www.hud.gov/relocation](http://www.hud.gov/relocation)

**Introduction**

This booklet describes the relocation payments and other relocation assistance provided under the **Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended** (URA) to most homeowners whose home is acquired by a public agency for a Federal project or a project in which Federal funds are used.

To be eligible for the assistance described in this booklet, you must have owned and occupied your home for at least 180 days before the Agency offered to buy it. If you have owned and occupied your home for less than 180 days but for 90 days or more before the Agency offered to buy it, you should refer to the HUD booklet entitled, **“Relocation Assistance to Tenants Displaced From Their Homes”** for a summary of relocation assistance and payments for which you may be eligible (if you have owned and occupied your home for less than 90 days, you may still be eligible for relocation assistance, contact the Agency for additional information).

If you are notified that your home will be acquired and you will be displaced, it is important that you do not move before you learn what you must do to receive the relocation payments and other assistance to which you are entitled.

***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.***

This booklet may not answer all of your questions. If you have more questions, contact the Agency responsible for the project. (Check the back of this booklet for the name of the person to contact at the Agency.) Ask your questions before you move. Afterwards, it may be too late.

**Summary of Relocation Assistance**

As an eligible displaced homeowner occupant, you will be offered the following advisory and financial assistance:

**Advisory Services.** This includes referrals to comparable replacement homes, the inspection of replacement housing to ensure that it meets established standards, help in preparing claim forms for relocation payments and other assistance to minimize the impact of the move.

- **Payment for Moving Expenses.** You may choose either a:
  - ❖ **Payment for Your Actual Reasonable Moving and Related Expenses, or**
  - ❖ **A Fixed Moving Payment, or**
  - ❖ **A combination of both, based on circumstances.**
- **Replacement Housing Payment.** To enable you to buy or, if you prefer, rent a comparable replacement home, you may choose either:
  - ❖ **Purchase Assistance, or**
  - ❖ **Rental Assistance.**

If you disagree with the Agency's decision as to the relocation assistance for which you are eligible, you may appeal that decision.

### **General Questions**

#### **Will I Be Paid For My Property Before I Have To Move?**

If you reach an agreement to sell your property to the Agency, you will not be required to move before you receive the agreed purchase price. If the property is acquired through an eminent domain proceeding, you cannot be required to move before the estimated fair market value of the property has been deposited with the court. (You should be able to withdraw this amount immediately, less any amounts necessary to pay off any mortgage or other liens on the property and to resolve any special ownership problems. Withdrawal of your share of the money will not affect your right to seek additional compensation for your property.)

#### **Will I Have To Pay Rent To The Agency Before I Move?**

You may be required to pay a fair rent to the Agency for the period between the acquisition of your property and the date that you move. The rent will not exceed that charged for the use of comparable properties.

#### **How Will I Know I Am Eligible For Relocation Assistance?**

You should receive a written notice explaining your eligibility for relocation assistance. You will become eligible for relocation assistance on the date you receive the Agency's written offer of "just compensation" to purchase your home. You should not move before receiving that purchase offer. If you do, you may not receive relocation assistance. For information about the acquisition of your home, ask the Agency for a copy of the booklet, "When a Public Agency Acquires Your Property."

#### **How Will The Agency Know How Much Help I Need?**

You will be contacted at an early date and personally interviewed by a representative of the Agency to determine your relocation needs and preferences for replacement housing and advisory services. The interviewer will ask certain questions about you and other members of your household. It is to your advantage to provide the information so that the Agency can assist you in moving with a minimum of hardship. The information you give will be kept in confidence.

### **How Soon Will I Have To Move?**

If possible, a mutually agreeable date for the move will be worked out. You will be given enough time to make plans for moving. Unless there is a health or safety emergency, you will not be required to move without at least 90 days advance written notice of (1) at least one "comparable replacement home" that is available to you and (2) the earliest date by which you must move.

### **What Is A Comparable Replacement Home?**

A comparable replacement home is:

- Decent, safe, and sanitary.
- Functionally equivalent to your present home.
- Actually available for you to buy.
- Affordable.
- Reasonably accessible to your place of employment.
- Generally as well located with respect to public and commercial facilities, such as schools and shopping, as your present home.
- Not subject to unreasonable adverse environmental conditions.
- Available to all persons regardless of race, color, religion, sex, or national origin.

### **What is Decent, Safe, and Sanitary Housing?**

Decent, safe, and sanitary housing is housing that:

- Meets local housing and occupancy requirements.

Additionally, it is housing that:

- Is structurally sound, weather tight, and in good repair.
- Contains a safe, adequate electrical wiring system.
- Has adequate living space for the occupants.
- Has a kitchen with a sink, hot and cold running water, and connections for a stove and refrigerator.
- Has a separate, complete bathroom with hot and cold running water and sewage system.
- Has heating as required by climatic conditions.
- Has an unobstructed exit to safe, open space at ground level.
- Is free of any barriers that would preclude your reasonable use of the unit, if you are

a person with a physical disability.

### **Will The Agency Help Me Find A Replacement Home?**

Yes. You will be provided with referrals to comparable replacement housing. If possible, you will be referred to at least three comparable replacement homes. The maximum financial assistance for which you may qualify will be based on the cost of the most representative comparable replacement home that is available to you. When the Agency gives you its initial written purchase offer, it will typically inform you at that time, or shortly thereafter, of your eligibility for relocation assistance, identifying the most comparable replacement home and explain the maximum amount of relocation assistance available to you.

Once the Agency representative has a clear understanding of your needs and preferences, he or she will work with you to assure that you are given the best possible choice of housing and offer you transportation to inspect these units.

If there is a mortgage on your present home, the Agency will refer you to lenders that can provide mortgage financing for your new home. If the money paid for your old home is applied to the purchase of your new home, there should not be any increase in the number or amount of your monthly payments for mortgage interest and principal.

### **What If I Find My Own Replacement Housing?**

You have every right to find your own replacement housing. However, before you buy or rent, ask the Agency to inspect the unit to make sure that it is decent, safe, and sanitary. If the housing unit is not decent, safe, and sanitary, you will not receive a replacement housing payment.

### **What If I Encounter A Problem In Obtaining Housing Of My Choice?**

If you encounter a problem in buying or renting housing of your choice, notify the Agency immediately. The Agency will look into the matter and try to resolve it. You will receive this help whether you were referred to the housing unit or found it yourself.

If you are unable to buy or rent a housing unit because of discriminatory practices on the part of a real estate broker, rental agent, lender, or a property owner, the Agency will help you file a formal housing discrimination complaint with the U.S. Department of Housing and Urban Development or the appropriate State or local fair housing agency.

### **What Other Services Will I Receive?**

In addition to help in obtaining a comparable replacement home, other assistance, as necessary, will be provided in order to minimize the impact of your move. This assistance may include referral to appropriate public and private agencies that provide

services concerning housing financing, employment, health, welfare, or legal assistance. The range of services depends on the needs of the person being displaced. You should ask the Agency representative to tell you about the specific services that will be available to help you and your family.

### **What Is a Payment For Actual Reasonable Moving And Related Expenses?**

You are entitled to a relocation payment to cover the actual reasonable cost of your move. If you choose a Payment For Actual Reasonable Moving And Related Expenses, you may include in your claim the reasonable costs for:

- Transportation for you and your family.
- Packing, moving and unpacking your household goods.
- Disconnecting and reconnecting household appliances and other personal property (e.g., telephone and cable TV).
- Storage of household goods, as may be necessary.
- Insurance for the replacement value of your property during the move and necessary storage.
- The replacement value of property lost, stolen or damaged in the move (but not through your neglect) if insurance is not reasonably available.

The Agency will explain all eligible moving costs, as well as those which are not eligible. You must be able to account for any costs that you incur, so keep all your receipts. Select your mover with care. The Agency can help you select a reliable and reputable mover.

You may elect to pay your moving costs yourself and be repaid by the Agency or, if you prefer, you may have the Agency pay the mover. In either case, let the Agency know before you move.

### **What Is A Fixed Moving Payment?**

If you choose a Fixed Moving Payment, you will receive a payment based on the number of rooms of furniture you will be moving, as shown on the Fixed Residential Moving Cost Schedule. The Agency has a copy of the schedule and will help you decide whether choosing this payment is in your best interest.

If you do not have an unusually large amount of personal property to move and are capable of moving yourself, this payment should be more advantageous to you. No special documentation is required to support your claim. You need only move your personal property and complete the appropriate claim form in order to receive your payment.

### **I Want To Buy Another Home. How Much Purchase Assistance Will I Receive?**

To help you buy a comparable replacement home, you will receive Purchase Assistance

equal to the sum of the following three costs:

- **Purchase Price Differential.** If the cost of replacement housing exceeds the amount the Agency pays for your present home, you may be eligible for a payment to cover the difference. The Agency will inform you in writing of the location and cost of comparable replacement housing (and explain the basis of its determination) so that you will know in advance how much assistance you may receive. That information should help you decide how much you wish to pay for replacement housing.

You are free to purchase any decent, safe and sanitary housing unit of your choice. If the purchase price is less than the cost of a comparable replacement home, the payment will be limited to the actual difference. If it exceeds the cost of a comparable replacement home, the payment will be based on the cost of a comparable home.

**Examples:** Let's say that the Agency pays \$120,000 to purchase your home and that a comparable replacement home costs \$130,000.

- ❖ If you pay \$129,000 for a replacement home, you would receive a \$9,000 differential payment (the difference between the Agency's payment for the acquisition of your home and the cost of your replacement home).
  - ❖ If you pay \$132,000 for the replacement home, you would receive a \$10,000 differential payment (the difference between the Agency's acquisition payment and the cost of the comparable replacement home).
- **Mortgage Interest Differential Payment.** This amount covers the "present value" of the additional costs required to finance the purchase of a replacement home that result if the interest rate you must pay for a new mortgage is higher than the interest rate on the mortgage on your present home. It also covers other debt service costs. The payment is based on the lesser of: the mortgage balance on your present home or your new mortgage amount. To be eligible, the mortgage on your home must have been a valid lien for at least 180 days before the Agency's initial written purchase offer for your home.

You should provide the Agency with a copy of your mortgage(s) as soon as possible. Based on that information and the prevailing terms and conditions of new mortgage financing, the Agency will compute the approximate mortgage interest differential payment for which you will be eligible, inform you of that amount and explain the conditions on which it is based. The payment will be made available with the purchase price differential in a timely manner to reduce the amount you must borrow to buy your new home.

- **Incidental Expenses.** This amount covers those extra costs typically charged when one buys real property, such as the cost of preparing the deed and recording fees;

the cost of title insurance, revenue stamps and transfer taxes (not to exceed the cost for comparable replacement housing); loan application, loan origination and appraisal fees; the cost of a credit report; and for other costs such as certification of structural soundness, home inspection and termite inspection. It does not cover prepaid expenses, such as property taxes and insurance.

Remember, your total replacement housing payment is the sum of the purchase price differential, mortgage interest differential, and incidental expenses.

To qualify for the payment, you must purchase and occupy a decent, safe and sanitary replacement home within one year after the later of: the date you move or the date you receive the final payment for the acquisition of your present home. However, the Agency will extend this period for good cause.

### **If I Decide To Rent, Rather Than Buy, Another Home, How Much Assistance Will I Receive?**

If you decide to rent rather than buy a replacement home, you may be eligible to receive **Rental Assistance**. The assistance covers a 42-month period and is computed in the following manner.

The assistance needed for one month is based on the difference between the market rent for your present home (including utilities), as determined by the agency, compared to a comparable rental dwelling available on the market (including utilities). That monthly need, if any, is multiplied by 42 to determine the total amount that you will receive. This amount will be paid directly to you in monthly installments or other periodic payments.

**Examples:** Let's say that the monthly "market rent" and average cost for utilities for your present home are \$250 and the monthly rent and estimated average utility costs for a comparable replacement home are \$350.

- ❖ If you rent a replacement home for \$360 per month, including estimated utility charges, you will receive \$4,200. That amount is 42 times \$100 (the difference between the market rent for your present home (\$250) and the cost for a comparable replacement home (\$350)).
- ❖ If you rent a replacement home for \$310, including estimated average monthly utility charges, you will receive \$2,520. That amount is 42 times \$60 (the difference between the "base monthly rent" for your present home (\$250) and the actual cost of your new home (\$310)).

To qualify for rental assistance, you must rent and occupy a decent, safe, and sanitary home within one year after the later of: the date you move or the date you receive the final payment for the acquisition of your present home. However, the Agency will extend this period for good cause. The amount of rental assistance cannot exceed the

computed purchase price differential.

### **Must I File A Claim To Obtain A Relocation Payment?**

Yes. You must file a claim for each relocation payment. The Agency will provide you with the required claim forms, help you to complete them, and explain the type of

documentation, if any, that you must submit in order to receive your relocation payments.

If you must pay any relocation expenses before you move (e.g., a deposit when you contract for the purchase of a new home), discuss your financial needs with the Agency. You will be able to obtain an advance payment to meet these costs. An advance payment to purchase a home may be placed in "escrow." An advance payment for moving expenses may be paid directly to the moving contractor to ensure that the move will be completed on a timely basis.

You must file your claim within 18 months after the date you move or receive the final payment for the acquisition of your present home. However, it is to your advantage to file as soon as possible after you move. The sooner you submit your claim, the sooner it can be processed and paid. If you are unable to file your claim within 18 months, ask the Agency to extend this period.

Be careful not to confuse this 18-month period with the 12-month period within which you must buy or rent and occupy a replacement dwelling in order to be eligible for a replacement housing payment.

You will be paid promptly after you file an acceptable claim. If there is any question regarding your right to a relocation payment or the amount of the payment, you will be notified, in writing, of the problem and the action you may take to resolve the matter.

### **Do I Have To Pay Federal Income Taxes On My Relocation Payments?**

No. Section 216 of the URA states that you need not report relocation payments as part of your gross income for Federal tax purposes. For information on State or local income taxes, you should check with the State or local income tax office in your area or with your personal tax advisor.

### **What If I Don't Receive The Required Assistance. Can I Appeal?**

If you disagree with the Agency's decision as to your right to relocation assistance or the amount of a payment, or the adequacy of the housing to which you have been referred, you may appeal the decision to the Agency.

The Agency will inform you of its appeal procedures. At a minimum, you will have 60 days to file your appeal with the Agency. Your appeal must be in writing. However, if

you need help, the Agency will assist you in preparing your appeal.

If you are a low- or moderate-income person and are dissatisfied with the Agency's determination on your appeal, you may have an additional right to request administrative review of that decision (e.g., by HUD or the State). The Agency will explain whether this option is available.

You can expect a fair decision on any appeal. However, if you are not satisfied with the final administrative decision on your appeal, you may seek review of the matter by the courts.

### **I Have More Questions. Who Will Answer Them?**

If you have any questions after reading this booklet, contact the Agency and discuss your concerns with an Agency representative.

Agency:

Address:

Office Hours:

Telephone Number:

Person to Contact:



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**Attachment 8-10:  
Relocation Assistance to Displaced Tenants  
from Their Homes (HUD Brochure)**

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**RELOCATION ASSISTANCE  
TO TENANTS DISPLACED  
FROM THEIR HOMES**

**U.S. Department of Housing  
and Urban Development**  
Office of Community Planning  
and Development

www.hud.gov/relocation

**Introduction**

This booklet describes the relocation payments and other relocation assistance provided under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (URA) to tenants displaced from their homes. This includes any family or individual that must move as a direct result of rehabilitation, demolition or acquisition for a project in which Federal funds are used.

If you are notified that you will be displaced, it is important that you **do not move** before you learn what you must do to receive the relocation payments and other assistance to which you are entitled.

***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.***

This booklet may not answer all of your questions. If you have more questions about your relocation, contact the Agency responsible for the project. (Check the back of this booklet for the name of the person to contact at the Agency.) Ask your questions before you move. Afterwards, it may be too late.

**Summary of Relocation Assistance**

As an eligible tenant displaced from your home, you will be offered the following advisory and financial assistance:

- **Advisory Services.** This includes referrals to comparable and suitable replacement homes, the inspection of replacement housing to ensure that it meets established standards, help in preparing claim forms for relocation payments and other assistance to minimize the impact of the move.
- **Payment for Moving Expenses.** You may choose either a:
  - \* **Payment for Your Actual Reasonable Moving and Related Expenses,** or
  - \* **Fixed Moving Expense and Dislocation Allowance,** or
  - \* **A combination of both, based on circumstances.**
- **Replacement Housing Assistance.** To enable you to rent, or if you prefer, buy a comparable or suitable replacement home, you may choose either:

- \* **Rental Assistance**, or
- \* **Purchase Assistance**.

If you disagree with the Agency's decision as to the relocation assistance for which you are eligible, you may appeal that decision.

## **General Questions**

### **How Will I Know I Am Eligible For Relocation Assistance?**

You should receive a written notice explaining your eligibility for relocation assistance. You should not move before receiving that notice. If you do, you may not receive relocation assistance.

### **How Will The Agency Know How Much Help I Need?**

You will be contacted at an early date and personally interviewed by a representative of the Agency to determine your relocation needs and preferences for replacement housing and advisory services. The interviewer will ask certain questions about you and other members of your household, including questions about your income. It is to your advantage to provide the information so that the Agency can assist you in moving with a minimum of hardship. The information you give will be kept in confidence.

### **How Soon Will I Have To Move?**

If possible, a mutually agreeable date for the move will be worked out. You will be given enough time to make plans for moving. Unless there is a health or safety emergency, you will not be required to move without at least 90 days advance written notice of (1) at least one "comparable replacement home" that is available to you and (2) the earliest date by which you must move.

### **What Is A Comparable Replacement Home?**

A comparable replacement home is:

- Decent, safe, and sanitary.
- Functionally equivalent to (and equal or better than) your present home.
- Actually available for you to rent.
- Affordable.
- Reasonably accessible to your place of employment.
- Generally as well located with respect to public and commercial facilities, such as schools and shopping, as your present home.
- Not subject to unreasonable adverse environmental conditions.
- Available to all persons regardless of race, color, religion, sex, or national origin.

## **What is Decent, Safe, and Sanitary Housing?**

Decent, safe, and sanitary housing is housing that:

- Meets applicable housing and occupancy requirements.
- Is structurally sound, weathertight, and in good repair.
- Contains a safe, adequate electrical wiring system.
- Has adequate living space for the occupants.
- Has a kitchen with a sink, hot and cold running water, and connections for a stove and refrigerator (if you were displaced from a housekeeping unit).
- Has a separate, complete bathroom with hot and cold running water.
- Has heating as required by climatic conditions.
- Has an unobstructed exit to safe, open space at ground level.
- Meets standards protecting occupants from lead-based paint hazards.
- If you are person with a physical disability, is free of any barriers which would preclude your reasonable use of the unit.

## **Will The Agency Help Me Find A Replacement Home?**

Yes. You will be provided with referrals to housing that has been inspected to ensure that it meets established standards. If possible, you will be referred to at least three comparable replacement homes. The maximum financial assistance for which you may qualify will be based on the cost of the most representative comparable replacement home that is available to you. Promptly after you become eligible for relocation assistance, the Agency will inform you of such unit and the maximum payment available.

Once the Agency representative has a clear understanding of your needs and preferences, he or she will work with you to assure that you are given the best possible choice of housing. The Agency will offer you appropriate transportation to inspect these units.

If you would like to move to government-owned housing or obtain a Housing Choice Voucher (HCV) let the Agency representative know of your interest. Generally, an eligible displaced person receives preference for such long term housing assistance. You will be given assistance in completing any required application forms.

## **What If I Find My Own Replacement Housing?**

You have every right to find your own replacement housing. However, before you rent or buy, ask the Agency to inspect the unit to make sure that it is decent, safe, and sanitary. If the housing unit is not decent, safe, and sanitary, you will not receive a replacement housing payment.

## **What If I Encounter A Problem In Obtaining Housing Of My Choice?**

If you encounter a problem in buying or renting housing of your choice, notify the Agency immediately. The Agency will look into the matter and try to resolve it. You will receive this help whether you were referred to the housing unit or found it yourself.

If you are unable to buy or rent a housing unit because of discriminatory practices on the part of a real estate broker, rental agent, lender, or a property owner, the Agency will help you file a formal housing discrimination complaint with the U.S. Department of Housing and Urban Development or the appropriate State or local fair housing agency.

### **What Other Services Will I Receive?**

In addition to help in obtaining a comparable replacement home, other assistance, as necessary, will be provided in order to minimize the impact of your move. This assistance may include referral to appropriate public and private agencies that provide services concerning housing financing, employment, health, welfare, or legal assistance. The range of services depends on the needs of the person being displaced. You should ask the Agency representative to tell you about the specific services that will be available to help you and your family.

### **What Is a Payment For Actual Reasonable Moving and Related Expenses?**

You may choose to receive a relocation payment to cover the reasonable cost of your move. If you choose a Payment For Actual Reasonable Moving And Related Expenses, you may include in your claim the reasonable and necessary costs for:

- Transportation for you and your family.
- Packing, moving and unpacking your household goods.
- Disconnecting and reconnecting household appliances and other personal property (e.g., telephone and cable TV).
- Storage of household goods, as may be necessary.
- Insurance for the replacement value of your property during the move and necessary storage.
- The replacement value of property lost, stolen or damaged in the move (but not through your neglect) if insurance is not reasonably available.

The Agency will explain all eligible moving costs, as well as those which are not eligible. You must be able to account for any costs that you incur, so keep all your receipts. Select your mover with care. The Agency can help you select a reliable and reputable mover.

You may elect to pay your moving costs yourself and be repaid by the Agency or, if you prefer, you may have the Agency pay the mover. In either case, let the Agency know before you move.

### **What Is A Fixed Moving Expense And Dislocation Allowance?**

If you choose a Fixed Moving Expense and Dislocation Allowance, you will receive an allowance which is based on the number of rooms in your home or the number of rooms

of furniture you will be moving, as shown on a schedule. The Agency has a copy of the schedule and will help you decide whether choosing this allowance is in your best interest.

If you do not have a large amount of personal property to move, this payment should be more advantageous. No special documentation is required to support your claim. You need only move your personal property and complete the appropriate claim form in order to receive your payment.

### **How Much Rental Assistance Will I Receive?**

You may be eligible to receive Rental Assistance for a 42-month period. The assistance is computed in the following manner:

The assistance needed for one month is determined by subtracting the "base monthly rent" for your present home from the cost of rent and utilities for your new home (or a comparable replacement home, if that cost is lower). That monthly need, if any, is multiplied by 42, to determine the total amount that you will receive. This amount will be paid directly to you. The Agency must provide the assistance in monthly installments or other periodic payments. Generally, the base monthly rent for your present home is the lesser of: (1) the monthly rent and average monthly cost for utilities, or (2) thirty (30) percent of your average monthly gross household income, if you are low-income based on HUD income limits.

**Examples:** Let's say that the monthly rent and average cost for utilities for your present home are \$250; the monthly rent and estimated average utility costs for a comparable replacement home are \$350; and your monthly gross income is \$700. In this case your "base monthly rent" would be \$210 because you are low-income and that amount (30 percent of your income) is less than the monthly cost of rent and utilities at your present home (\$250).

- If you rent a replacement home for \$360 per month, including estimated average monthly utility charges, you will receive \$5,880. That amount is 42 times \$140 (the difference between the "base monthly rent" for your present home (\$210) and the cost for a comparable replacement home (\$350)).
- If you rent a replacement home for \$310, including estimated average monthly utility charges, you will receive \$4,200. That amount is 42 times \$100 (the difference between the "base monthly rent" for your present home (\$210) and the actual cost of your new home (\$310)).

To qualify for rental assistance, you must rent and occupy a decent, safe, and sanitary home within one year after the date you move. However, the Agency will extend this period for good cause.

### **If I Decide to Buy, Rather Than Rent, How Much Assistance Will I Receive?**

If you buy a replacement home, you may be eligible for assistance to make a down

payment equal to the amount you would receive if you rented a comparable replacement home (i.e., 42 times the amount obtained by subtracting the "base monthly rent" for your present home from the monthly rent and estimated average monthly utility costs for a comparable replacement home). A down payment assistance payment will be paid in a lump sum.

**Example:** Assuming the information in the prior examples, the downpayment assistance payment would be \$5,880. That amount is 42 times \$140 (the difference between the "base monthly rent" for your present home (\$210) and the monthly rent and estimated average monthly utilities cost for a comparable replacement home (\$350). The full amount of the payment must be applied to the purchase of the replacement dwelling.

### **Must I File A Claim To Obtain A Relocation Payment?**

Yes. You must file a claim for each relocation payment. The Agency will, however, provide you with the required claim form, help you to complete it, and explain the type of documentation, if any, that you must submit in order to receive the payment.

If you must pay any relocation expenses before you move (e.g., a security deposit when you sign a lease for your new home), discuss your financial needs with the Agency. While refundable deposits are not covered by URA payments, you may be able to obtain an advance payment to meet these costs. An advance payment may be placed in "escrow" or paid directly to a contractor to ensure that the move will be completed on a timely basis.

You must file your claim within 18 months after the date you move. However, it is to your advantage to file as soon as possible after you move. The sooner you submit your claim, the sooner it can be processed and paid. If you are unable to file your claim within 18 months, ask the Agency to extend this period.

Be careful not to confuse this 18-month period with the 12-month period within which you must rent (or buy) and occupy a replacement dwelling in order to be eligible for a replacement housing payment.

You will be paid promptly after you file an acceptable claim. If there is any question regarding your right to a relocation payment or the amount of the payment, you will be notified, in writing, of the problem and the action you may take to resolve the matter.

### **Will I Have To Pay Rent To The Agency Before I Move?**

If the Agency acquires the property in which you live, you may be required to pay a fair rent to the Agency for the period between the acquisition of the property and the date that you move. Such rent will not exceed the market rent for comparable properties in the area.

### **Do I Have To Pay Federal Income Taxes On My Relocation Payments?**

No. Section 216 of the URA states that you need not report relocation payments as part of your gross income for Federal tax purposes. For information on State or local income taxes, you should check with the State or local income tax office in your area or with your personal

tax advisor.

### **What If I Don't Receive The Required Assistance. Can I Appeal?**

If you disagree with the Agency's decision as to your right to relocation assistance or the amount of a payment, or the adequacy of the housing to which you have been referred, you may appeal the decision to the Agency.

The Agency will inform you of its appeal procedures. At a minimum, you will have 60 days to file your appeal with the Agency after you receive written notification of the Agency's determination on your claim. Your appeal must be in writing. However, if you need help, the Agency will assist you in preparing your appeal.

If you are a low- or moderate-income person and are dissatisfied with the Agency's determination on your appeal, you may have an additional right to request administrative review of that decision (e.g., by HUD or the State).

You can expect a fair decision on any appeal. However, if you are not satisfied with the final administrative decision on your appeal, you may seek review of the matter by the courts.

### **I Have More Questions. Who Will Answer Them?**

If you have further questions after reading this booklet, contact the Agency and discuss your concerns with an Agency representative.

Agency :

Address:

Office Hours:

Telephone No.:

Person to Contact:



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**Attachment 8-11:  
Elderly Waiver for Relocation-Sample Form**

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## Elderly Waiver for Relocation – Sample Form

**OUR PROGRAM  
STREET ADDRESS  
CITY, STATE, ZIP  
PHONE**

*The following sample certification reflects policies that could be adopted for an elderly waiver provision. No policy should be adopted without consideration by legal counsel.*

I, \_\_\_\_\_, the undersigned,

\_\_\_\_\_ choose to remain in my home while rehabilitation work by [the City of \_\_\_\_\_] is being performed.

\_\_\_\_\_ choose to relocate to another unit while the work is being performed.

I have made this choice having read and understood the following:

1. I am at least 62 years old.
2. My home was built before 1978.
3. I have received the pamphlet “Protecting Your Family from Lead in Your Home” and I am aware of the health hazards that are posed by lead-based paint.
4. I have been given a description of work that will be done in my home and understand that during the course of the work, lead hazards may be created in the work area. These hazards will be fixed before the job is considered complete.
5. I may stay in my home but I may not enter the work area while work is being performed.
6. I certify that no children under age six or women of childbearing age currently live in the unit or spend significant amounts of time in the unit.
7. I understand that allowing children under age six or women of childbearing age to visit my home while work is being done may pose a risk to their health.
8. I waive rights to all damages. I agree to hold harmless the [City of \_\_\_\_\_] for any damages due to lead poisoning that occur on these premises during the course of the work.

Signed:

\_\_\_\_\_  
Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name

\_\_\_\_\_  
Date



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**Attachment 8-12:  
HUD Form 52580 Section 8 Existing Housing Program Inspection  
Checklist**

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# Inspection Checklist

Housing Choice Voucher Program

U.S. Department of Housing  
and Urban Development  
Office of Public and Indian Housing

OMB Approval No. 2577-0169  
(Exp. 07/31/2007)

Public reporting burden for this collection of information is estimated to average 0.50 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless that collection displays a valid OMB control number. This collection of information is authorized under Section 8 of the U.S. Housing Act of 1937 (42 U.S.C. 1437f). The information is used to determine if a unit meets the housing quality standards of the section 8 rental assistance program.

Name of Family	Tenant ID Number	Date of Request (mm/dd/yyyy)
Inspector	Neighborhood/Census Tract	Date of Inspection (mm/dd/yyyy)
Type of Inspection <input type="checkbox"/> Initial <input type="checkbox"/> Special <input type="checkbox"/> Reinspection	Date of Last Inspection (mm/dd/yyyy)	PHA

<b>A. General Information</b>		Housing Type (check as appropriate) <input type="checkbox"/> Single Family Detached <input type="checkbox"/> Duplex or Two Family <input type="checkbox"/> Row House or Town House <input type="checkbox"/> Low Rise: 3, 4 Stories, Including Garden Apartment <input type="checkbox"/> High Rise: 5 or More Stories <input type="checkbox"/> Manufactured Home <input type="checkbox"/> Congregate <input type="checkbox"/> Cooperative <input type="checkbox"/> Independent Group Residence <input type="checkbox"/> Single Room Occupancy <input type="checkbox"/> Shared Housing <input type="checkbox"/> Other
<b>Inspected Unit</b>	<b>Year Constructed (yyyy)</b>	
Full Address (including Street, City, County, State, Zip)		
Number of Children in Family Under 6		
<b>Owner</b>		
Name of Owner or Agent Authorized to Lease Unit Inspected		Phone Number
Address of Owner or Agent		

<b>B. Summary Decision On Unit</b> (To be completed after form has been filled out)			
<input type="checkbox"/> Pass <input type="checkbox"/> Fail <input type="checkbox"/> Inconclusive	Number of Bedrooms for Purposes of the FMR or Payment Standard	Number of Sleeping Rooms	

Inspection Checklist		Yes Pass	No Fail	In-Conc.	Comment	Final Approval Date (mm/dd/yyyy)
<b>Item No.</b>	<b>1. Living Room</b>					
1.1	Living Room Present					
1.2	Electricity					
1.3	Electrical Hazards					
1.4	Security					
1.5	Window Condition					
1.6	Ceiling Condition					
1.7	Wall Condition					
1.8	Floor Condition					

\* Room Codes: 1 = Bedroom or Any Other Room Used for Sleeping (regardless of type of room); 2 = Dining Room or Dining Area; 3 = Second Living Room, Family Room, Den, Playroom, TV Room; 4 = Entrance Halls, Corridors, Halls, Staircases; 5 = Additional Bathroom; 6 = Other

Item No.	1. Living Room (Continued)	Yes Pass	No Fail	In-Conc.	Comment	Final Approval Date (mm/dd/yyyy)
1.9	Lead-Based Paint Are all painted surfaces free of deteriorated paint?  If not, do deteriorated surfaces exceed two square feet per room and/or is more than 10% of a component?				<input type="checkbox"/> Not Applicable	
<b>2. Kitchen</b>						
2.1	Kitchen Area Present					
2.2	Electricity					
2.3	Electrical Hazards					
2.4	Security					
2.5	Window Condition					
2.6	Ceiling Condition					
2.7	Wall Condition					
2.8	Floor Condition					
2.9	Lead-Based Paint Are all painted surfaces free of deteriorated paint?  If not, do deteriorated surfaces exceed two square feet per room and/or is more than 10% of a component?				<input type="checkbox"/> Not Applicable	
2.10	Stove or Range with Oven					
2.11	Refrigerator					
2.12	Sink					
2.13	Space for Storage, Preparation, and Serving of Food					
<b>3. Bathroom</b>						
3.1	Bathroom Present					
3.2	Electricity					
3.3	Electrical Hazards					
3.4	Security					
3.5	Window Condition					
3.6	Ceiling Condition					
3.7	Wall Condition					
3.8	Floor Condition					
3.9	Lead-Based Paint Are all painted surfaces free of deteriorated paint?  If not, do deteriorated surfaces exceed two square feet per room and/or is more than 10% of a component?				<input type="checkbox"/> Not Applicable	
3.10	Flush Toilet in Enclosed Room in Unit					
3.11	Fixed Wash Basin or Lavatory in Unit					
3.12	Tub or Shower in Unit					
3.13	Ventilation					

Item No.	4. Other Rooms Used For Living and Halls	Yes Pass	No Fail	In-Conc.	Comment	Final Approval Date (mm/dd/yyyy)
4.1	Room Code* and Room Location <input type="checkbox"/>				(Circle One) Right/Center/Left (Circle One) Front/Center/Rear _____ Floor Level	
4.2	Electricity/Illumination					
4.3	Electrical Hazards					
4.4	Security					
4.5	Window Condition					
4.6	Ceiling Condition					
4.7	Wall Condition					
4.8	Floor Condition					
4.9	Lead-Based Paint Are all painted surfaces free of deteriorated paint?  If not, do deteriorated surfaces exceed two square feet per room and/or is more than 10% of a component?				<input type="checkbox"/> Not Applicable	
4.10	Smoke Detectors					
4.1	Room Code* and Room Location <input type="checkbox"/>				(Circle One) Right/Center/Left (Circle One) Front/Center/Rear _____ Floor Level	
4.2	Electricity/Illumination					
4.3	Electrical Hazards					
4.4	Security					
4.5	Window Condition					
4.6	Ceiling Condition					
4.7	Wall Condition					
4.8	Floor Condition					
4.9	Lead-Based Paint Are all painted surfaces free of deteriorated paint?  If not, do deteriorated surfaces exceed two square feet per room and/or is more than 10% of a component?				<input type="checkbox"/> Not Applicable	
4.10	Smoke Detectors					
4.1	Room Code* and Room Location <input type="checkbox"/>				(Circle One) Right/Center/Left (Circle One) Front/Center/Rear _____ Floor Level	
4.2	Electricity/Illumination					
4.3	Electrical Hazards					
4.4	Security					
4.5	Window Condition					
4.6	Ceiling Condition					
4.7	Wall Condition					
4.8	Floor Condition					
4.9	Lead-Based Paint Are all painted surfaces free of deteriorated paint?  If not, do deteriorated surfaces exceed two square feet per room and/or is more than 10% of a component?				<input type="checkbox"/> Not Applicable	
4.10	Smoke Detectors					

Item No.	4. Other Rooms Used For Living and Halls	Yes Pass	No Fail	In-Conc.	Comment	Final Approval Date (mm/dd/yyyy)
4.1	Room Code* and Room Location <input type="checkbox"/>	(Circle One) Right/Center/Left		(Circle One) Front/Center/Rear	____ Floor Level	
4.2	Electricity/Illumination					
4.3	Electrical Hazards					
4.4	Security					
4.5	Window Condition					
4.6	Ceiling Condition					
4.7	Wall Condition					
4.8	Floor Condition					
4.9	Lead-Based Paint Are all painted surfaces free of deteriorated paint?  If not, do deteriorated surfaces exceed two square feet per room and/or is more than 10% of a component?			<input type="checkbox"/> Not Applicable		
4.10	Smoke Detectors					
4.1	Room Code* and Room Location <input type="checkbox"/>	(Circle One) Right/Center/Left		(Circle One) Front/Center/Rear	____ Floor Level	
4.2	Electricity/Illumination					
4.3	Electrical Hazards					
4.4	Security					
4.5	Window Condition					
4.6	Ceiling Condition					
4.7	Wall Condition					
4.8	Floor Condition					
4.9	Lead-Based Paint Are all painted surfaces free of deteriorated paint?  If not, do deteriorated surfaces exceed two square feet per room and/or is more than 10% of a component?			<input type="checkbox"/> Not Applicable		
4.10	Smoke Detectors					
<b>5. All Secondary Rooms (Rooms not used for living)</b>						
5.1	None Go to Part 6					
5.2	Security					
5.3	Electrical Hazards					
5.4	Other Potentially Hazardous Features in these Rooms					

Item No.	6. Building Exterior	Yes Pass	No Fail	In-Conc.	Comment	Final Approval Date (mm/dd/yyyy)
6.1	Condition of Foundation					
6.2	Condition of Stairs, Rails, and Porches					
6.3	Condition of Roof/Gutters					
6.4	Condition of Exterior Surfaces					
6.5	Condition of Chimney					
6.6	Lead Paint: Exterior Surfaces Are all painted surfaces free of deteriorated paint?  If not, do deteriorated surfaces exceed 20 square feet of total exterior surface area?				<input type="checkbox"/> Not Applicable	
6.7	Manufactured Home: Tie Downs					
<b>7. Heating and Plumbing</b>						
7.1	Adequacy of Heating Equipment					
7.2	Safety of Heating Equipment					
7.3	Ventilation/Cooling					
7.4	Water Heater					
7.5	Approvable Water Supply					
7.6	Plumbing					
7.7	Sewer Connection					
<b>8. General Health and Safety</b>						
8.1	Access to Unit					
8.2	Fire Exits					
8.3	Evidence of Infestation					
8.4	Garbage and Debris					
8.5	Refuse Disposal					
8.6	Interior Stairs and Common Halls					
8.7	Other Interior Hazards					
8.8	Elevators					
8.9	Interior Air Quality					
8.10	Site and Neighborhood Conditions					
8.11	Lead-Based Paint: Owner's Certification				<input type="checkbox"/> Not Applicable	

If the owner is required to correct any lead-based paint hazards at the property including deteriorated paint or other hazards identified by a visual assessor, a certified lead-based paint risk assessor, or certified lead-based paint inspector, the PHA must obtain certification that the work has been done in accordance with all applicable requirements of 24 CFR Part 35. The Lead-Based Paint Owner Certification must be received by the PHA before the execution of the HAP contract or within the time period stated by the PHA in the owner HQS violation notice. Receipt of the completed and signed Lead-Based Paint Owner Certification signifies that all HQS lead-based paint requirements have been met and no re-inspection by the HQS inspector is required.

**C. Special Amenities (Optional)**

This Section is for optional use of the HA. It is designed to collect additional information about other positive features of the unit that may be present. Although the features listed below are not included in the Housing Quality Standards, the tenant and HA may wish to take them into consideration in decisions about renting the unit and the reasonableness of the rent.

Check/list any positive features found in relation to the unit.

**1. Living Room**

- High quality floors or wall coverings
- Working fireplace or stove
- Balcony, patio, deck, porch
- Special windows or doors
- Exceptional size relative to needs of family
- Other: (Specify)

**2. Kitchen**

- Dishwasher
- Separate freezer
- Garbage disposal
- Eating counter/breakfast nook
- Pantry or abundant shelving or cabinets
- Double oven/self cleaning oven, microwave
- Double sink
- High quality cabinets
- Abundant counter-top space
- Modern appliance(s)
- Exceptional size relative to needs of family
- Other: (Specify)

**3. Other Rooms Used for Living**

- High quality floors or wall coverings
- Working fireplace or stove
- Balcony, patio, deck, porch
- Special windows or doors
- Exceptional size relative to needs of family
- Other: (Specify)

**4. Bath**

- Special feature shower head
- Built-in heat lamp
- Large mirrors
- Glass door on shower/tub
- Separate dressing room
- Double sink or special lavatory
- Exceptional size relative to needs of family
- Other: (Specify)

**5. Overall Characteristics**

- Storm windows and doors
- Other forms of weatherization (e.g., insulation, weather stripping)
- Screen doors or windows
- Good upkeep of grounds (i.e., site cleanliness, landscaping, condition of lawn)
- Garage or parking facilities
- Driveway
- Large yard
- Good maintenance of building exterior
- Other: (Specify)

**6. Disabled Accessibility**

Unit is accessible to a particular disability.  Yes  No  
Disability \_\_\_\_\_

**D. Questions to ask the Tenant (Optional)**

1. Does the owner make repairs when asked? Yes  No
2. How many people live there? \_\_\_\_\_
3. How much money do you pay to the owner/agent for rent? \$ \_\_\_\_\_
4. Do you pay for anything else? (specify) \_\_\_\_\_
5. Who owns the range and refrigerator? (insert O = Owner or T = Tenant) Range \_\_\_\_\_ Refrigerator \_\_\_\_\_ Microwave \_\_\_\_\_
6. Is there anything else you want to tell us? (specify) Yes  No

**E. Inspection Summary/Comments** (Optional)

Provide a summary description of each item which resulted in a rating of "Fail" or "Pass with Comments."

Tenant ID Number	Inspector	Date of Inspection (mm/dd/yyyy)	Address of Inspected Unit
Type of Inspection	Initial <input type="checkbox"/>	Special <input type="checkbox"/>	Reinspection <input type="checkbox"/>
Item Number	Reason for "Fail" or "Pass with Comments"		Rating

Continued on additional page  Yes  No



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**Attachment 8-13:  
HUD Form 40061 – Selection of Most Representative  
Comparable Replacement Dwelling for Purposes of Computing a  
Replacement Housing Payment**

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**Selection of Most Representative  
Comparable Replacement Dwelling  
for Computing a Replacement Housing Payment**

**U.S. Department of Housing  
and Urban Development**  
Office of Community Planning  
and Development

OMB Approval No. 2506-0016  
(exp. 07/31/2008)

1. Agency	2. Project	3. Household	4. Select One <input type="checkbox"/> Owner <input type="checkbox"/> Tenant	5. Case Number
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**Public reporting burden** for this collection of information is estimated to average 1.0 hour. This includes the time for collecting, reviewing, and reporting the data. The information is being collected under the authority of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, and implementing regulations at 49 CFR Part 24 and will be used for determining the most comparable and available replacement housing and its cost to be used by Agencies in computing a replacement housing payment for displaced persons. Response to this request for information is required in order to receive the benefits to be derived. This agency may not collect this information, and you are not required to complete this form unless it displays a currently valid OMB control number.

**Privacy Act Notice:** This information is needed to determine whether you are eligible to receive a payment to help you rent or buy a new home. You are not required by law to furnish this information, but if you do not provide it, you may not receive any payment for these expenses or it may take longer to pay you. This information is being collected under the authority of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970. The information may be made available to a Federal agency for review.

Factors (see back of page)	Displacement Dwelling	Comparable No.1	Comparable No.2	Comparable No.3
Address				
Type of Unit				
Stories / Style				
Lot Size				
Type of Construction				
Age (in years)				
Condition				
Area of Living Space (sq. ft.)				
No. Rooms/Bedrooms /Baths	/ /	/ /	/ /	/ /
Basement				
Parking/No. of Cars				
Type of Heating /Fuel	/	/	/	/
Type of Air Conditioning				
Neighborhood				
Transportation (distance)				
Current Work (distance)				
High School/Grade School (distance)	/	/	/	/
Neighborhood Shopping (distance)				
Religious Facility (distance)				
Sale Price or Rent/Utility Costs	\$	\$	\$	\$
Other				
Date of Inspection				
Date Available				
Most Representative Comparable Replacement Dwelling (Check "Comparable no.1, 2, or 3" and complete Comments)		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Comments:** Include appropriate analysis and correlation of data. If Agency makes adjustment to the asking price for a comparable replacement dwelling to reflect the anticipated sale price, indicate the basis for the adjustment. For rental units, indicate utilities included in rent and provide estimates for other utility costs. Indicate availability of any housing subsidy. If condominium or cooperative, indicate required fees. (Continue on back of page)

Comments continued on back of page  Yes  No

Prepared By	Date (mm/dd/yyyy)	Approved by	Date (mm/dd/yyyy)
-------------	-------------------	-------------	-------------------

Comments continued on a separate page  Yes  No

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<b>Factors</b>	<b>Examples</b>
Type of Unit	Detached, Row, End Row, Townhouse, Highrise Apartment, Mobile Home (Indicate whether this is subsidized housing)
Stories	1, 1 1/2, 2, 2 1/2, Split Level, Split Foyer
Style	Colonial, Cape, Ranch, Contemporary, Tudor, Mediterranean
Type of Construction	Frame, Masonry, Pre-Fab, Stone, Concrete Block, Concrete, Veneer (wood, brick, or aluminum siding)
Condition	Poor, Fair, Good, Very Good, Excellent
Basement	Full, Partial (1/2), None; Finished or Unfinished
Parking	Attached, Built-In, Detached, Carport Paved Open Area, Unpaved Open Area, None
Type of Heating	Forced Air, Hot Water, Electric, Heat Pump, Steam, Space Heater, Solar, None
Type of Fuel	Natural Gas, Propane Gas, Oil, Electric, Coal, Solar
Type of Air Conditioning	Central, Wall, Window, None
Neighborhood	Poor, Fair, Good, Very Good, Excellent. (Based on characteristics such as vacancy levels, quality and maintenance of dwellings, landscaping, Street Maintenance, Trash Pickup, and Nonconforming land uses)
Other	Swimming Pool, Fireplace, Patio, Porch, Greenhouse

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**Attachment 8-14:**  
**Sample Letter to Relocates in a Substandard Unit**

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**Sample Letter to Relocatee in a Substandard Unit**

Grantee or Agency Letterhead

(Date)

Dear \_\_\_\_\_:

Relocation regulations established by Federal law will not permit the City/County to make a rental assistance payment to you until you move into an apartment or house that meets their definition of a “decent, safe and sanitary” replacement unit. Your new apartment does not meet this definition because:

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

In order to be eligible for a replacement housing payment, 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 Ash Street. You have to move into a qualified apartment or house by     (Date)     to be eligible. Ms. Ellen Smith has 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 telephone number is 441-4444.

If you move into a “decent, safe and sanitary” house or apartment by     (Date)     you would be eligible to receive rental assistance to cover the difference in the monthly cost between your old apartment and a new apartment for four years. This payment will be made in installments if you file a claim for benefits within 18 months after the date you move into a decent, safe and sanitary apartment.

If you choose to purchase a home, you would be eligible for \$\_\_\_\_\_ for downpayment assistance. You are entitled to these benefits if you move into a decent, safe and sanitary replacement unit by     (Date)     and file a claim within 18 months of completing the move. The City/County has already set aside money to pay you.

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

Sincerely,

\_\_\_\_\_  
(Name and Title)



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**Attachment 8-15:**  
**Claim for Rental Assistance or Down Payment Assistance**

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# Claim for Rental Assistance or Down Payment Assistance (49 CFR 24.402 and 24.401(f))

See back of page for Public Reporting Burden and Privacy Act Statements before completing this form

**U.S. Department of Housing and Urban Development**  
Office of Community Planning and Development

OMB Approval No. 2506-0016 (exp. 07/31/2008)

<b>For Agency Use Only</b> Name of Agency	Project Name or Number	Case Number
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**Instructions:** This claim form is for the use of families and individuals applying for rental or down payment assistance under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA) and may also be used by a 180-day homeowner-occupant who chooses to rent rather than buy a replacement home. The Agency will help you complete the form. HUD also provides information on these requirements and other guidance materials on its website at [www.hud.gov/relocation](http://www.hud.gov/relocation). If the full amount of your claim is not approved, the Agency will provide you with a written explanation of the reason. If you are not satisfied with the Agency's determination, you may appeal that determination. The Agency will explain how to make an appeal.

**Displaced persons must rent/purchase and occupy a decent, safe and sanitary replacement dwelling within one year from the date of displacement for replacement housing payment eligibility (see 24.402(a)(2)). All claims for payments must be filed no later than 18 months from the date of displacement (see 24.207(d)).**

1a. Your Name(s) (You are the Claimant(s)) and Present Mailing Address	1b. Telephone Number(s)
--	-------------------------

2a. Have all members of the household moved to the same dwelling? <input type="checkbox"/> Yes <input type="checkbox"/> No (If "No", list the names of all members and the addresses to which they moved in the Remarks Section.)	2b. Do you (or will you) receive a Federal, State, or local housing program subsidy at the dwelling you moved to? <input type="checkbox"/> Yes <input type="checkbox"/> No
--	--

Dwelling	Address	When Did You Rent/Buy This Unit?	When Did You Move To This Unit?	When Did You Move Out of This Unit?
3. Unit That You Moved From				
4. Unit That You Moved To				

**5. Certification of Legal Residency in the United States** (Please read instructions below before completing this section.)

**Instructions:** To qualify for relocation advisory services or relocation payments authorized by the Uniform Relocation Assistance and Real Property Acquisition Policies Act, a "displaced person" must be a United States citizen or national, or an alien lawfully present in the United States. **The certification below must be completed in order to receive any relocation benefits.** (This certification may not have any standing with regard to applicable State laws providing relocation benefits.) **Your signature on this claim form constitutes certification.** See 49 CFR 24.208(g) & (h) for hardship exceptions.

Please address only the category (Individual or family) that describes your occupancy status. For item (2), please fill in the correct number of persons.

**RESIDENTIAL HOUSEHOLDS**

- (1) Individual. I certify that I am: (check one)  
 a citizen or national of the United States  
 an alien lawfully present in the United States.
- (2) Family. I certify that there are \_\_\_\_\_ persons in my household and that \_\_\_\_\_ are citizens or nationals of the United States and \_\_\_\_\_ are aliens lawfully present in the United States.

6. Determination of Person's Financial Means (Not applicable to 180-day homeowner-occupants who choose to rent. Enter NA in Item 6(6).)	Household Income	
	Claimant (a)	For Agency Use Only (b)
(1) Total number of persons in the household (See item 5(1) or (2))		
(2) Annual Gross Household Income. (49 CFR 24.2(a)(14)). Enter name of each household member with income (include the income of persons not lawfully present in the U.S.)	\$	\$
(3) Total Gross Annual Income (Sum of entries in item 6(2))	\$	\$
(4) URA low income limit for number of persons in item 6(1). If item 6(3) is greater than item 6(4) - Family is not low-income. See 49 CFR 24.402 (b)(2)(ii)		\$
(5) Gross Monthly Income (Divide item 6(3) by 12)	\$	\$
(6) 30% of item 6(5) or "NA". (If gross annual income item 6(3) is greater than URA low income limit in item 6(4), enter "NA".)	\$	\$

**7. Determination of Rent and Average Monthly Utility Costs (See 49 CFR 24.402(b))**

**Instructions:** To compute the payment, entries on line (8) must reflect all utility services. Therefore, identify on lines (2) through (5) each utility necessary to provide electricity, gas, other heating/cooking fuels, water and sewer. In those cases where the utility service is not covered by the monthly rent, indicate the estimated out-of-pocket monthly cost. In those cases where the utility service is covered by the monthly rent, enter "IMR" (In Monthly Rent). Determine the estimated average monthly cost of a utility service by dividing the reasonable estimated yearly cost by 12. If a monthly housing program subsidy (e.g., Housing Choice Voucher/Section 8, other) has been provided, enter the applicable amount on line (7).

Monthly Cost	Unit That You Moved From (For Homeowner-Occupant, rent will be determined by the agency.)		Unit That You Moved To (Do not complete if claim is for down payment assistance.)		Comparable Replacement Dwelling
	(a) Claimant	(b) For Agency Use Only	(c) Claimant	(d) For Agency Use Only	(e) To Be Provided By Agency
(1) Rent (The monthly rental amount due under the terms and conditions of occupancy. If utilities are not included in rent, list in item 7(2) to (5))	\$	\$	\$	\$	\$
(2)					
(3)					
(4)					
(5)					
(6) Gross Monthly Rent and Utility Costs (add item 7(1) through (5))	\$	\$	\$	\$	\$
(7) Monthly Housing Subsidy, if applicable (e.g., Housing Choice Voucher/Section 8, other)	\$	\$	\$	\$	\$
(8) Net Monthly Rent and Utility Costs (subtract item 7(7) from item 7(6)) (Enter these amounts on the appropriate lines in Item 8.)	\$	\$	\$	\$	\$

8. Computation of Payment: If you are filing for down payment assistance, check this box <input type="checkbox"/> and skip item 8(1).	To Be Completed By Claimant (a)	For Agency Use Only (b)
(1) Monthly Rent and Average Monthly Utility Costs for Unit That You Moved To (From item 7(8), Column (c))	\$	\$
(2) Monthly Rent and Average Monthly Utility Costs for Comparable Replacement Dwelling (From item 7(8), Column (e)) (To be provided by the Agency)		
(3) Lesser of item 8(1) or (2) (If claim is for down payment assistance, enter amount from item 8(2))		
(4) Monthly Rent and Average Monthly Utility Costs for Unit That You Moved From (From item 7(8), Column (a)) (For Homeowner-Occupants who choose to rent, to be determined by the agency.)		
(5) 30% of Average Gross Monthly Household Income (From item 6(6), Column (a)). If item 6(6) is "NA", enter "NA" here.		
(6) Lesser of item 8(4) or 8(5)		
(7) Monthly Need (Subtract item 8(6) from item 8(3))		
(8) Amount of Payment Claim (Amount on item 8(7) multiplied by 42) (For a Homeowner-Occupant who elects to rent, this amount cannot exceed the difference between the acquisition cost of the displacement dwelling and the cost of a comparable replacement dwelling. See form HUD-40057, item 5(5).)	\$	\$
(9) Amount Previously Received (if any)		
(10) Amount Requested (Subtract item 8(9) from 8(8))	\$	\$

9. **Certification By Claimant(s):** I certify that the information on this claim form and supporting documentation is true and complete and that I have not been paid for these expenses by any other source.

Signature(s) of Claimant(s) & Date

X

**Warning:** HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

<b>To be Completed by the Agency</b>	10. Effective date (mm/dd/yyyy) of eligibility for relocation assistance	11. Date (mm/dd/yyyy) replacement dwelling inspected and found decent, safe and sanitary	12. Date (mm/dd/yyyy) person occupied replacement dwelling	
	13. Payment To Be Made In: <input type="checkbox"/> Lump Sum <input type="checkbox"/> Monthly Installments <input type="checkbox"/> Other Installments (only for down payment assistance) (specify in the Remarks Section)			
Payment Action	Amount of Payment	Signature	Name (Type or Print)	Date (mm/dd/yyyy)
14. Recommended	\$			
15. Approved	\$			

**Remarks**

Remarks continued on a separate page?  Yes  No

**Public reporting burden** for this collection of information is estimated to average 1.0 hour per response. This includes the time for collecting, reviewing, and reporting the data. The information is being collected under the authority of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, and implementing regulations at 49 CFR Part 24 and will be used for determining whether you are eligible to receive a payment to help you rent or buy a new home and the amount of any payment. Response to this request for information is required in order to receive the benefits to be derived. This agency may not collect this information, and you are not required to complete this form unless it displays a currently valid OMB control number.

**Privacy Act Notice:** This information is needed to determine whether you are eligible to receive a payment to help you rent or buy a new home. You are not required by law to furnish this information, but if you do not provide it, you may not receive this payment or it may take longer to pay you. This information is being collected under the authority of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA), and implementing regulations at 49 CFR Part 24. The information may be made available to a Federal agency for review.



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**Attachment 8-16:  
Sample Guideform Notice of Eligibility for Section 104(d)  
Relocation Assistance – Lower Income Residential Tenant,  
Section 8 Assistance Available**

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GUIDEFORM NOTICE OF ELIGIBILITY FOR SECTION 104(d)  
RELOCATION ASSISTANCE -- LOWER INCOME RESIDENTIAL TENANT  
Section 8 Assistance Available  
(Sample)

Grantee or Agency Letterhead

(Date)

Dear \_\_\_\_\_:

On \_\_\_\_ (date) \_\_\_\_\_, we notified you of proposed plans to \_\_\_\_ (identify project) \_\_\_\_\_. On \_\_\_\_ (date) \_\_\_\_\_, the project was approved.

This is a notice of eligibility for relocation assistance. To carry out the project, it will be necessary for you to relocate. However, you do not need to move now. You will not be required to move without at least 90 days advance written notice of the date by which you must vacate. When you do move, you will be entitled to relocation payments and other assistance. You may choose assistance under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, or section 104(d) of the Housing and Community Development Act of 1974, as amended.

The effective date of this notice is \_\_\_\_ (date of initiation of negotiations) \_\_\_\_\_. You are now eligible for relocation assistance, including:

- Counseling and Other Advisory Services.
- Security Deposit and Credit Checks. (Not provided under URA.) We will pay the cost of any security deposit required to rent a replacement dwelling unit and for required credit checks.
- Payment for Moving Expenses. You may choose either (1) a payment for your actual reasonable moving and related expenses, or (2) if you prefer, a fixed moving expense and dislocation allowance of \$ \_\_\_\_\_.
- Replacement Housing Assistance. You are eligible for a replacement housing payment to rent or purchase a replacement home. The payment will be based on several factors, including the cost of a "comparable replacement home" and your average household income.

Listed below are three "comparable replacement homes" that you may wish to consider:

Address	Rent and Utility Costs	Name and Tele. No. of Person to Contact
1.		
<hr/>		
2.		
<hr/>		

3.

---

We would be pleased to provide you with transportation to inspect these dwelling units. We believe that the unit at \_\_\_\_\_ (address) \_\_\_\_\_ is the most representative of your present home. Based on the information you provided us about your income, you are eligible for rental assistance through a Section 8 (certificate or voucher)\*\*. If you choose to accept the Section 8 assistance and rent a comparable replacement dwelling, we estimate your monthly out-of-pocket cost for rent and utilities will be approximately \$\_\_\_\_\_. We will explain to you how this assistance is calculated and assist you in completing an application for it. A Section 8 subsidy may be adjusted periodically to reflect your current income and market rents. Section 8 assistance may continue indefinitely, depending on need and congressional appropriations.

If you choose not to accept Section 8 assistance, you will be provided with a replacement housing payment under the URA. URA assistance is not adjusted to reflect future rent increases and covers only a 42-month period. If you choose assistance under the URA and rent a comparable replacement dwelling, we estimate your initial out-of-pocket cost for rent and utilities will be approximately \$\_\_\_\_\_. Your total rental assistance under the URA would be approximately \$\_\_\_\_\_ (42 x \$\_\_\_\_\_). It would be paid in (indicate number of installments or lump sum). This is the maximum replacement housing payment that you would be eligible to receive under the URA. If you rent a decent, safe and sanitary home where the monthly rent and average estimated utility costs are less than \$\_\_\_\_\_, your URA assistance would be based on the actual cost of such unit.

Contact us immediately if you do not agree that these units are comparable to your home. We will explain the basis for our selecting these units. And, if necessary, we will find other units. We will not base your payment on any unit that is not a "comparable replacement home."

Should you choose to buy (rather than rent) a decent, safe and sanitary replacement home, you would be eligible under the URA for a down payment of \$\_\_\_\_\_. Under the URA, you are not limited in the type of home you choose. Section 104(d) assistance for a down payment is available only for purchasing an interest in a housing cooperative or mutual housing association. We estimate that you are eligible for a down payment of \$\_\_\_\_\_ under section 104(d). Let us know if you would prefer to buy a replacement home, and we will help you find such housing.

I am enclosing a brochure entitled, "Relocation Assistance to Tenants Displaced From Their Homes." Please read the brochure carefully. It explains your rights and some things you must do to obtain relocation payments under the URA. With the exception of the differences explained in this letter, this information also applies to section 104(d) assistance. 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. Therefore, do not commit yourself to rent or buy a unit until we inspect it.

I want to make it clear that you are eligible for assistance to help you relocate. In addition to relocation payments and housing referrals, counseling and other services are available to you. A representative of this office will soon contact you to determine your

needs and preferences. He/she will explain your rights and help you obtain the relocation payments and other assistance for which you are eligible. If you have any questions, please contact \_\_\_\_\_ (name) \_\_\_\_\_, \_\_\_\_\_ (title) \_\_\_\_\_, at \_\_\_\_\_ (phone) \_\_\_\_\_, \_\_\_\_\_ (address) \_\_\_\_\_.

Remember, do not move before we have a chance to discuss your eligibility for assistance. This letter is important to you and should be retained.

Sincerely,

(Name and Title)

Enclosure



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**Attachment 8-17:  
Sample Guideform Notice of Eligibility for Section 104(d)  
Relocation Assistance – Lower Income Residential Tenant,  
Section 8 Not Available**

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GUIDEFORM NOTICE OF ELIGIBILITY FOR SECTION 104(d)  
RELOCATION ASSISTANCE -- LOWER INCOME RESIDENTIAL TENANT  
Section 8 Assistance NOT Available  
(Sample)

Grantee or Agency Letterhead

(Date)

Dear \_\_\_\_\_:

On \_\_\_\_\_ (date), we notified you of proposed plans to \_\_\_\_\_ (identify project) \_\_\_\_\_. On \_\_\_\_\_ (date), the project was approved.

This is a notice of eligibility for relocation assistance. To carry out the project, it will be necessary for you to relocate. However, you do not need to move now. You will not be required to move without at least 90 days advance written notice of the date by which you must vacate. When you do move, you will be entitled to relocation payments and other assistance. You may choose assistance under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, or section 104(d) of the Housing and Community Development Act of 1974, as amended.

The effective date of this notice is \_\_\_\_\_ (date of initiation of negotiations) \_\_\_\_\_.  
You are now eligible for relocation assistance, including:

- Counseling and Other Advisory Services.
- Security Deposit and Credit Checks. (Not provided under URA.) We will pay the cost of any security deposit required to rent a replacement dwelling unit and for required credit checks.
- Payment for Moving Expenses. You may choose either (1) a payment for your actual reasonable moving and related expenses, or (2) if you prefer, a fixed moving expense and dislocation allowance of \$ \_\_\_\_\_.
- Replacement Housing Payment. You are eligible for a replacement housing payment to rent or purchase a replacement home. The payment will be based on several factors, including the cost of a "comparable replacement home" and your average household income.

Listed below are three "comparable replacement homes" that you may wish to consider:

	Address	Rent and Utility Costs	Name and Tel. No. of Person to Contact
1.	_____		
2.	_____		
3.	_____		

We would be pleased to provide you with transportation to inspect these dwelling units. We believe that the unit at \_\_\_\_\_ (address) \_\_\_\_\_ is the most representative of your present home. The rent and the estimated average cost of utility services for that unit is \$ \_\_\_\_\_. Based on the information you provided about your income, you may be eligible for rental assistance up to \$ \_\_\_\_\_ (60 x \$ \_\_\_\_\_). This is the maximum amount that you would be eligible to receive. It would be paid in (indicate number of installments or lump sum). If you rent a decent, safe and sanitary home where the monthly rent and average estimated utility costs are less than \$ \_\_\_\_\_, your rental assistance payment would be based on the actual cost of such unit.

Contact us immediately if you do not agree that these units are comparable to your home. We will explain the basis for our selecting these units. And, if necessary, we will find other units. We will not base your payment on any unit that is not a "comparable replacement home."

Should you choose to buy (rather than rent) a decent, safe and sanitary replacement home, you would be eligible under the URA for a down payment of \$ \_\_\_\_\_. Under the URA, you are not limited in the type of home you choose. Section 104(d) assistance for a down payment is available only for purchasing an interest in a housing cooperative or mutual housing association. We estimate that you are eligible for a down payment of \$ \_\_\_\_\_ under section 104(d). Let us know if you would prefer to buy a replacement home, and we will help you find such housing.

I am enclosing a brochure entitled, "Relocation Assistance to Tenants Displaced From Their Homes." Please read the brochure carefully. It explains your rights and some things you must do to obtain relocation payments under the URA. With the exception of the differences explained in this letter, this information also applies to section 104(d) assistance. 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. Therefore, do not commit yourself to rent or buy a unit until we inspect it.

I want to make it clear that you are eligible for assistance to help you relocate. In addition to relocation payments and housing referrals, counseling and other services are available to you. A representative of this office will soon contact you to determine your needs and preferences. He/she will explain your rights and help you obtain the relocation payments and other assistance for which you are eligible. If you have any questions, please contact \_\_\_\_\_ (name) \_\_\_\_\_, \_\_\_\_\_ (title) \_\_\_\_\_ at \_\_\_\_\_ (phone) \_\_\_\_\_, \_\_\_\_\_ (address) \_\_\_\_\_.

Remember, do not move before we have a chance to discuss your eligibility for assistance. This letter is important to you and should be retained.

Sincerely,

\_\_\_\_\_  
(Name and Title)

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**Attachment 8-18:  
Summary of Major Differences between 104(d)  
and URA Relocation Assistance**

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## Summary of Major Differences Between 104(d) and URA Relocation Assistance

### **Part I. Eligibility for Assistance**

SUBJECT	SECTION 104(d)	URA
Income Requirements	Only low-income Persons are assisted	Displaced persons of all incomes are eligible
Individual displaced by rehabilitation activities	Displaced persons are eligible only if the market rent (including utilities) of the unit before rehab did not exceed the Section 8 Existing Housing Fair Market Rent (FMR) and the market rent after rehab was above the FMR.	Displaced person is eligible for assistance regardless of pre- and post- rehabilitation rents.
Individual displaced by <u>conversion</u>	<b><i>Displaced person is eligible only if the market rent (including utilities) of the displacement unit did not exceed the FMR before conversion</i></b>	Displaced person is eligible for assistance by any conversion to a non-residential use.
Individual displaced by <u>demolition</u>	Displaced person eligible regardless of the pre-demolition market rent.	Displaced person eligible regardless of the pre-demolition market rent.
Individual displaced by <u>acquisition</u> only	Displaced person is not eligible.	Displaced person is eligible.

### **Part II. Amount of Assistance Provided**

SUBJECT	SECTION 104(d)	URA
<b><i>Rental Assistance Term</i></b>	60 months	42 months
Rental Replacement Housing Payment	Amount needed to reduce new rent/utility costs to <i>Total Tenant Payment</i>	For households <b><u>at or below 80% AMI</u></b> , amount needed to reduce new rent/utility costs to the lower of: <input type="checkbox"/> old rent/utility costs <input type="checkbox"/> 30% of gross monthly income For households <b><u>at or above 80% AMI</u></b> , amount is difference between old rent/utility and new rent/utility
Use of Section 8 Rental Assistance	If Section 8 assistance and suitable referrals are offered, displaced person cannot insist on cash replacement housing payment. BUT, tenant may request cash replacement housing payment under URA.	Displaced person has the right to a cash replacement housing payment but may accept Section 8 assistance if it is offered.
Other Assistance	Assistance includes security deposit at replacement dwelling	Assistance does not include security deposits
Homeownership Assistance	<b><i>Limited to purchase of a cooperative or mutual housing and based on present (discounted) value of 60 monthly rental payments</i></b>	Not limited to cooperative or mutual housing. Payments equals 42 x monthly rental payment (i.e., is not discounted)
<b><i>Moving and Related Expenses</i></b>	Person may choose either: <input type="checkbox"/> Payment for actual moving and related expenses; or <input type="checkbox"/> Alternative allowance based on DOT Schedule	Person may choose either: <input type="checkbox"/> Payment for actual moving and related expenses; or <input type="checkbox"/> Alternative allowance based on DOT Schedule



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**Attachment 8-19:  
Sample 90-Day and 30-Day Notice to Vacate**

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**Sample 90-day Notice to Vacate**

Grantee or Agency Letterhead

(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 90 days after date of 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 \_\_\_\_\_ (Contact Name) \_\_\_\_\_ at \_\_\_\_\_ (Telephone Number) \_\_\_\_\_.

Sincerely,

\_\_\_\_\_  
(Name and Title)

**Sample 30-day Notice to Vacate**

Grantee or Agency Letterhead

(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 to property) \_\_\_\_\_.

If you have any questions or need additional assistance in completing your move, please call \_\_\_\_\_ (Contact Name) \_\_\_\_\_ at \_\_\_\_\_ (Telephone Number) \_\_\_\_\_.

Sincerely,

\_\_\_\_\_  
(Name and Title)



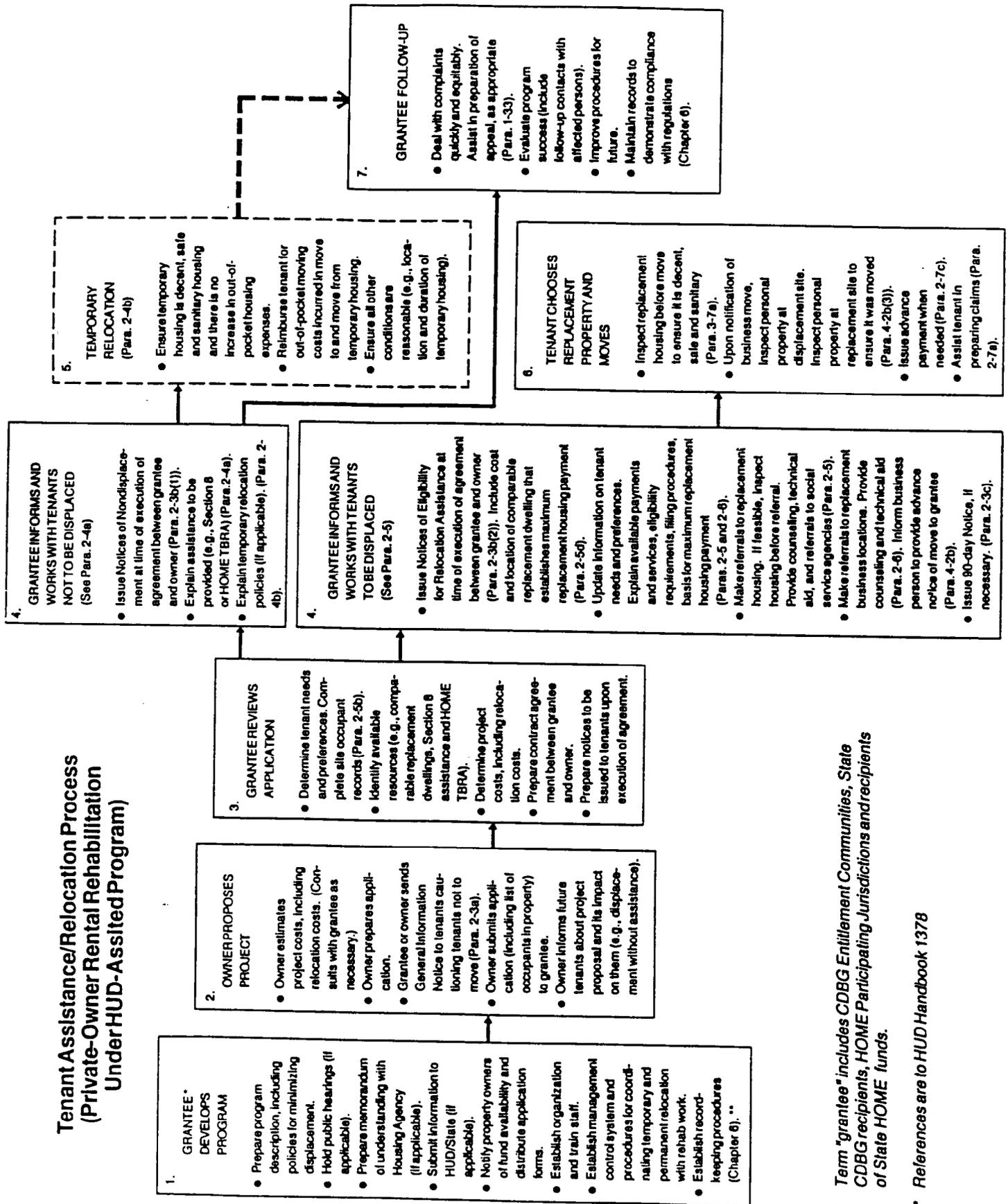
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**Attachment 8-20:  
Tenant Assistance/Relocation Process Flow Chart**

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## 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



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**Attachment 8-21:  
Residential Moving Expense and Dislocation Allowance  
Payment Schedule**

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**Uniform Relocation Assistance and Real Property Acquisition Policies Act, as amended,  
Fixed Residential Moving Cost Schedule (2008)**

The payments listed in the table below apply on a State-by-State basis. Two exceptions and limitations apply to all States and Territories. Payment is limited to \$100.00 if either of the following conditions apply:

- (a) A person has minimal possessions and occupies a dormitory style room, or  
(b) A person's residential move is performed by an agency at no cost to the person.

State	Occupant Owns Furniture									Occupant does not own furniture	
	Number of Rooms of Furniture									1 room/ no furn.	Addt'l room no furn.
	1 room	2 rooms	3 rooms	4 rooms	5 rooms	6 rooms	7 rooms	8 rooms	Add'l room		
Alabama	\$500	\$650	\$800	\$950	\$1100	\$1250	\$1400	\$1550	\$150	\$350	\$50
Alaska	700	900	1125	1350	1550	1725	1900	2075	300	500	200
American Samoa	282	395	508	621	706	790	875	960	85	226	28
Arizona	700	800	900	1000	1100	1200	1300	1400	100	395	60
Arkansas	450	675	900	1100	1300	1475	1650	1800	150	250	50
California	625	800	1000	1175	1425	1650	1900	2150	225	400	65
Colorado	500	700	900	1050	1200	1350	1500	1650	150	300	50
Connecticut	620	810	1000	1180	1425	1670	1910	2150	150	225	60
Delaware	475	670	830	1050	1195	1340	1480	1625	145	380	50
District of Columbia	500	650	800	950	1100	1250	1400	1650	150	300	50
Florida	550	700	875	1050	1200	1350	1500	1650	200	450	125
Georgia	600	975	1300	1600	1875	2125	2325	2525	200	375	100
Guam	282	395	508	621	706	790	875	960	85	226	28
Hawaii	550	900	1250	1550	1850	2100	2350	2600	200	300	100
Idaho	500	650	800	950	1100	1200	1300	1400	100	300	50
Illinois	600	750	900	1000	1150	1300	1450	1600	200	475	50
Indiana	475	675	875	1000	1125	1250	1400	1500	200	375	100
Iowa	550	700	800	900	1000	1100	1225	1350	125	400	50
Kansas	400	600	800	1000	1200	1400	1600	1800	200	250	50
Kentucky	450	620	790	960	1130	1300	1470	1640	170	350	50
Louisiana	500	700	900	1100	1300	1500	1700	1900	200	375	60
Maine	650	900	1150	1400	1650	1900	2150	2400	250	400	100
Maryland	500	650	800	950	1100	1250	1400	1650	150	300	50

Massachusetts	500	650	800	950	1100	1250	1400	1550	150	300	50
Michigan	650	900	1100	1250	1400	1550	1700	1850	300	500	200
Minnesota	500	650	850	1050	1250	1450	1650	1850	200	375	75
Mississippi	550	650	800	1000	1200	1350	1500	1650	200	300	50
Missouri	800	900	1000	1100	1200	1300	1400	1500	200	400	100
Montana	500	700	800	900	1100	1300	1500	1700	200	350	50
Nebraska	370	520	665	815	925	1025	1150	1260	115	295	38
Nevada	500	700	900	1100	1300	1500	1700	1900	200	350	60
New Hampshire	500	700	900	1100	1300	1500	1700	1900	200	200	150
New Jersey	600	700	800	950	1100	1250	1350	1500	250	225	35
New Mexico	650	850	1050	1250	1450	1650	1850	2050	200	400	60
New York	600	750	900	1050	1200	1350	1500	1650	150	350	100
North Carolina	500	700	900	1100	1300	1500	1650	1800	150	350	50
North Dakota	440	635	800	965	1130	1265	1350	1515	165	385	55
N. Mariana Is.	282	395	508	621	706	790	875	960	85	226	28
Ohio	400	600	800	950	1100	1250	1400	1550	150	250	50
Oklahoma	450	600	750	900	1025	1150	1275	1400	100	300	50
Oregon	400	550	750	950	1125	1300	1475	1650	175	350	100
Pennsylvania	500	750	1000	1200	1400	1600	1800	2000	200	400	70
Puerto Rico	500	700	850	950	1150	1300	1450	1600	150	425	100
Rhode Island	450	625	800	900	1000	1200	1350	1500	150	300	50
South Carolina	650	750	1025	1200	1500	1650	1800	1975	200	500	50
South Dakota	450	600	750	900	1000	1200	1400	1600	200	300	40
Tennessee	500	700	900	1100	1300	1500	1700	1900	200	300	50
Texas	400	550	700	850	1000	1100	1200	1300	100	300	50
Utah	495	630	775	910	1045	1205	1340	1475	135	325	55
Vermont	400	550	650	850	1000	1100	1200	1300	150	300	75
Virgin Islands	500	700	850	950	1150	1300	1450	1600	150	425	100
Virginia	550	750	950	1150	1350	1550	1750	1950	200	350	75
Washington	600	800	1000	1200	1400	1600	1800	2000	200	300	50
West Virginia	600	750	900	1050	1200	1350	1500	1650	200	300	50
Wisconsin	450	600	750	900	1050	1200	1350	1500	150	350	50
Wyoming	450	550	700	850	1000	1100	1300	1400	150	300	50

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**Attachment 8-22:  
Claim for Moving Costs and Related Expenses**

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# Residential Claim for Moving and Related Expenses

(49 CFR 24.301 and 24.302)

See back of page for Public Reporting Burden and Privacy Act Statements before completing this form

U.S. Department of Housing and Urban Development  
Office of Community Planning and Development

OMB Approval No. 2506-0016  
(exp. 10/31/2011)

<b>For Agency Use Only</b> Name of Agency	Project Name or Number	Case Number
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**Instructions:** This claim form is for the use of families and individuals applying for payment of residential moving and related expenses under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA). You may be eligible to apply for either (1) a fixed payment (see 24.302), or (2) payment for actual reasonable moving costs and related expenses (see 24.301), or (3) in some cases, a payment based on a combination of moving options (contact Agency). All claims for actual expenses must be supported by receipts or other acceptable evidence. The Agency will explain the differences between the types of moving options and will help you complete this form. HUD provides information on these requirements and other guidance materials on its website at [www.hud.gov/relocation](http://www.hud.gov/relocation). If the full amount of your claim is not approved, the Agency will provide you with a written explanation of the reason. If you are not satisfied with the Agency's determination, you may appeal that determination. The Agency will explain how to make an appeal. All claims for payments must be filed no later than 18 months from the date of displacement (see 24.207(d)).

1. Your Name(s) (You are the Claimant(s)) and Present Mailing Address	1a. Telephone Number(s)
---	-------------------------

2. Have All Members of the Household Moved to the Same Dwelling?  Yes  No  
(If "No," list the names of all members and the addresses to which they moved in the Remarks Section.)

Dwelling	Address (include Apartment No.)	Number of Rooms of Furniture? *	Date Occupied	Date Vacated
3. Unit That You Moved From				
4. Unit That You Moved To		* Excluding bathrooms, hallways and closets.		

5. Is This a Final Claim?  Yes  No

**6. Certification of Legal Residency in the United States** (Please read instructions below before completing this section.)

**Instructions:** To qualify for relocation advisory services or relocation payments authorized by the Uniform Relocation Assistance and Real Property Acquisition Policies Act, a "displaced person" must be a United States citizen or national, or an alien lawfully present in the United States. **The certification below must be completed in order to receive any relocation benefits.** (This certification may not have any standing with regard to applicable State laws providing relocation benefits.) **Your signature on this claim form constitutes certification.** See 49 CFR 24.208(g) & (h) for hardship exceptions.

Please address only the category (Individual or family) that describes your occupancy status. For item (2), please fill in the correct number of persons.

**RESIDENTIAL HOUSEHOLDS**

<p>(1) Individual. I certify that I am: (check one) _____ a citizen or national of the United States _____ an alien lawfully present in the United States.</p>	<p>(2) Family. I certify that there are _____ persons in my household and that _____ are citizens or nationals of the United States and _____ are aliens lawfully present in the United States.</p>
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**7. Computation of Payment** (See 49 CFR 24.301 and 24.302)

**Instructions:** You may be eligible to apply for either (1) a fixed payment (see 24.302), or (2) payment for actual and reasonable moving costs and related expenses (see 24.301), or (3) in some cases, a payment based on a combination of moving options (see 24.301(b)). The computation table in this section provides you with the ability to compute your payment based on one or a combination of moving options depending on your eligibility and your needs and desires.

A fixed payment is used to compute a payment based on the numbers of rooms of furniture within the displacement dwelling. The Residential Fixed Moving Cost Schedule available at [www.hud.gov/relocation](http://www.hud.gov/relocation), will provide the payment amount for the state in which the displacement occurred. (Note: for persons occupying a dormitory style room or where the move is performed by the Agency at no cost to the displaced person, the payment amount is limited to the amount specified for such moves on the Fixed Moving Cost Schedule.) If you choose to claim a fixed payment, fill in the applicable schedule amount in column 7c Line (3). In some cases, persons who plans to claim only a fixed payment may also be eligible for additional moving options to move personal property located outside the dwelling and not considered in the Fixed Moving Cost Schedule (jungle gym, hot tub, etc.) or for personal property requiring specialized moving assistance within the dwelling (piano, pool table, medical equipment, etc.). In these situations you may also be eligible for a payment based on actual costs for a commercial move and/or self move for these items. Contact the Agency for further assistance. If the Agency determines you are eligible for other moving options in addition to the fixed payment, fill in all applicable claim information requested for the type(s) of moving option specified in the table.

	7a. Commercial Move (Actual Costs) (Based on lower of 2 bids)		7b. Self Move (Actual Costs) (Not to exceed cost of commercial move)		7c. Self Move (Fixed Schedule) (See 49 CFR 24.302)	
	Claimant	Agency Use	Claimant	Agency Use	Claimant	Agency Use
(1) Moving Cost Expenses (49 CFR 24.301(g)(1-7); see page 2) (Do not include storage costs listed separately below). [For Mobile Home Owner Occupants also include 24.301(g)(8-10), if applicable.]						
(2) Storage Cost (Requires prior agency approval) (Not to exceed 12 months)						
(3) Fixed Moving Cost Schedule Amount (Based on number of rooms of furniture in Item 3). For amount see Moving Cost Schedule available at <a href="http://www.hud.gov/relocation">www.hud.gov/relocation</a> .						
(4) Other (Explain in Remarks Section)						
(5) Total Amount of Claim.						
(6) Amount Previously Received, if any.						
(7) Amount Requested (Subtract line (6) from line (5))						
(8) Total Amount Requested - <b>Combination Moves Only</b> (add applicable columns 7(a)(7), 7(b)(7) and 7(c)(7))						

8. **Certification By Claimant(s):** I certify that this claim and supporting information are true and complete and that I have not been paid for these expenses by any other source. I ask that the amount on line (7) of Item 7 or line (8) of Item 7 for combination moves be paid to  me  the contractor(s) (as specified in the Remarks Section).

Signature(s) of Claimant(s) & Date:

X

**Warning:** HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

**To Be Completed by the Agency**

Payment Action	Amount of Payment	Signature	Name (Type or Print)	Date (mm/dd/yyyy)
9. Recommended	\$			
10. Approved	\$			

**Remarks** (Attach additional sheets, if necessary)

Additional sheets attached?  Yes  No

**Eligible Actual Residential Moving Expenses (49 CFR 24.301(g)(1-10))**

- (1) Transportation of the displaced person and personal property. Transportation costs for a distance beyond 50 miles are not eligible, unless the Agency determines that relocation beyond 50 miles is justified.
- (2) Packing, crating, unpacking, and uncrating of the personal property.
- (3) Disconnecting, dismantling, removing, reassembling, and reinstalling relocated household appliances and other personal property. For businesses, farms or nonprofit organizations this includes machinery, equipment, substitute personal property, and connections to utilities available within the building; it also includes modifications to the personal property, including those mandated by Federal, State or local law, code or ordinance, necessary to adapt it to the replacement structure, the replacement site, or the utilities at the replacement site, and modifications necessary to adapt the utilities at the replacement site to the personal property.
- (4) Storage of the personal property for a period not to exceed 12 months, unless the Agency determines that a longer period is necessary.
- (5) Insurance for the replacement value of the property in connection with the move and necessary storage.
- (6) The replacement value of property lost, stolen, or damaged in the process of moving (not through the fault or negligence of the displaced person, his or her agent, or employee) where insurance covering such loss, theft, or damage is not reasonably available.
- (7) Other moving-related expenses that are not listed as ineligible under § 24.301(h), as the Agency determines to be reasonable and necessary.
- (8) The reasonable cost of disassembling, moving, and reassembling any appurtenances attached to a mobile home, such as porches, decks, skirting, and awnings, which were not acquired, anchoring of the unit, and utility "hookup" charges.
- (9) The reasonable cost of repairs and/or modifications so that a mobile home can be moved and/or made decent, safe, and sanitary.
- (10) The cost of a nonrefundable mobile home park entrance fee, to the extent it does not exceed the fee at a comparable mobile home park, if the person is displaced from a mobile home park or the Agency determines that payment of the fee is necessary to effect relocation.

**Public reporting burden** for this collection of information is estimated to average 30 minutes per response. This includes the time for collecting, reviewing, and reporting the data. The information is being collected under the authority of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, and implementing regulations at 49 CFR Part 24 and will be used for determining whether you are eligible to receive a payment for moving and related expenses and the amount of any payment. Response to this request for information is required in order to receive the benefits to be derived. This agency may not collect this information, and you are not required to complete this form unless it displays a currently valid OMB control number.

**Privacy Act Notice:** This information is needed to determine whether you are eligible to receive a payment for moving and related expenses. You are not required by law to furnish this information, but if you do not provide it, you may not receive any payment for these expenses or it may take longer to pay you. This information is being collected under the authority of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970. The information may be made available to a Federal agency for review.

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**Attachment 8-23:**  
**Claim for Rental or Purchase Assistance under Section 104(d)**

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**Claim for Rental or Purchase Assistance**  
Under Section 104(d) of Housing and Community Development Act of 1974, as amended

**U.S. Department of Housing and Urban Development**  
Office of Community Planning and Development

OMB Approval No. 2506-0016  
(exp. 10/31/2011)

<b>For Agency Use Only</b> Name of Agency	Project Name or Number	Case Number
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**Public reporting burden** for this collection of information is estimated to average 1.0 hour. This includes the time for collecting, reviewing, and reporting the data. The information is being collected under the authority of Section 104(d) of the Housing and Community Development Act of 1974, as amended, and implementing regulations at 24 CFR Part 42 and will be used for determining whether you are eligible to receive a payment to help you rent or buy a new home and the amount of any payment. Response to this request for information is required in order to receive the benefits to be derived. This agency may not collect this information, and you are not required to complete this form unless it displays a currently valid OMB control number.

**Privacy Act Notice:** This information is needed to determine whether you are eligible to receive a payment to help you rent or buy a new home. The Agency will help you complete this form. If the full amount of your claim is not approved, the Agency will provide you with a written explanation of the reason. If you are not satisfied with the Agency's determination, you may appeal that determination. The Agency will explain how to make an appeal. You are not required by law to furnish this information, but if you do not provide it, you may not receive any payment for these expenses or it may take longer to pay you. This information is being collected under the authority of Section 104(d) of the Housing and Community Development Act of 1974, as amended. The information may be made available to a Federal agency for review.

1. Your Name(s) (You are the Claimant(s))	1a. Your Present Mailing Address(es)	1b. Your Telephone Number(s)
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2a. Have all members of the household moved to the same dwelling?  Yes  No (If "No", list names of all members and the address to which they moved in the Remarks Section) 2b. Do you (or will you) receive a Federal, State, or local housing program subsidy at the unit you moved to?  Yes  No

Dwelling	Address	When Did You Rent/Buy This Unit?	When Did You Move To This Unit?	When Did You Move Out of This Unit?
3. Unit That You Moved From				
4. Unit That You Moved To				

5. **Computation of Payment** : Complete Items 13 and 14 on the back of this form before completing this section.

If you are filing for purchase assistance, check this box  and skip line (1).

Item	To Be Completed By Claimant	For Agency Use Only
(1) Monthly Rent and Estimated Average Monthly Utility Costs for Unit That You Moved To (from Item 13, line (8), column (a))	\$	\$
(2) Monthly Rent and Estimated Average Monthly Utility Costs for Comparable Replacement Dwelling (from Item 13, line (8), column (c)) (to be provided by Agency)		
(3) Lesser of line (1) or (2) (If claim is for purchase assistance enter amount from line (2))		
(4) Total Tenant Payment (from Item 14, line (8) or as computed by PHA)		
(5) Monthly Need (Subtract line (4) from line (3))		
(6) Amount of Payment (Renters multiply amount on line (5) by 60; Agency will determine purchase assistance amount)		
(7) Cost of Security Deposit		
(8) Cost of Credit Check		
(9) Amount of Claim (Add lines (6), (7) and (8))	\$	\$
(10) Amount Previously Received, if any		
(11) Amount Requested (Subtract line (10) from line (9))	\$	\$

6. **Certification:** I certify that this claim and supporting information are true and complete and that I have not been paid for these expenses from any other source.

Signature(s) of Claimant(s) & Date

X

**Warning: HUD will prosecute** false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

<b>To be Completed by the Agency</b>	7. Effective date of eligibility for relocation assistance	8. Date of referral to comparable replacement dwelling	9. Date replacement dwelling inspected and found decent, safe and sanitary
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10. Payment To Be Made In:  Lump Sum  Monthly Installments  Other Installments  
(only for down payment assistance) (specify in the Remarks Section)

Payment Action	Amount of Payment	Signature	Name (Type or Print)	Date
11. Recommended	\$			
12. Approved	\$			

**13. Determination of Rent and Average Monthly Utility Costs**

**Instructions:** To compute the payment, entries on line (8) must reflect all utility services. Therefore, identify on lines (2) through (5) each utility necessary to provide heat, hot water, cooking, lighting, and water and sewer. In those cases where the utility service is not covered by the monthly rent, indicate the estimated out-of-pocket monthly cost. In those cases where the utility service is covered by the monthly rent, enter "IMR" (In Monthly Rent). Determine the estimated average monthly cost of a utility service by dividing the reasonable estimated yearly cost by 12. If you receive (or will receive) a monthly housing subsidy at the replacement dwelling (e.g., Section 8 Housing Assistance Payment (HAP)), enter the applicable amount on line (7), column (a).

Item	Average Monthly Cost		
	Unit That You Moved To (Do not complete if claim is for purchase assistance)		Comparable Replacement Dwelling
	(a) Claimant	(b) For Agency Use Only	(c) To Be Provided By Agency
(1) Rent (The amount paid under the terms and conditions of occupancy. It may or may not cover any utilities.)	\$	\$	\$
(2)			
(3)			
(4)			
(5)			
(6) Gross monthly rent and utility costs (add lines (1) through (5))			
(7) Monthly housing subsidy, if applicable (e.g., Section 8 HAP)	\$	\$	\$
(8) Net monthly rent and utility costs (subtract line (7) from line (6))	\$	\$	\$

**14. Determination of Total Tenant Payment** (See 24 CFR 5.628) If PHA computes Total Tenant Payment, this section need not be completed.

Item	Household Income	
	(a) To Be Completed By Claimant	(b) For Agency Use Only
(1) Annual Gross Income of Household. Include income from net family assets. Enter name of each household member with income. (See 24 CFR 5.609)	\$	\$
(2) Total gross annual income (add entries in line (1))		
(3) Adjustments to income (see 24 CFR 5.611)		
(a) Dependent deduction (\$480 X number of dependents)		
(b) Elderly household deduction (Enter \$400, if head of household or spouse is 62 years or older or handicapped or disabled)		
(c) Allowable child care expenses (expenses for children 12 and under that enable a family member to work or further education)		
(d) Allowable handicapped assistance expenses for nonelderly family (that enable handicapped or disabled person to work or another household member to work)		
(e) Allowable handicapped assistance expenses and medical expenses for elderly family (if head of household or spouse is 62 years or older or handicapped or disabled)		
(f) Total adjustments to income (Add lines (3)(a) through (3)(e))		
(4) Subtract line (3)(f) from line (2) (This is annual adjusted income)		
(5) Divide line (4) by 12 (This is monthly adjusted income)		
(6) 30 % of line (5)		
(7) 10 % of gross monthly income (Divide line (2) by 120)		
(8) Greater of line (6) or (7) (Enter in Item 5, line (4)) <sup>[1]</sup>	\$	\$

Remarks:

**[1]** If the claimant receives public welfare assistance in a State or community that designates a specific portion of such assistance as a shelter allowance and adjusts that amount according to actual housing costs, enter the designated amount in Item 5, line (4), if it is greater than the amount in Item 14, line (8).

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**Attachment 8-24:  
Sample Temporary Relocation Notice**

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## Sample Temporary Relocation Notice (Tenant)

### Grantee or Agency Letterhead

(Date)

Name of Tenant  
Address  
City, State, Zip

Dear \_\_\_\_\_:

In the Notice of Nondisplacement we sent you on     (date)    , we indicated that you might be required to move out of your home temporarily in order for the necessary     (rehab/repairs)     to be completed. This notice is to inform you that you will be required to move out of your home on     (date)     for a period of     (number of months – not to exceed six months)    .

The conditions of your temporary move are as follows:

- You may identify your own temporary housing unit, but it must be inspected by the     (Agency)     and found to be decent, safe and sanitary. The     (Agency)     is also available to assist you in identifying a suitable temporary housing unit.
- If you choose to stay with a family member or friend and you pay rent during your stay, you must be able to provide the     (Agency)     with proof of any rental payments.
- You will be reimbursed for all out-of-pocket expenses, including the cost of moving to and from the temporary unit, of changing utilities, of storage, and increased rent.
- If there are no cooking facilities in your temporary unit, you will be provided with an adequate meal stipend.

Upon completion of the required     (rehab/repairs)    , you will be allowed to return to the project. The     (Agency)     will contact you periodically during your temporary move to update you on the status of the     (rehab/repairs)     and to assist you with your move back to your home. In the interim, if you have any questions or concerns about the temporary relocation process, please contact     (Contact Name)     at     (Address)     or     (Telephone Number)    .

Please keep this notice in your files.

Sincerely,

\_\_\_\_\_  
(Authorized Signature)



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**Attachment 8-25(a):  
Sample General Information Notice for Non-residential**

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GUIDEFORM GENERAL INFORMATION NOTICE  
NONRESIDENTIAL TENANT TO BE DISPLACED

Grantee or Agency Letterhead

(date)

Dear \_\_\_\_\_:

\_\_\_\_\_ (City, County, State, Public Housing Authority (PHA), other) \_\_\_\_\_, is interested in \_\_\_\_\_ (acquiring, rehabilitating, demolishing) \_\_\_\_\_ the property you currently occupy at \_\_\_\_\_ (address) \_\_\_\_\_ for a proposed project which may receive funding assistance from the U.S. Department of Housing and Urban Development (HUD) under the \_\_\_\_\_ program.

The purpose of this notice is to inform you that your (*business, nonprofit organization or farm*) 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.

- **This is not a notice to vacate the premises.**
- **This is not 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.

**(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.)**

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.

If you have any questions about this notice or the proposed project, please contact (name)\_\_\_\_\_, (title)\_\_\_\_\_, (address)\_\_\_\_\_, (phone)\_\_\_\_\_.

Sincerely,

(name and title)\_\_\_\_\_

Enclosure

=====  
NOTES

1. The case file must indicate the manner in which this notice was delivered (e.g., personally served or certified mail, return receipt requested) and the date of delivery. (See Paragraph 2-3 I of Handbook 1378.)
2. This is a guideform. It should be revised to reflect the circumstances.

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**Attachment 8-25(b):  
Sample Guideform Notice of Eligibility for  
Relocation Assistance – Businesses**

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Payment for Moving and Reestablishment Expenses. You may be eligible for: (1) A payment for your actual reasonable moving and related expenses; including payment for reestablishment expenses of up to \$10,000, *or* (2) a fixed moving payment for your actual reasonable and necessary moving and reestablishment expenses. The fixed moving payment ranges from a minimum of \$1,000 to a maximum of \$20,000 depending on a number of factors.

If you have any questions about this letter and your eligibility for relocation assistance and payments, please contact \_\_\_\_\_ (*name*), \_\_\_\_\_ (*title*) at (*phone*) \_\_\_\_\_, \_\_\_\_\_ (*address*) \_\_\_\_\_.

**Remember, do not move or commit to the purchase or lease of a replacement location** before we have a chance to further discuss your eligibility for relocation assistance. This letter is important to you and should be retained.

Sincerely,

\_\_\_\_\_ (*name and title*)

Enclosure/s

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NOTES.

1. The case file must indicate the manner in which this notice was delivered (e.g., personally served or certified mail, return receipt requested) and the date of delivery. (See Paragraph 2-3 I of Handbook 1378.)
2. This is a guideform. It should be revised to reflect the circumstances.

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**Attachment 8-26:  
HUD 1043 CPD Information Brochure – Relocation Assistance to  
Displaced Businesses,  
Nonprofit Organizations and Farms**

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## **Introduction**

This booklet describes the relocation assistance and payments provided to displaced businesses, nonprofit organizations and farms under the **Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended** (URA). This includes any such occupant that moves from real property, or moves personal property from real property, as a direct result of acquisition, rehabilitation or demolition for a Federal project or a project in which Federal funds are used.

If you are notified that you will be displaced, it is important that you **do not move** before you learn what you must do to receive the relocation payments and other assistance to which you are entitled.

***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.***

This booklet may not answer all of your questions. If you have more questions about your relocation, contact the Agency responsible for the project. (Check the back of this booklet for the name of the person to contact at the Agency.) Ask your questions before you move. Afterwards, it may be too late.

## **Summary of Relocation Assistance**

As an eligible displaced person, you will be offered the following advisory and financial assistance:

- **Advisory Services** includes referrals to suitable replacement locations, help in
- preparing claim forms for relocation payments and other assistance to minimize the impact of the move.
- **Payment for Moving and Reestablishment Expenses** falls into two general categories:
  - \* **Payment for Actual, Reasonable Moving and Related Expenses.** If you choose this payment, you may also be eligible for a **Payment for Reestablishment Expenses**, up to \$10,000.
  - \* **Fixed Payment** ("In Lieu Of" Payment). As an alternative to receiving payment for your actual, reasonable and related moving and reestablishment expenses, certain persons are eligible to choose a **Fixed Payment** in the amount of \$1,000 - \$20,000.

## **General Questions**

### **How Will I Know I Am Eligible For Relocation Assistance?**

You should receive a written notice explaining your eligibility for relocation assistance. You should not move before receiving that notice. If you do, you may not be eligible for relocation assistance.

### **How Will The Agency Know How Much Help I Need?**

You will be contacted at an early date and personally interviewed by a representative of the Agency to determine your relocation needs and preferences.

### **How Soon Will I Have To Move?**

Every reasonable effort will be made to provide you with sufficient time to find and reestablish your business in a suitable replacement location. If possible, a mutually agreeable date for the move will be worked out. You will be given enough time to make plans for moving. Unless there is a health or safety emergency, you will not be required to move without at least 90 days advance written notice.

### **How Will I Find A Replacement Location?**

The Agency will provide you with current information on available replacement locations that meet your needs. The Agency may also provide you with the names of real estate agents and brokers who can assist you in finding the type of replacement location you need.

While the Agency will assist you in obtaining a suitable replacement location, you should take an active role in finding and relocating to a location of your choice; no one knows your needs better than you. When searching for a replacement location for your business, you should ensure that there are no zoning or other requirements which will unduly restrict your planned operations.

### **What Other Assistance Will Be Available To Help Me?**

In addition to help in finding a suitable replacement location, other assistance, as necessary, will be provided by the Agency. This includes providing information on Federal, State, and local programs that may be of help in reestablishing a business. For example, the Small Business Administration (SBA) provides managerial and technical assistance to some businesses.

You should ask the Agency representative to tell you about the specific services that may be available to help you.

## **I Have A Replacement Location And Want To Move. What Should I Do?**

Before you make any arrangements to move, notify the Agency as soon as possible. The Agency will discuss the move with you and advise you of the relocation payment(s) for which you may be eligible, the requirements to be met, and how to obtain a payment.

## **I Plan To Discontinue My Business Rather Than Move. What Should I Do?**

If you have decided to discontinue your business rather than reestablish, you may still be eligible to receive a payment. Contact the Agency and discuss your decision to discontinue your business. You will be informed of the payment, if any, for which you may be eligible and the requirements that must be met to obtain the payment.

## **I Own This Property. Will I Be Paid For It Before I Have To Move?**

If you reach a negotiated agreement to sell your property to a public agency, you will not be required to move before you receive the agreed purchase price. If the property is acquired through an eminent domain proceeding, you cannot be required to move before the estimated fair market value of the property has been deposited with the court. (You should be able to withdraw this amount immediately, less any amounts necessary to pay off any mortgage or other liens on the property and to resolve any special ownership problems. Withdrawal of your share of the money will not affect your right to seek additional compensation for your property.)

Ask the Agency to provide you a copy of the HUD information brochure, **When a Public Agency Acquires Your Property (HUD-1041-CPD)**. If you have any questions about the acquisition of your property, please contact the Agency.

## **What Moving Expenses Are Eligible For Payment?**

If you choose a Payment For Actual, Reasonable Moving and Related Expenses, you may include in your claim the reasonable and necessary cost of:

- Transportation of the displaced person and personal property. Transportation costs beyond 50 miles are ineligible, unless the Agency determines that relocation beyond 50 miles is justified.
- Packing, crating, unpacking, and uncrating personal property.
- Disconnecting, dismantling, removing, reassembling, and reinstalling relocated personal property including machinery, equipment, substitute personal property, and connections to utilities available within the building; it also includes modifications to the personal property, including those mandated by Federal, State or local law, code or ordinance, necessary to adapt it to the replacement structure, the replacement site, or the utilities at the replacement site, and modifications necessary to adapt the utilities at the replacement site to the personal property.

- Storage of the personal property for a period not to exceed 12 months, unless the Agency determines that a longer period is necessary.
- Insurance for the replacement value of the property in connection with the move and necessary storage.
- The replacement value of property lost, stolen, or damaged in the process of moving where insurance covering such loss, theft, or damage is not reasonably available.
- Any license, permit, fees or certification required at the replacement location. However, the payment may be based on the remaining useful life of the existing license, permit, fees or certification.
- Professional services as the Agency determines to be actual, reasonable and necessary for: Planning the move of the personal property; Moving the personal property; and Installing the relocated personal property at the replacement location.
- Relettering signs and replacing stationery on hand at the time of displacement that are made obsolete as a result of the move.
- Actual direct loss of tangible personal property incurred as a result of moving or discontinuing the business or farm operation. The payment shall consist of the lesser of:
  - (1) The fair market value in place of the item, as is for continued use, less the proceeds from its sale; or
  - (2) The estimated cost of moving the item as is, but not including any allowance for storage or for reconnecting a piece of equipment, if the equipment is in storage or not being used at the acquired site. If the business or farm operation is discontinued, the estimated cost of moving the item shall be based on a moving distance of 50 miles.
- The reasonable cost incurred in attempting to sell an item that is not to be relocated.
- Purchase of substitute personal property. If an item of personal property, (which is used as part of a business or farm operation) is not moved but is promptly replaced with a substitute item that performs a comparable function at the replacement site, the displaced person is entitled to payment of the lesser of: (1) The cost of the substitute item, including installation costs at the replacement site, minus any proceeds from the sale or trade-in of the replaced item; or (2) The estimated cost of moving and reinstalling the replaced item but with no allowance for storage.
- Searching for a replacement location. A business or farm operation is entitled to reimbursement for actual, reasonable expenses, not to exceed \$2,500, which are incurred in searching for a replacement location, including: Transportation; meals and lodging away from home; time spent searching, obtaining permits, attending zoning hearings and negotiating the purchase or lease of a replacement site (based on reasonable salary or earnings); fees paid to a real estate agent or broker to locate a replacement site (exclusive of any fees or commissions related to the purchase of such sites).
- Low value/high bulk. When the personal property to be moved is of low value and high bulk, and the cost of moving the property would be disproportionate to its value in the judgment of the displacing Agency, the allowable moving cost

payment shall not exceed the lesser of: (1) the amount which would be received if the property were sold at the site or (2) the replacement cost of a comparable quantity delivered to the new business location. Examples include, but are not limited to, stockpiled sand, gravel, minerals, metals and other similar items of personal property as determined by the Agency.

In addition to the eligible expenses for moving personal property listed above, the following items are also eligible moving expenses if the Agency determines they are actual, reasonable and necessary:

- Connection to available nearby utilities from the right-of-way to improvements at the replacement site.
- Professional services (based on a reasonable Agency pre-approved hourly rate) performed prior to the purchase or lease of a replacement site to determine its suitability for the displaced person's business operation including but not limited to, soil testing, feasibility and marketing studies (excluding any fees or commissions directly related to the purchase or lease of such site).
- Impact fees or one time assessments for anticipated heavy utility usage.

The Agency will explain all eligible moving and related costs, as well as those which are not eligible. You must be able to account for all costs that you incur; so keep all your receipts. The Agency will inform you of the documentation needed to support your claim.

You may elect to pay your moving costs yourself and be repaid by the Agency or, if you prefer, you may have the Agency pay the mover. In either case, select your mover with care. The Agency can help you select a reliable and reputable mover.

Also, keep the Agency informed about your moving plans. You must provide the Agency reasonable advance written notice of the approximate date of the start of your move or disposition of your personal property and an inventory of the items to be moved. The Agency may agree to waive this requirement. You must permit the Agency to make reasonable and timely inspections of the personal property at the old and new locations and to monitor the move.

### **What Is A Payment For Reestablishment Expenses?**

If you choose to receive a payment for your actual moving and related expenses, you may also be eligible to receive a payment for reestablishment expenses, not to exceed \$10,000. Such expenses must be reasonable and necessary, as determined by the Agency. They include, but are not limited to the following:

- Repairs or improvements to the replacement real property as required by Federal, State or local law, code or ordinance.
- Modifications to the replacement property to accommodate the business operation or make replacement structures suitable for conducting the business.
- Construction and installation costs for exterior signing to advertise the business.

- Redecoration or replacement of soiled or worn surfaces at the replacement site, such as paint, paneling, or carpeting.
- Advertisement of replacement location.
- Estimated increased costs of operation during the first 2 years at the replacement site for such items as: Lease or rental charges; Personal or real property taxes; Insurance premiums; and Utility charges, excluding impact fees.
- Other items that the Agency considers essential to the reestablishment of the business.

### **What Is A Fixed Moving Payment (“In Lieu Of” Payment)?**

Certain businesses, nonprofit organizations and farms are eligible to obtain a Fixed Moving Payment, “in lieu of” receiving a payment for Actual, Reasonable Moving and Related Expenses and a Payment for Reestablishment Expenses. The Fixed Payment for a business or farm operation is based on the average annual net earnings of the business or farm operation; the Fixed Payment for a nonprofit organization is based on average annual gross revenues less administrative expenses. A Fixed Payment will not be less than \$1,000, nor more than \$20,000. Check with the Agency to see if you are eligible for this payment option.

The Agency will inform you as to your eligibility for this payment and the documentation you must submit to support your claim.

Remember, when you elect to take this payment you are not entitled to reimbursement for any other moving or reestablishment expenses.

### **Must I File A Claim For A Relocation Payment?**

Yes. You must file a claim for a relocation payment. The Agency will, however, provide you with the required claim form, help you to complete it, and explain the type of documentation that you must submit in order to receive the payment.

**All claims for relocation payments must be filed no later than 18 months after: For tenants, the date of your move. For owners, the later of (1) the date of your move; or (2) the date of final payment for the acquisition of your property.**

However, it is to your advantage to file as soon as possible after you move. The sooner you submit your claim, the sooner it can be processed and paid. If you are unable to file your claim within 18 months, ask the Agency to consider extending this period.

You will be paid promptly after you file an acceptable claim. If there is any question regarding your right to a relocation payment or the amount of the payment, you will be notified of the problem in writing and the action you must take to resolve the matter.

If you must pay any relocation expenses before you move, discuss your needs with the Agency. You should be able to obtain an advance payment. An advance payment may be placed in "escrow" to ensure that the move will be completed on a timely basis.

### **Will I Have To Pay Rent To The Agency Before I Move?**

If the Agency acquires your property, you may be required to pay a fair rent to the Agency for the period between the acquisition of the property and the date that you move. Such rent will not exceed the market rent for comparable properties in the area.

### **Do I Have To Pay Federal Income Taxes On My Relocation Payments?**

No. Section 216 of the URA states that you need not report relocation payments as part of your gross income for Federal tax purposes. For information on State or local income taxes, you should check with the State or local income tax office in your area or with your personal tax advisor.

### **If I Don't Receive The Required Assistance, Can I Appeal?**

Yes. If you disagree with the Agency's decision as to your right to relocation assistance or the amount of a payment, you may appeal the decision to the Agency. The Agency will inform you of its appeal procedures. At a minimum, you will have 60 days to file your appeal with the Agency after you receive written notification of the Agency's determination on your claim. Your appeal must be in writing. However, if you need help, the Agency will assist you in preparing your appeal.

If you are not satisfied with the Agency's final decision on your appeal, you may seek review of the matter by the courts.

### **I Have More Questions. Who Will Answer Them?**

If you have further questions after reading this booklet, contact the Agency and discuss your concerns with the Agency representative.

Agency:

Address:

Office Hours:

Telephone Number:

Person to Contact:



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**Attachment 8-27**  
**Claim for Actual Reasonable Moving and**  
**Related Expenses – Businesses**

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**Claim for Actual Reasonable Moving and Related Expenses - Nonresidential (49 CFR 24 Subpart D)**

**U.S. Department of Housing and Urban Development**

OMB Approval No. 2506-0016  
(exp. 10/31/2011)

<b>For Agency Use Only</b>	Name of Agency	Project Name or Number	Case Number
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**Instructions:** This claim form is for the use of displaced businesses, nonprofit organizations, and farms that wish to claim a payment for **Actual Reasonable Moving and Related Expenses, including Reestablishment Expenses**, rather than claim a **Fixed Payment**, under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA). The Agency will explain the difference between the two payments and will help you complete this form. HUD provides information on these requirements and other guidance materials on its website at [www.hud.gov/relocation](http://www.hud.gov/relocation). If you are eligible for either payment, the Agency will help you to determine which is most advantageous. If the full amount of your claim is not approved, the Agency will provide you with a written explanation of the reason. If you are not satisfied with the Agency's determination, you may appeal the determination. The Agency will explain how to make an appeal. **All claims for payments must be filed no later than 18 months from the date of displacement (see 24.207(d)).**

**Attach supplemental pages as necessary. All expenses must be thoroughly identified and be accompanied by receipts or other appropriate documentation to be eligible for payment.** Professional services and other claims for time expended based on salaries, earnings or fees related to 49 CFR 24.301(g)(12), 24.301(g)(17)(iii)-(vi), and 24.303(b), must be actual, reasonable, necessary, and should be preapproved by the Agency.

**(Eligible Moving Expenses:** See 24.301(g)(1)-(7); 24.301(g)(11)-(18) & 24.303; **Ineligible Moving Expenses:** See 24.301(h))

**(Eligible Reestablishment Expenses:** See 24.304(a); **Ineligible Reestablishment Expenses:** See 24.304(b))

**Section A. General**

1. Name of Business, Farm or Nonprofit Organization		2. Name, Title, Address and Telephone Number of Claimant or Claimant's Authorized Agent	
3. Address from which Business, Farm or Nonprofit Organization moved			
4a. Address to which Business, Farm or Nonprofit Organization moved	4b. Date Move Started (mm/dd/yyyy)	4c. Date Move Completed (mm/dd/yyyy)	
5. Type of Operation (Check One) <input type="checkbox"/> Business <input type="checkbox"/> Farm Operation <input type="checkbox"/> Nonprofit Organization	6. Type of Ownership (Check One) <input type="checkbox"/> Sole Proprietorship <input type="checkbox"/> Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Nonprofit Organization	7. Is this a Final Claim? <input type="checkbox"/> Yes <input type="checkbox"/> No (If "No," attach an explanation)	

**8. Certification of Legal Residency in the United States** (Please read instructions below before completing this section.)

**Instructions:** To qualify for relocation advisory services or relocation payments authorized by the Uniform Relocation Assistance and Real Property Acquisition Policies Act, a "displaced person" must be a United States citizen or national, or an alien lawfully present in the United States. **The certification below must be completed in order to receive any relocation benefits.** (This certification may not have any standing with regard to applicable State laws providing relocation benefits.) Please address only the category that describes your citizenship status. For item (2), please fill in the correct number of partners. The certification for a nonresidential displaced person may be signed by an owner or other person authorized to sign on its behalf. **Your signature on this claim form constitutes certification.** See 49 CFR 24.208(g) & (h) for hardship exceptions.

**NONRESIDENTIAL DISPLACEMENTS**

(1) Sole Proprietorship. I certify that I am: (check one) _____ a citizen or national of the United States _____ an alien lawfully present in the United States.	(2) Partnership. I certify that there are _____ partners in the partnership and that _____ are citizens or nationals of the United States and _____ are aliens lawfully present in the United States.	(3) Corporation. (Name of Corporation) I certify that _____ is established pursuant to State law and is authorized to conduct business in the United States.
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**Section B. Supporting Data for Moving Expenses** (Not identified in Sections C, D, E, F or G) (49 CFR 24.301(d) & 24.301(e)) (Attach supplemental page if additional space is needed and attached receipts for costs incurred.) (Identify if move is commercial move  self move , or combination move ; if combination move, identify each expense as commercial or self move.)

Expense Identification	Amount Claimed	For Agency Use Only
(1)	\$	\$
(2)		
(3)		
(4)		
<b>(5) Total Costs</b> (Include this amount in line (1) of Item 9, Total)	\$	\$

<b>Section C. Supporting Data for Storage Costs</b> (49 CFR 24.301(g)(4))		Name and Address of Storage Company
Is This a Final Claim for Storage? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Date Moved to Storage (mm/dd/yyyy)	Date Moved From Storage (mm/dd/yyyy)	

Computation of Storage Costs		
Item	Amount	For Agency Use Only
Monthly Rate for Storage	\$	\$
Number of Months in Storage		
<b>Total Storage Costs</b> (Include this amount in line (1) of Item 9, Total)	\$	\$
Description of Property Stored (List may be attached)		

Section D. Supporting Data for Searching Expenses			Amount Claimed	For Agency Use Only
(1) Searching Time	Number of Hours ( ) x Hourly Rate of Earnings ( ) =		\$	\$
(2) Time Spent Obtaining Permits, Attending Zoning Hearings	Number of Hours ( ) x Hourly Rate of Earnings ( ) =		\$	\$
(3) Time Spent Negotiating Purchase/Lease of Replacement Site	Number of Hours ( ) x Hourly Rate of Earnings ( ) =		\$	\$
(4) Transportation (Consult with Agency on allowable rate per mile of personal vehicle)			\$	\$
(5) Lodging (Dates: Attach receipts)			\$	\$
(6) Fees Paid to Real Estate Broker or Agent, (Excluding fees or commissions related to site purchase) (Attach contract or other evidence)			\$	\$
(7) Cost of Meals			\$	\$
(8) Other Expenses (Specify and attach receipts)			\$	\$
(9) Total Searching Expenses (Add lines (1) thru (9). Include this amount, or \$2,500, whichever is less, in line (1) of Item 9 Total.)			\$	\$

**Section E. Supporting Data for Payment for Actual Direct Loss of Personal Property** (List separately each item for which amount claimed in Column (f) is more than \$500. Other Items may be grouped together. The Agency will advise on acceptable method for listing items. Attach additional sheets, as needed.) (49 CFR 24.301(g)(14))

(a) Identify Personal Property for Which Payment for Actual Direct Loss is Requested	(b) Fair Market Value As Is For Continued Use At Present Location (Attach appraisals or other evidence)	(c) Proceeds From Sale	(d) Value Not Recovered By Sale (Column (b) minus Column (c))	(e) Estimated Cost of Moving Old Property As Is (To be entered by Agency) (see 24.301(g)(14)(ii))	(f) Amount Claimed (Lesser of Column (d) or (e))	(g) For Agency Use Only
	\$	\$	\$	\$	\$	\$

<b>Claimant's Release of Personal Property</b> I/We release to the Agency ownership of all personal property remaining on the real property.		(1) Total (Add all entries in column (f) above)	\$	\$
Signature(s) of Claimant(s) or Agent		(2) Cost of Effort to Sell Property (e.g., advertising) (49 CFR 24.301(g)(15))	\$	\$
Date (mm/dd/yyyy)		(3) Total Amount Claimed (Add lines (1) and (2). Include this amount in line (1) of Item 9 Total)	\$	\$



**Section I. Certification By Claimant(s):** I certify that the information on this claim form and supporting documentation is true and complete and that I have not been paid for these expenses by any other source.

Signature(s) of Claimant(s) or Claimant's Authorized Agent  X	Title (Type or Print)	Date
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**Warning:** HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

9. Computation of Payment Item	Amount	For Agency Use Only
(1) Moving Expenses (From Section B, C, D, E, F, G)	\$	\$
(2) Reestablishment Expenses (From Section H)	\$	\$
(3) Other (Attach explanation)	\$	\$
(4) Total Amount Claimed (Add lines (1) thru (3))	\$	\$
(5) Amount Previously Received, if any	\$	\$
(6) Amount Requested (Subtract line (5) from line (4))	\$	\$

**To Be Completed by Agency**

Payment Action	Amount of Payment	Signature	Name (Type or Print)	Date (mm/dd/yyyy)
10. Recommended	\$			
11. Approved	\$			

**Remarks:**

**Public reporting burden** for this collection of information is estimated to average 1.5 hours per response. This includes the time for collecting, reviewing, and reporting the data. The information is being collected under the authority of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, and implementing regulations at 49 CFR Part 24 and will be used for determining whether you are eligible to receive a payment for moving and related expenses and the amount of any payment. Response to this request for information is required in order to receive the benefits to be derived. This agency may not collect this information, and you are not required to complete this form unless it displays a currently valid OMB control number.

**Privacy Act Notice:** This form is for the use of displaced businesses, nonprofit organizations, and farm operators that wish to apply for a Payment for Actual Reasonable Moving and Related Expenses, including Reestablishment Expenses, rather than apply for a Fixed Payment. (The maximum Fixed Payment is \$20,000.) The Agency will explain the difference between the two types of payments. If you are eligible to choose either payment, the Agency will help you to determine which is most advantageous. If the full amount of your claim is not approved, the Agency will provide you with a written explanation of the reason. If you are not satisfied with the Agency's determination, you may appeal the determination. The Agency will explain how to make an appeal. This information is being collected under the authority of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970. The information may be made available to a Federal Agency for review.

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**Attachment 8-28:  
Claim for Fixed Payment in Lieu of Payment for Actual Moving  
and Related Expenses – Businesses,  
Nonprofit Organizations and Farm Operations**

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**Claim for Fixed Payment  
in Lieu of Payment for Actual Nonresidential  
Moving and Related Expenses**

**U.S. Department of Housing  
and Urban Development**  
Office of Community Planning  
and Development

OMB Approval No. 2506-0016  
(exp. 10/31/2011)

(49 CFR 24.305)

<b>For Agency Use Only</b> Name of Agency	Project Name or Number	Case Number
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**Instructions:** This claim form is for the use of displaced businesses, nonprofit organizations, and farm operators that wish to claim a **Fixed Payment**, rather than claim a **Payment for Actual Reasonable Moving and Related Expenses, including Reestablishment Expenses** under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA). **The minimum fixed payment is \$1,000; the maximum is \$20,000.** This payment is based on the average net annual earnings of an eligible business or farm operation before income taxes during the 2 tax years prior to the tax year in which it was displaced (see 49 CFR 24.305(e)); or for a nonprofit organization, based on the average of 2 years gross annual revenues less administrative expenses for the two 12 month periods prior to the acquisition (see 49 CFR 24.305(d)). The Agency will explain the difference between the two payments and will help you complete this form. HUD provides information on these requirements and other guidance materials on its website at [www.hud.gov/relocation](http://www.hud.gov/relocation). If you are eligible for either payment, the Agency will help you to determine which is most advantageous. If the full amount of your claim is not approved, the Agency will provide you with a written explanation of the reason. If you are not satisfied with the Agency's determination, you may appeal the determination. The Agency will explain how to make an appeal.  
**All claims for payments must be filed no later than 18 months from the date of displacement (see 24.207(d)).**

**Fixed Payment Eligibility: 1. Business:** (see 49 CFR 24.305(a)), **2. Nonprofit Organization:** (see 49 CFR 24.305(d)) & **3. Farm Operation:** (see 49 CFR 24.305(c))

**Section A. General**

1. Name of Business, Farm or Nonprofit Organization	2. Name, Title, Address & Telephone Number of Claimant or Claimant's Authorized Agent
3. Address from which Business, Farm or Nonprofit Organization Moved	
4a. Date Move Started (mm/dd/yyyy)	4b. Date Move Completed (mm/dd/yyyy)
4c. Address to which Business, Farm or Nonprofit Organization Moved (If Business, Farm or Nonprofit Organization went out of business, check here <input type="checkbox"/> )	

5. Type of Operation (check one) <input type="checkbox"/> Business <input type="checkbox"/> Farm Operation <input type="checkbox"/> Nonprofit Organization	6. Type of Ownership <input type="checkbox"/> Sole Proprietorship <input type="checkbox"/> Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Nonprofit Organization	7. Is This a Final Claim? <input type="checkbox"/> Yes <input type="checkbox"/> No (If "No", attach explanation)
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**Certification of Legal Residency in the United States** (Please read instructions below before completing this section.)

**Instructions:** To qualify for relocation advisory services or relocation payments authorized by the Uniform Relocation Assistance and Real Property Acquisition Policies Act, a "displaced person" must be a United States citizen or national, or an alien lawfully present in the United States. **The certification below must be completed in order to receive any relocation benefits.** (This certification may not have any standing with regard to applicable State laws providing relocation benefits.) Please address only the category that describes your citizenship status. For item (2), please fill in the correct number of partners. The certification for a nonresidential displaced person may be signed by an owner or other person authorized to sign on its behalf.

**Your signature on this claim form constitutes certification.** See 49 CFR 24.208(g) & (h) for hardship exceptions.

**NONRESIDENTIAL DISPLACEMENTS**

<p>(1) Sole Proprietorship. I certify that I am: (check one) _____ a citizen or national of the United States _____ an alien lawfully present in the United States.</p>	<p>(2) Partnership. I certify that there are _____ partners in the partnership and that _____ are citizens or nationals of the United States and _____ are aliens lawfully present in the United States.</p>	<p>(3) Corporation. (Name of Corporation) I certify that _____, is established pursuant to State law and is authorized to conduct business in the United States.</p>
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Section B. Computation of Average Net Earnings or Net Revenues for Base Period <sup>1/</sup>	Item	Base Period			For Agency Use Only
		Year (yyyy)	Year (yyyy)	Average	
<b>Table I. Individual or Sole Proprietor</b> (Relates to IRS Form 1040)					
(1) Net Profit (Or loss) Before Taxes from IRS Form 1040		\$	\$	\$	\$
(2) Adjustments (Attach statement) <sup>2/</sup>					
(3) Compensation Paid to Owner, Owner's Spouse, and Dependents (List names and amounts to each on a separate page)					
(4) Net Earnings (Add lines (1), (2) and (3))		\$	\$	\$	\$
<b>Table II. Corporation</b> (Relates to IRS Form 1120 and 1120-S)					
(5) Taxable Income from IRS Form 1120 (Or ordinary income from IRS Form 1120-S)		\$	\$	\$	\$
(6) Adjustments (Attach statement) <sup>2/</sup>					
(7) Compensation Paid to Principal Stockholders, their Spouses, and Dependents (List names and amounts to <sup>3/</sup> each on a separate page)					
(8) Net Earnings (Add lines (5), (6) and (7))		\$	\$	\$	\$
<b>Table III. Partnership</b> (Relates to IRS Form 1065)					
(9) Ordinary Income (Or loss) Before Taxes (From IRS Form 1065)		\$	\$	\$	\$
(10) Adjustments (Attach statement) <sup>2/</sup>					
(11) Compensation Paid to Principal Partners, their Spouses, and Dependents (List names and amounts to <sup>4/</sup> each on a separate page)					
(12) Net Earnings (Add lines (9), (10), and (11))		\$	\$	\$	\$
<b>Table IV. Nonprofit Organization</b>					
(13) Annual Gross Revenues <sup>5/</sup>		\$	\$	\$	\$
(14) Administrative Expenses <sup>6/</sup>					
(15) Net Revenues (Subtract line (14) from line (13))		\$	\$	\$	\$

**1/** This is usually the two tax years prior to your displacement. Please consult the Agency.

**2/** To the extent that the profit/income entry in Section B, line (1), (5) or (9) has been reduced by an expense that was not incurred in the base period (e.g., a loss carry forward from a previous year, loss carry back from a later year or declared depreciation in excess of actual depreciation) such expense must be added back on line (2), (6) or (10). To the extent that the entry on line (1), (5) or (9) is inflated by an amount not actually earned in the base period (e.g., refund of State or local income taxes or income included under the tax benefit rule because a deduction taken in a previous year was disallowed), it should be entered on line (2), (6) or (10) as a subtraction.

**3/** Principal stockholder is one who owns 15% or more of the corporation.

**4/** A principal partner is one with a proprietary interest of 15% or more in the concern.

**5/** Gross revenues may include membership fees, class fees, cash donations and other fund collections.

**6/** Administrative expenses include rent, utilities, salaries and fund raising costs.

Section C. Computation of Payment	Item	Amount Claimed	For Agency Use Only
(1) Amount from line (4), (8), (12) or (15) of Section B (If less than \$1,000, enter \$1,000. If more than \$20,000, enter \$20,000)		\$	\$
(2) Amount Previously Received (if any)			
(3) Amount Requested (Subtract line (2) from line (1))		\$	\$

**Section D. Certification By Claimant(s):** I certify that the information on this claim form and supporting documentation is true and complete and that I have not been paid for these expenses by any other source.

Signature(s) of Claimant(s) or Claimant's Authorized Agent	Title (Type or Print)	Date
X		

**Warning:** HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

**To Be Completed by Agency**

Payment Action	Amount of Payment	Signature	Name (Type or Print)	Date
2. Recommended	\$			
3. Approved	\$			

**Remarks**

**Public reporting burden** for this collection of information is estimated to average 1.0 hours per response. This includes the time for collecting, reviewing, and reporting the data. The information is being collected under the authority of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, and implementing regulations at 49 CFR Part 24 and will be used for determining whether you are eligible to receive a fixed moving payment instead of a payment for actual moving and related expenses and the amount of any payment. Response to this request for information is required in order to receive the benefits to be derived. This agency may not collect this information, and you are not required to complete this form unless it displays a currently valid OMB control number.

**Privacy Act Notice:** This form is for the use of displaced businesses, nonprofit organizations, and farm operators that wish to apply for a Fixed Payment rather than a Payment for Actual Reasonable Moving and Related Expenses, including Reestablishment Expenses. (The maximum Fixed Payment is \$20,000.) The Agency will explain the difference between the two types of payments. If you are eligible to choose either payment, the Agency will help you to determine which is most advantageous. If the full amount of your claim is not approved, the Agency will provide you with a written explanation of the reason. If you are not satisfied with the Agency's determination, you may appeal the determination. The Agency will explain how to make an appeal. This information is being collected under the authority of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970. The information may be made available to a Federal Agency for review.



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**Attachment 8-29:  
Sample Grievance Procedures**

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**Sample Grievance Procedures**

The following procedures outline the City's/County's process for affected persons to appeal the determination of eligibility and/or level of relocation benefits.

**Grounds**

You have the right to appeal any action of the City/County for failure to properly determine your eligibility for, or the amount of, relocation benefits or payment for incidental expenses or certain litigation expenses.

Your acceptance of the amount offered you by the City/County does not limit your right to appeal its determination and seek a larger payment.

**Methods and Time Limits for Initiating an Appeal**

If your appeal concerns your eligibility for, or the amount of, a payment, you must file your written appeal within 60 days after the City/County notifies you in writing of its determination on your claim.

The City/County will send you a copy of the decision, a statement of the facts and legal basis upon which it is based, a description of how any new payments or relief will be provided to you, and, if your appeal was not totally granted, a statement of your right to appeal the City's/County's decision to the Department of Local Government.

**Appeal to the State of Kentucky**

If the City/County denies your appeal, you are entitled to a review by the Department of Local Government. You may obtain a State review by sending a written request to the Department of Local Government within 30 days after you receive a letter containing the City's/County's decision, together with a written statement of the facts upon which the decision is based.

In a review of your appeal by the City/County or the State, you have the right to be represented by a lawyer or other counsel, and you may appeal any final decision by the State to the courts.

If you have any questions concerning these procedures, please contact       (Contact Name)       at       (Address)       or       (Telephone Number)      .

\_\_\_\_\_  
Occupant's Signature

\_\_\_\_\_  
Agency Representative

\_\_\_\_\_  
Occupant's Address

\_\_\_\_\_  
Date



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**Attachment 8-30:  
One-for-One Replacement Summary Grantee Performance  
Report**

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**ONE-FOR-ONE REPLACEMENT SUMMARY REPORT**  
**INSTRUCTIONS**

**PART I:                    LOW/MOD HOUSING UNITS DEMOLISHED/CONVERTED**

Column a                    **ACTIVITY NUMBER:** Enter the activity number from the Activity Summary form that corresponds to the activity subject to the one-for-one replacement requirement.

Column b                    **ACTIVITY ADDRESS:** Provide the street address for each structure in which low/mod housing units were demolished or converted to another use as a result of a CDBG-assisted activity and for which replacement is required or for which the grantee requested that HUD determine that an exception is appropriate.

Column c                    **DATE OF AGREEMENT:** For housing that is privately owned, enter the date that the grant or loan agreement for CDBG assistance between the grantee and the person owning or controlling the real property was executed. For housing that was owned by the grantee or subrecipient, enter the date that the contract for demolition or conversion between the grantee or subrecipient and the contractor was executed.

Column d                    **NUMBER OF UNITS BY BEDROOM SIZE THAT WERE DEMOLISHED OR CONVERTED:** For each structure, enter the number of units according to bedroom size that were demolished or converted and enter the total number of bedrooms in the structure that were so affected.

**PART II:                    REPLACEMENT UNITS**

Column e                    **REPLACEMENT ADDRESS:** Provide the street address for each structure in which housing units were provided as replacement for units demolished or converted as identified in column b above. List these structures and units adjacent to those for which they are a replacement. Do not identify housing that has not yet been made available for occupancy.

If HUD has determined that the community need not replace the units, enter "Replacement Not Required" in this column, along with the date that HUD issued a determination to that effect.

Column f                    **DATE UNIT AVAILABLE:** Enter the date that the unit was made available for occupancy.

Reminder: To meet the requirements, the replacement units must become available in the period beginning one year before submission of a copy of the replacement housing plan to HUD and

ending three years after commencement of the demolition or conversion.

Column g

NUMBER OF UNITS BY BEDROOM SIZE: By replacement address, enter the number of units provided according to bedroom size and the total number of bedrooms in the structure.

If the bedroom size of the replacement units is less than that of the units being replaced (viz, four 2-bedroom units replacing one 2-bedroom and two 3-bedroom units), attach a statement justifying why this is consistent with the community's needs.





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**Attachment 8-31:  
Sample Relocation File Checklist**

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RELOCATION CHECKLIST

Resident: \_\_\_\_\_ Case #: \_\_\_\_\_  
Property Address: \_\_\_\_\_ Phone #: \_\_\_\_\_  
Owner: \_\_\_\_\_ Owner's Phone #: \_\_\_\_\_  
\_\_\_\_\_ 180-Day Owner-occupant \_\_\_\_\_ 90-Day Owner-occupant \_\_\_\_\_ Tenant

**A. INFORMATION ON OCCUPANTS**

- 1.A. General Government Information Notice (GIN Notice)
- 1.B. Household Case Record (# in Household: \_\_\_\_\_)
- 2. Release of Information Form      A. General \_\_\_\_\_      B. Social Security
- 3. Income Verification:              A. Recap \_\_\_\_\_      B. Verification(s)

**B. INFORMATION ON CURRENT UNIT:**

- 4. Current Unit Information
- 5. Utility Verification:              A. Recap \_\_\_\_\_      B. Verification(s)
- 6. Monthly Housing Payment      A. Rent \_\_\_\_\_      B. Mortgage

**C. NOTICES:**

- 7. Notice of Right to Continue in Occupancy (If Applicable)
- 8. Notice of Relocation Eligibility/HUD Brochure/Grievance Procedures
  - A. Renter \_\_\_\_\_      OR      B. Homeowner \_\_\_\_\_
  - C. Grievance Procedures \_\_\_\_\_      D. Evidence of Receipt \_\_\_\_\_
- 9. A. 90-Day Notice to Vacate \_\_\_\_\_      B. Evidence of Receipt \_\_\_\_\_  
Date to Vacate by: \_\_\_\_\_
- 10. A. 30-Day Notice to Vacate \_\_\_\_\_      B. Evidence of Receipt \_\_\_\_\_ (If applicable)  
Issued 30 days after #9 & after Title is obtained to Property

**D. COMPARABLES/HOUSING REFERRALS/INSPECTIONS:**

- 11. Computation of Comparables/Housing Referrals List
- 12. Inspection of Each Comparable and Referral

**E. REPLACEMENT DWELLING UNIT**

- 13. Replacement Unit Information-Recap
- 14. Inspection of Replacement Dwelling Unit
- 15. Replacement Dwelling - Verification - Recap
  - A. Rent Payments: \_\_\_\_\_      OR      B. Mortgage \_\_\_\_\_      & C. Utilities \_\_\_\_\_

**F. CLAIM FORMS:**

- 16. Claim for Moving & Related Expenses
- 17. Claim for Relocation Payment: Does Claim Include Last Resort?  
Was Certificate/Voucher Offered? \_\_\_\_\_ Accepted? \_\_\_\_\_
  - A. Claim for Replacement Housing Payment      - Homeowners
  - B. Claim for Rental Assistance or Downpayment Assistance - 42 months
  - C. Claim for Rental or Purchase Assistance      - 60 months

**G. RELOCATION PAYMENTS:**

- 18. Recap/Copy of Cancelled Payment Checks (Both sides of check)
- 19. Acknowledgement of Receipt of Relocation Payments by Relocatee

**H. OTHER:**

- 20. Waiver of Relocation Benefits - Voluntary Acquisition Only
- 21. Other: \_\_\_\_\_
- 22. Other: \_\_\_\_\_

**I. INFORMATION ON CONTACTS WITH RELOCATEE(S):**

- 23. Contact Log



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**Attachment 8-32:**  
**Claim Form for 180-day Homeowner**

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# Claim for Replacement Housing Payment for 180-Day Homeowner- Occupant (49 CFR 24.401)

U.S. Department of Housing  
and Urban Development  
Office of Community Planning  
and Development

OMB Approval No. 2506-0016  
(exp. 10/31/2011)

<b>For Agency Use Only</b> Name of Agency	Project Name or Number	Case Number
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**Instructions.** This form is for the use of families and individuals applying for a replacement housing payment under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA) for a 180-day homeowner occupant who elects to buy a replacement home. A homeowner-occupant who decides to rent rather than buy should also use form HUD-40058. The Agency will help you complete this form. HUD also provides information on these requirements and other guidance materials on its website at: [www.hud.gov/relocation](http://www.hud.gov/relocation). If the full amount of your claim is not approved, the Agency will provide you with a written explanation of the reason. If you are not satisfied with the Agency's determination, you may appeal that determination. The Agency will explain how to make an appeal.

**All claims for payment by a homeowner-occupant must be filed within 18 months after the latest of: a) the date of displacement or b) the date of final payment for the acquisition of the real property. Displaced 180-day homeowner occupants must purchase and occupy a decent, safe and sanitary replacement dwelling within 1 year after the later of: a) the date of final payment for the displaced dwelling (for condemnation, use the date just compensation deposited in court) or b) the date a comparable replacement dwelling is made available by the agency (see 24.204).**

1. Your Name(s) (You are the Claimant(s)) and present Mailing Address	1a. Your Telephone Number(s)
---	------------------------------

2. Have all members of the household moved to the same dwelling?  Yes  No (If "no", attach a list of the names of all members and the addresses to which they moved.)

Dwelling	Address	When did you buy this unit?	When did you move to this unit?	When did you move out of this unit?
3. Unit That You Moved From				
4. Unit That You Moved To				

**5. Certification of Legal Residency in the United States** (Please read instructions below before completing this section.)  
**Instructions:** To qualify for relocation advisory services or relocation payments authorized by the Uniform Relocation Assistance and Real Property Acquisition Policies Act, a "displaced person" must be a United States citizen or national, or an alien lawfully present in the United States. **The certification below must be completed in order to receive any relocation benefits.** (This certification may not have any standing with regard to applicable State laws providing relocation benefits.) **Your signature on this claim form constitutes certification.** See 49 CFR 24.208(g) & (h) for hardship exceptions.

Please address only the category (Individual or family) that describes your occupancy status. For item (2), please fill in the correct number of persons.

**RESIDENTIAL HOUSEHOLDS**

- (1) Individual. I certify that I am: (check one)  
 \_\_\_\_\_ a citizen or national of the United States  
 \_\_\_\_\_ an alien lawfully present in the United States.
- (2) Family. I certify that there are \_\_\_\_\_ persons in my household and that  
 \_\_\_\_\_ are citizens or nationals of the United States and \_\_\_\_\_ are aliens lawfully present in the United States.

6. Computation of Replacement Housing Payment (A homeowner-occupant who elects to rent should complete only items 1, 3, 4 & 5)	To Be Completed By Claimant	For Agency Use Only
(1) Purchase Price of Comparable Replacement Dwelling (To be provided by the Agency)		
(2) Purchase Price of the Dwelling You Moved To (Not applicable for owner-occupant who elects to rent)		
(3) Lesser of line 6(1) or 6(2)		
(4) Price Paid by Agency for Dwelling That You Moved From		
(5) Price Differential Amount (Subtract line 6(4) from line 6(3). If amount on line 6(4) exceeds amount on line 6(3), enter 0) This is the maximum amount for a homeowner occupant who elects to rent.		
(6) Incidental Expenses (From line 7(10))		
(7) Mortgage Buydown Payment and Other Debt Service Costs (To be determined by Agency. See instructions in Item 8)		
(8) Total Amount of Replacement Housing Payment Claim (Add lines 6(5), 6(6), and 6(7))		
(9) Amount Previously Received, if any		
(10) Amount Requested (Subtract line 6(9) from line 6(8))		

**7. Incidental Expenses in Connection With Purchase of Replacement Dwelling (24.401 (e))**

**Instructions:** Enter expenses incidental to the purchase of your new home. Do not include prepaid costs such as real estate taxes. Attach a copy of the closing statement and other receipts.

\* Not to exceed the costs for a comparable replacement dwelling.

	(a) Claimant	(b) For Agency Use Only
(1) Legal, closing and related costs, including title search, preparing conveyance instruments, notary fees, preparing surveys and plats, and recording fees	\$	\$
(2) Lender, FHA or VA Application and Appraisal Fees	\$	\$
(3) Loan Origination or Assumption Fees (Not Prepaid Interest).	\$	\$
(4) Professional Home Inspection, Certification of Structural Soundness, and Termite Inspection	\$	\$
(5) Credit Report	\$	\$
(6) Owner's and mortgagee's evidence of title, e.g. title insurance *	\$	\$
(7) Escrow Agent's Fee	\$	\$
(8) State Revenue or Documentary Stamps, Sales or Transfer Taxes *	\$	\$
(9) Other Costs (specify)	\$	\$
(10) Total Incidental Expenses (Add lines 7(1) through 7(9). Enter this amount on line 6(6)).	\$	\$

**8. Mortgage Buydown Payment and Other Debt Service Costs (24.401(d))**

**Instructions:** You are entitled to compensation to cover the additional costs you must pay to finance the purchase of a replacement dwelling. The "buydown" payment covers those costs that result because the interest rate you must pay for a new mortgage is higher than the interest rate on your old mortgage. The maximum buydown payment for which you can qualify is the amount needed to reduce your new mortgage balance to the amount which can be amortized with the same periodic payments for principal and interest as those for your old mortgage. (The Agency is required to advise you of its estimate of the maximum buydown payment and the interest rate, term and amount on which it was computed. You will need to borrow that amount over that term to qualify for the full payment.) If you have more than one mortgage on either your old or new home, complete a separate Item 8(13) for each computation and include the total amount of all such computations on line 6(7). Note: A mortgage on your old home that was in effect for less than 180 days before the Agency's initial written offer of just compensation for the property cannot be used as a basis for payment. Also, if the combination of interest and points for the new mortgage exceeds the current prevailing fixed interest rate and points for conventional mortgages and there is no justification for the excessive rate, then the current prevailing fixed interest rate and points shall be used in the computations.

Part A - Information from Mortgage Documents	(a) Old Mortgage	(b) New Mortgage	(c) Lesser of Col. (a) or (b)
(1) Outstanding principal balance	\$	\$	
(2) Annual interest rate of mortgage	%	%	
(3) Number of monthly payments remaining on mortgage	Mos.	Mos.	Mos.

**Part B - Computation of Payment** (Use mortgage amortization table with 6 decimal places.)

(4) Monthly payment required to amortize a loan of \$1,000 in _____ months (8(3)(c)) at an annual interest rate of _____ % (8(2)(b))	\$
(5) Monthly payment required to amortize a loan of \$1,000 in _____ months (8(3)(c)) at an annual interest rate of _____ % (8(2)(a))	\$
(6) Subtract line 8(5) from line 8(4)	\$
(7) Divide line 8(6) by line 8(4) (carry to 6 decimal places)	\$
(8) Enter old mortgage balance (amount on line 8(1)(a))	\$
(9) Multiply line 8(7) by line 8(8)	\$
(10) New loan needed (subtract 8(9) from 8(8))	\$
<b>Note:</b> If 8(10) is less than 8(1)(b), enter amount from line 8(9) onto line 8(13) and skip lines 8(11) and 8(12)	
(11) Divide 8(1)(b) by 8(10) (carry to 6 decimal places)	\$
(12) Multiply line 8(11) by line 8(9)	\$
(13) Enter amount from 8(9) or 8(12), as appropriate (This is the mortgage buydown payment)	\$
(14) Other debt service costs (Reimbursement of purchaser's points and loan origination fees is based on the new loan needed (8(10)), or the actual new loan balance (8(1)(b)), whichever is less. Do not include seller's points or any cost included as an incidental expense in 7(12).)	\$
(15) Add lines 8(13) and 8(14). Enter this amount on 6(7).	\$

**9. Certification By Claimant(s):** I certify that the information on this claim form and supporting documentation is true and complete and that I have not been paid for these expenses by any other source. Signature(s) of Claimant(s) & Date

x

**Warning:** HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

**To Be Completed by Agency**

10. Effective Date of Eligibility for Relocation Assistance (mm/dd/yyyy)		11. Date of Referral to Comparable Replacement Dwelling (mm/dd/yyyy)	12. Date Replacement Dwelling Inspected and Found Decent, Safe and Sanitary (mm/dd/yyyy)	
Payment Action	Amount of Payment	Signature	Name (Type or Print)	Date (mm/dd/yyyy)
13. Recommended	\$			
14. Approved	\$			

**Remarks**

**Public reporting burden** for this collection of information is estimated to average 1.0 hour per response. This includes the time for collecting, reviewing, and reporting the data. The information is being collected under the authority of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, and implementing regulations at 49 CFR Part 24 and will be used for determining whether you are eligible to receive a replacement housing payment for a 180-day homeowner and the amount of any payment. Response to this request for information is required in order to receive the benefits to be derived. This agency may not collect this information, and you are not required to complete this form unless it displays a currently valid OMB control number.

**Privacy Act Notice:** This information is needed to determine whether you are eligible to receive a replacement housing payment for a 180-day homeowner. You are not required by law to furnish this information, but if you do not provide it, you may not receive this payment or it may take longer to pay you. This information is being collected under the authority of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, and implementing regulations at 49 CFR 24. The information may be made available to a Federal agency for review.