



RELOCATION HANDBOOK

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INTRODUCTION

Rhode Island Housing (RIH) is a grantor of federal and state funds for the development of affordable housing programs and projects in the State of Rhode Island (the State). RIH recognizes that some of these endeavors may require displacement and/or temporary relocation of persons, including low-income persons. Therefore, RIH put forth these Policies and Procedure for relocation activity, hereinafter referred to as the Relocation Handbook.

PURPOSE AND USE OF HANDBOOK

The purpose of this Handbook is to advise RIH as a grantor, and program and project developers as grantees, how to comply with applicable federal and state relocation law and regulations. Compliance with such laws and regulations may be required when there is permanent displacement and/or temporary of residential occupants and business, not for profit, and farming organizations are necessary to ensure that “displaced persons” are properly assisted. RIH will also use this Handbook as guidance for their Lead Safe Homes Program including where they receive federal funds that may trigger federal relocation requirements.

This Handbook is further designed to establish requirements, best practices, and tools and techniques for successful relocation planning, implementation, and program and project management.

Primary Governing Regulations, Laws, and Guidelines of Handbook

The primary governing regulations and laws of this Handbook, and the guidelines that this Handbook draws guidance from include the following; citations and hyperlinks for many are provided Appendix B of this Handbook:

1. The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 42 USC Sec. 4601 et seq, as amended, (URA)
2. URA implementing regulations found at 49 CFR Part 24
3. Federal Highway Department (FHWA) Frequently Asked Questions (FAQ) on the URA
4. United States Department of Housing and Urban Development (HUD) Handbook 1378
5. HOME Final Rule
6. Section 104(d) of the Housing and Community Development Act of 1974, 42 USC 5304(d), as amended (Section 104(d))
7. HUD Multifamily Accelerated Processing (MAP) Guide, 4430 G
8. 49 CFR Part 24 221.795 Displacement – Below Market Rate Mortgages
9. Rental Assistance Demonstration (RAD) – Final Implementation, Revision 2 aka HUD Notice PIH-2012-32 (HA), REV-2

10. RAD Notice Regarding Fair Housing and Civil Rights Requirements and Relocation Requirements Applicable to RAD First Component – Public Housing Conversions aka HUD Notice H 2016-17 PIH 2016-17 (HA)
11. RAD Final Implementation, Revision 4 aka HUD Notice – 2019-09-PIH 2019-23 [HA]

The full text citation of the URA and Section 104(d) and links to the full text of these regulations can be found at Appendix A of this Handbook. Many of the critical terms used in this Handbook are defined in the context of the Handbook as per regulations cited in Appendix B.

Handbook Compliance and Responsibilities of RIH, Grantees, and Applicants

This Handbook is to be used by RIH in its review, monitoring, and oversight of relocation activity. RIH shall also use this Handbook to prescribe requirements at the application stage, award stage prior to agreement, and upon and after agreement with a grantee (also referred to as a recipient).

There are relocation requirements prior to receiving funds from the state. Applicants for funds will be responsible for identifying what is required of them during the application stage, award stage, at the time funds are granted to them as a grantee, and thereafter.

Nothing stated in this Handbook shall be construed or understood to account for all best practices and tools and techniques that may provide for an effective relocation program or project. Users are accountable for the appropriate use of this Handbook. RIH shall not be liable for an applicant, awardee, or recipient of funding through RIH for their mishandling of the requirements in this Handbook.

This Handbook does not supersede, replace, or otherwise relieve the grantor, applicant, awardee, or grantee's responsibility to comply with all local, state, or federal laws or regulations including relocation, civil rights, and fair housing laws.

This Handbook is intended to describe and define how relocation shall be carried out to the satisfaction of RIH. RIH's responsibility to monitor for compliance will not cause RIH to be liable for an applicant, awardee, or grantee's noncompliance. Therefore, an applicant, awardee, or grantee should not rely solely on RIH to determine if their relocation project and their relocation records are in compliance with the URA and this Handbook.

No public agency in the State of Rhode Island seeking funds from RIH is exempt from the requirements of this Handbook.

Core Principles of Relocation

The URA and subsequent federal relocation guidelines, and those developed by individual states, have sought to minimize displacement and provide for efficient and cost-effective relocation programs where displacement and temporary relocation is unavoidable. To that end, RIH, espouses the following Core Relocation Principles:

1. Take all practical measures to minimize displacement of all persons including residential occupants and business, not for profit, and farming organizations through the development and preservation of housing and the redevelopment of property for housing and community development purposes.
2. Minimize disruption for residents and take all practical measures to eliminate hardships for residential occupants and business, not for profit, and farming organizations
3. Adequately and accurately assess the needs of all persons impacted including residential occupants and business, not for profit, and farming organizations.
4. Create meaningful relocation plans based on the adequate and accurate assessment of the needs of all persons impacted including residential occupants and business, not for profit, and farming organizations.
5. Execute relocation plans in a manner that protects the rights and dignity of all persons impacted including residential occupants and business, not for profit, and farming organizations.

Application of Handbook Based on Funding

This Handbook shall be applicable when a program or project causes the permanent displacement and/or temporary relocation of residential occupants and business, not for profit, and farming organizations, and receives federal funding from sources including, but not limited to, the following programs sponsored by HUD:

- Choice Neighborhood Initiative (CNI Planning and Development Grants)
- Community Development Block Grant (CDBG) including disaster recovery, aka CDGB-DR
- HOME Investment Partnership (HOME)
- HUD Section 811 Supportive Housing for Persons with Disabilities
- National Housing Trust Fund (NHTF)
- Project-Based Housing Choice Voucher Program
- Rental Assistance Demonstration (RAD) including MOD Rehab

This Handbook shall be applicable when federal programs for below market rate loans and mortgage insurance are utilized in housing renovation/rehabilitation and preservation where temporary relocation of residential occupants is required. Programs include but are not limited to:

- HUD Below Market Rate Mortgages and Mortgage Insurance Programs such as Section 221 and Section 223.

This Handbook shall be applicable when a program or project, as part of a recovery effort, removes, renovates, or develops housing using funds from the Federal Emergency Management Agency (FEMA) and causes the permanent displacement and/or temporary relocation of residential occupants and business, not for profit, and farming organizations. Other federal agencies including, but not limited to, the Environmental Protection Agency (EPA) and the US Army Corps of Engineers may also participate directly or indirectly in housing projects that cause the permanent displacement and/or temporary of residential occupants and business, not for profit, and farming organizations.

This Handbook shall be applicable when a project utilizing Low-income Housing Tax Credits (LIHTC) causes the permanent displacement and/or temporary of residential occupants and business, not for profit, and farming organizations.

Application of Handbook Based on Project Type

This handbook is applicable when the following types of relocation activities are required:

- Permanent displacement of residential occupant(s), businesses, not for profit organizations, and farming operations as a result of property acquisition and development, redevelopment, adaptive re-use, or renovation of property should that property acquisition impact a tenant occupant.
- Permanent displacement of a residential occupant(s), businesses, not for profit organizations, and farming operations as a result of a program or a project that causes the development, redevelopment, adaptive re-use, or renovation of property should a tenant occupant be impacted.
- Displacement of the personal property of residential occupant(s), businesses, not for profit organizations, and farming operations as a result of a program or a project that causes the development, redevelopment, adaptive re-use, or renovation of property should a tenant occupant's personal property be impacted.
- In-place renovations where tenant occupants are present in a unit during renovations.

Relocation plans and appropriate notices later described in this Handbook are required for these above stated activities in the planning process of the program or project as later described. This Handbook may be used for any other programs or projects that may “trigger” federal and/or state relocation laws.

Types of Dwelling Units Covered by This Handbook

All forms of residential dwelling units are covered by this Handbook including hotels which have become utilized as continuous and permanent residential locations (greater than 30-days). Dwellings which may have become legally non-conforming for residential occupancy, commercial property notoriously being utilized for residential purposes which may be illegal under local zoning, and recreational vehicles and mobile homes used for continuous permanent occupancy are also covered under this Handbook. Dwellings include transitional housing. An emergency dwelling is generally not considered a dwelling because such a facility is usually not a place of permanent, transitional or customary and usual residence.

Situations Where the Handbook is Not Applicable

This handbook is not applicable for the following types of activities:

- Relocation assistance is not required to be provided to a property owner involved in voluntary “arms-length” real estate transactions where the power of eminent domain is expressly, and in writing, not used to acquire or compel the acquisition of property.
- “Straight” conversions of public housing through RAD, HUD Section 18, 22, 42, or other programs. Should tenant displacement or temporary relocation occur, the program/project developer is responsible to consult those policies and procedures to understand if URA is applicable.
- Conversions under HUD Section 18, 22, 42, or other programs where actions and/or funding sources do not trigger the URA. Should tenant displacement or temporary relocation occur the program/project developer is responsible to consult those policies and procedures to understand if the URA is applicable.
- Tenant relocation/displacement where a funding source that does not trigger local, state or federal relocation requirements is utilized, including projects which are privately financed with no public financial or regulatory assistance that contributes a subsidy or benefit to the program or project.
- Impact to persons in emergency shelter not used for permanent housing such as homeless shelter.
- Displacement from some forms of transitional housing may also not be required to provide assistance described under this Handbook. In such cases the applicant, awardee, recipient, or Project Developer must certify that a potentially displaced person is not owed continuous occupancy through its program or there is otherwise a programmatic method to move them to other shelter.

OVERVIEW OF THE UNIFORM RELOCATION ACT (URA)

When the URA is Applicable

The URA is a federal law that establishes minimum standards for federally funded programs and projects that include the acquisition of real property (real estate) and/or displacement of persons from their homes, businesses, or farms as a result of acquisition, rehabilitation, or demolition.

The URA is applicable where there are sources of funding and subsidies provided by and through federal government agencies such as, but not limited to, HUD, for projects that cause the permanent displacement and/or temporary relocation of residential occupants and business, not for profit, and farming organizations. In such events, the URA is applicable unless otherwise expressly stated in the regulations, Notice of Funds Available (NOFA), or other related source to a funding or subsidy program. The URA is also applicable where a property acquisition (with or without the power of eminent domain) for a federally assisted project occurs. The URA may also be triggered by other forms of direct cause or direct assistance by a state or federal agency.

Some widely used federal programs for housing development or preservation include HUD's Project-Based Vouchers (PBV) and Project Based Rental Assistance (PBRA). These are considered Federal Financial assistance for purposes of the URA. As a result, the URA may apply to acquisitions of real property and relocation of persons from real property that occurs as a direct result of acquisition, rehabilitation or demolition for a project that involves PBRA, PBV, other subsidies such as VASH, Section 811, or other Federal Financial assistance.

HUD's HOME, CDBG, and the NHTF are popular programs utilized to provide assistance for housing development costs such as building construction, land acquisition, planning and pre-development activities, and off- and on-site infrastructure development. These are considered federal financial assistance for purposes of the URA. As a result, the URA may apply to acquisitions of real property and relocation of persons from real property that occurs as a direct result of acquisition, rehabilitation or demolition for a project that involves these funding sources.

Other funding sources and actions from and through the federal government may also "trigger" the applicability of the URA for a project.

Purpose and Intent of the URA

The Intent of the URA is to:

1. Ensure owners of real property to be acquired for federal and federally assisted projects are treated fairly and consistently;
2. To ensure that persons displaced as a direct result of federal or federally assisted projects are treated fairly, consistently, and equitably so that such displaced persons will not suffer disproportionate injuries as a result of projects designed for the benefit of the public as a whole; and
3. To ensure that Agencies implement these regulations in a manner that is efficient and cost effective.

Primary Requirements of the URA

The primary requirements of the URA are as follows:

1. Treat persons fairly and equitably;
2. Provide adequate and accurate planning for the activities (acquisition, appraisal, and relocation) covered under the URA;
3. Provide all eligible persons with Advisory Services;
4. Provide all eligible persons with advanced notification of covered activities;
5. Provide for financial assistance to eligible persons; and
6. Provide a reasonable appeals process.

These requirements apply to all applicants, awardees, grantees, recipients and Project Developer's assisted by RIH including public agencies in the State.

URA Eligibility Requirements

In order to eligible for relocation assistance under the URA, the occupant must meet the following conditions:

1. Meet the definition of a displaced person (see Appendix B for definition);
2. A residential occupant must have been in lawful occupancy of the property they will be displaced from for a period of 90-days prior to the Initiation of Negotiations (ION);
3. Did not sign a Move in Notice with their lease prior to occupancy advising that they would not be eligible for assistance under the URA;
4. Be a citizen of the United States (US) or a lawful resident alien of the US.

A residential occupant who has resided at the property for a period of less than 90-days prior to the ION may receive assistance to a level that ensures they will be able to afford housing within their means under the provisions set forth under Last Resort Housing.

SECTION 104(D) OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974

Under Section 104(d) of the Housing and Community Development Act of 1974, as amended, and the implementation regulations of 24 CFR part 42, a residential anti-displacement and relocation assistance plan is required and must provide for: 1) One-for-one replacement of occupied and vacant occupiable low- and moderate-income dwelling units demolished or converted to another use in connection with a development project, and 2) Relocation assistance for all low- and moderate-income persons who occupy housing that is planned to be demolished or converted to a use other than for low- or moderate-income housing. The relocation assistance and payments for eligible persons under Section 104(d) are similar to those required by the URA but there are a few differences. One significant difference between the laws is the period of time used to calculate a rental assistance payment; Section 104(d) uses 60 months vs. 42 months for the URA. Section 104(d)-eligible displaced persons may also choose to receive relocation assistance under Section 104(d) or relocation assistance under the URA.

To be eligible for relocation assistance under section 104(d), you must be a lower-income person (family or individual) and must move as a direct result of the "conversion" or demolition of your dwelling unit for a project in which Federal Community Development Block Grant (CDBG), Section 108 Loan Guarantee, or HOME Investment Partnerships funds are used.

"Lower-income" means that your income does not exceed 80% of the median income for the area as established by HUD.

Generally, "conversion" means that before the project, your unit had a "market rent" at or below the HUD Fair Market Rent (FMR) standard, and, after the project, the market rent exceeds the FMR, or the unit was converted to a nonresidential use. HUD determines the FMRs for use in its programs. The levels vary by metropolitan area and by the size of the unit.

RELOCATION POLICIES AND PROCEDURES

This portion of the Handbook describes the policies and procedures for various types of displacement and relocation. It is the responsibility of the applicant to ensure that have properly scoped their relocation project to determine the specific policies and procedures for which they are accountable and responsible.

Common Relocation Acronyms

Below is a listing and explanation of common acronyms used in relocation and utilized in this Handbook. This is not intended to be a comprehensive list. Further definitions and explanations of several of these acronyms are found in Appendix B.

Acronym	Meaning	Purpose	Requirement or Best Practice
ION	Initiation of Negotiations	Date relocation eligibility is established	Term under URA
GIN	General Information Notice	First advisory notice served under the URA related to relocation	Requirement
MOU	Memorandum of Understanding	Document utilized to describe, explain, and verify the assistance provided for temporary relocation	Best Practice
NND	Notice of Non-displacement	Notice that informs the person that they will not be displaced by the project	Requirement
NOE	Notice of Eligibility	Notice that informs the displaced person of the assistance they are eligible to receive	Requirement

Preparation and Required Content of Relocation Plans

A relocation plan must be submitted with all applications for funding or assistance from RIH for any proposed project that may cause the permanent displacement or temporary relocation of residential occupants and business, not for profit, and farming organizations. The required content of the relocation plan is presented in Appendix C. Relocation plans consistent with the requirements under Appendix C are required for temporary relocation, “In-Place” rehabilitation/renovation, and permanent displacement projects.

Relocation Case Files

A relocation case file is required for each displaced household (those displaced permanently) and each household to be temporarily relocated. At a minimum the relocation case file shall contain the following information.

- Case Journal/Diary
- Interview form
- Certificate of lawful presence
- Copies of all relocation notices with proof of service
- Comparable housing analysis
- Copies of all housing referrals given to a displacee with proof that they were provided
- Copies of all relocation claims and necessary backup including calculations, income and expense worksheets, and copies of checks
- Replacement lease where applicable or documents showing temporary housing utilization such as a temporary housing agreement
- Replacement or temporary housing inspection form
- Other documentation necessary to demonstrate proper handling of the relocation case

Schedule of Required Forms and Notifications

Appendix D provides a schedule of required forms and notifications under this Handbook. Also provided is a general time frame for their use. Further definitions and related terminology are provided in Appendix B.

Required Method of Service for Specific Notices

The GIN, NND, and required notices to vacate as described in Appendix D are required to be served as follows.

- Personal service and delivery to the Head of Household or another identified responsible adult on the lease. The Head of Household or other identified responsible adult on the lease must sign for the notice; or
- Certified Return Receipt Mail; or

- Courier with proof of delivery to Head of Household or another identified responsible adult on the lease; or
- Posting of the notice in a manner that the Head of Household or other identified responsible adult on the lease may see the notice upon entrance of their unit. If posted the server must sign the appropriate place on the notice, and a photo of the posted document must be taken and included as an attachment to notice attempted to be served; or
- Posting can also be used to prove service in cases where a person refuses to personally sign for a hand delivered notice.

Should services of the notice be refused by the party being served to, the server must sufficiently document including retention of the refused Certified Mail in the relocation case file, notation on the notice posted, and/or a declaration signed by the party the notice is addressed.

The Informational Statement, NOE, and MOU are intended to be personally presented to the head of household and where possible other responsible adults on the lease. These documents should be addressed to the Head of Household and All Other Occupants. These notices can be delivered by Certified Mail or Courier with proof of delivery to Head of Household or another identified responsible adult on the lease

Where any notice is posted or where Certified Mail is returned, the server should follow-up service with an attempted first class mailing with a copy of the envelop retained in their files.

Email is permissible only when the address has been verified as belonging to the head of household and conformation of receipt is obtained by the sender from the addressee.

In any case where a notice is not personally served, the party directly engaged with the occupants should obtain signatures on the notice at the earliest opportunity.

Lawful Presence

Aliens not lawfully present in the United States are not eligible for URA relocation assistance, unless such ineligibility would result in exceptional and extremely unusual hardship to a qualifying spouse, parent, or child as defined at 49 CFR 24.208(h). All persons seeking relocation assistance will be required to certify that they are a United States citizen or national, or an immigrant lawfully present in the United States.

Displacement of Residential Tenant Occupants

The term “displacement,” as it applies to a residential occupant in the context of projects covered by this Handbook, is a situation where a tenant occupant of a dwelling unit or abode (aka a premises) is required to permanently move from that premises without the ability to return at all or within a period less than 12-months.

Initial Notification and Outreach to Displacee

Where a displacement occurs, the displacee is required to be provided with the following minimum assistance:

Service of the GIN: The GIN must be served by the applicant as soon as possible after the first written offer to the purchase the real estate is made. This notice is to be served no later than prior to submittal of an application for funding. The applicant shall make provisions for serving this notice in their purchase agreement for the property. If the applicant already owns the real estate, the applicant shall be responsible to serve the notice prior to submitting their application for funding.

Interview of Household: Under a statement in the GIN, a separate written request or by direct contact (phone or in person) the applicant must reach out to the Head of Household to conduct an interview. The interview must be documented on an interview form to kept in an individual household relocation file containing the following minimum information:

- Name, age, ethnicity/race, primary language spoke, gender, and stated income of each household member;
- Where applicable, the household members' school and work location(s);
- Any social services received, or public assistance utilized;
- Fixed income payments such as social security or trust fund payments;
- The monthly rent payment and the utilities of the unit;
- Any rental subsidies received;
- The mode of transportation utilized and the type of parking the household uses for personally owned vehicles;
- Pets and service animals in the home;
- The number and types of rooms in the dwelling including any garages or storage on the property;
- The types of appliances and utility connections on the home i.e. electric, heating oil;
- General information pertaining to disabled persons i.e. mobility, mental health, vision and hearing impaired;
- Primary language communicated in verbally and in written form;
- Desired location of replacement housing (collect as specific of details as possible for future use in helping to locate replacement housing);
- Household preference for a self-move or an assisted move;
- Page for additional notes; and
- The interview form should be signed by the interviewer and interviewee.

Determine Eligibility for Relocation Assistance: The following steps are required.

Once it is determined that a person will be displaced and prior to serving a 90-day Notice to Vacate, the applicant must do the following:

- Request in writing, and give the displacee at least 30-days to respond to the inquiry, the following documents to verify their occupancy, housing cost, and income:
 - Copy of their lease, Estoppel Certificate in-lieu of the lease necessary to document the contract or agreed upon rent at the displacement dwelling;
 - In absence of lease signed by the tenant and the landlord, verification of the stated rent will be required via copy of canceled rent check, copy of money order, or bank statement that verifies the amount being withdrawn and paid in cash;
 - Where the address is not clearly stated in the lease or where there is no lease in place, request copies of utility bills, vehicle registrations, or other documentation verifying the displacement address;
 - Copies of all displacee paid utility bills;
 - Verify displacees identification to ensure spelling of legal name to utilized on all notices, claims, and checks for payments of benefits; and
 - Signed Certificate of Lawful Presence to ensure compliance with federal law.
- Completion of household expense and income worksheet to ensure that the household is reasonably reporting income and expenses to the satisfaction of the applicant.
- Collect and analyze comparable replacement units within the displacee's market area, or area of interest stated in the interview, that are functionally equivalent. Information for the comparable should be populated on a comparison form. The most comparable unit, with an explanation in the file, must be selected for use in calculating the payment provided for in the NOE. NOTE: a rent schedule versus unique comparable may be permitted if prior approval is granted.
- Comparable utilities are required to be obtained for each unit either from the owner or manager of the unit. Where this information is not made available, the utility allowance from the local Section 8 program.
- The household's payment shall be calculated and described in the household's NOE (see Appendix F for the calculation methodology).

Service of Notices: The NOE, the 90-day Notice to Vacate, and 30-day Notice to Vacate (where the notice is necessary) shall be served in the manner provided in the section of this Handbook titled Required Method of Service for Specific Notices. Other notices may be mailed first class mail.

Comparable Housing Searches and Distribution of Referrals to Replacement Dwellings: Ideally, the displacee shall be given at least three referrals with their NOE. At a minimum they shall receive at least one referral with their NOE and a minimum of two additional referrals prior to the expiration of their 90-day Notice and required vacation of the displacement dwelling. The applicant shall document all referrals given to the displacee. Referrals can be distributed by mail, email, or in person to the displacee. Displacee feedback should be solicited to ensure their needs are being met. Referrals must be inspected. All referral information including contract information, pictures, and leasing information must be documented in the relocation case file.

Other Advisory Services: The applicant is required to provide other advisory services including referrals to housing programs such as public housing, Section 8, affordable housing waitlists, and other social services the displacee would benefit from. Such referrals must be documented in the relocation case file.

File Closure and Review: The relocation case file shall be reviewed for consistency with these requirements and closed by a knowledgeable person responsible for delivery of relocation services.

Displacement of Owner Occupants

The displacement of an owner-occupant is not contemplated given the assumption that any sale of property for housing purposes of housing projects described in the Handbook is completely voluntary; meaning the acquisition is not done under the threat of eminent domain or the action of condemnation. The project developer may elect at their discretion to provide assistance to an owner-occupant.

Should condemnation be utilized to acquire property and cause displacement of the owner, the applicant and RIH should ensure that provisions in the URA related to the displacement of owner-occupants be followed.

Assistance to owners of a mobile home or recreational vehicle emplaced at a site where they rent the space must be provided compensation in accordance with Subpart F of the URA.

Temporary Relocation of Residential Occupants for Less Than 12-Months

In situations where a household can be temporarily relocated on the property, or away from the property for a period of less than 12-months, they do not meet the definition of displaced persons under the URA. HUD, through HUD Handbook 1378, and other regulatory guidance, has provided substantial direction not found in the URA applicable to applicants for federal programs. Below is description of what is required for temporary relocation either on or off the renovation site.

Initial Notification and Outreach to Displacee

The following steps are required.

Service of the GIN: The GIN must be served by the applicant as soon as possible after the first written offer to the purchase the real estate is made. This notice is to be served no later than prior to submittal of an application for funding. The applicant shall make provisions for serving this notice in their purchase agreement for the property. If the applicant already owns the real estate, the applicant shall be responsible to serve the notice prior to submitting their application for funding.

Interview of Household: Under a statement in the GIN, a separate written request, or by direct contact (phone or in person) the applicant must reach out to the Head of Household to conduct an interview. The interview must be documented on an interview form containing at least the following basic information:

- Name, age, ethnicity/race, primary language spoke, and gender of each household member;
- In cases where household income is not available, the stated income of each household member should also be collected including Fixed income payments such as social security or trust fund payments;
- Where applicable, the members' school or work location(s);
- Any social services received, or public assistance utilized;
- The mode of transportation utilized and the type of parking the household uses for personally owned vehicles;
- Pets and service animals in the home;
- The number and types of rooms in the dwelling including any garages or storage on the property;
- The types of appliances and utility connections on the home i.e. gas, electric, heating oil;
- The general presence of any disabilities in the home;
- Any necessities required in temporary housing;
- Household preference for a self-move or an assisted move;
- Page for additional notes; and
- The interview form should be signed by the interviewer and interviewee.

Service of Notices: The MOU and the 30-day Notice to Vacate shall be served in the manner provided in the section above titled Required Method of Service for Specific Notices. In cases where a temporary relocation will be more than 6-months but no longer than 12-months, the household shall be served a 90-day Informational Notice; this notice shall be served in accordance with the requirements of this Handbook found in the section titled Required Method of Service for Specific Notices. Other notices may be delivered via first class mail.

Planning for Temporary Housing: Special care must be taken to ensure that the interview information and other project information are analyzed to plan for temporary housing needs. For example, the number of units that will accommodate persons with disabilities and/or mobility limitations is critically important to ensure that DSS housing is available for all persons. Applicants should consider their own housing resources first. It may be advantageous to consider doing direct transfers to renovated units versus on-site temporary relocations or off-site relocations. For off-site temporary housing, a master lease for resources should be considered.

Temporary Housing Requirements Other Than Hotels: Temporary housing for periods up to 12-months may be provided in on or off-site housing units that provide adequate sleeping area within local codes. The cost for such temporary housing including utilities and fees cannot increase the household's monthly out of pocket costs beyond what they pay each month. In order to ensure this does not occur the applicant would likely need to incur all temporary housing cost as part of their project budget. Typically, an occupant also cannot be on two lease agreements at the same time. The applicant will likely be required to secure housing accommodations under an agreement directly between the applicant and the owner/manager of the temporary housing.

Occupants can be required to sign house rules or a use/occupancy agreement and be held accountable for abiding by the terms and conditions.

All temporary housing must be inspected.

Temporary Housing Requirements - Hotels: Hotels without typical cooking facilities and food storage commonly found in a kitchen may be used for short-term periods of time less than 30-days. Typical kitchen features are defined as range/stove, refrigerator, and dry food storage space. The exception to this is if the occupant does not enjoy such features in the unit they will be temporarily relocated from such as a single-room occupancy style unit.

Where a temporary relocation lasts for longer than 30-days, a hotel is not considered DSS housing and the applicant will be required to make other accommodations. A hotel with a kitchen in the unit may be considered DSS for a longer-term stay so long as ample space and sleeping space is available to accommodate the household.

When hotels are utilized there must be adequate bed space for all members of the household, which may require providing multiple rooms.

Occupants can be required to sign use/occupancy agreements with the hotel at check-in and be held accountable for abiding by the terms and conditions.

Hotels should be inspected to ensure the conditions are DSS understanding specific rooms may not be able to inspect prior to occupancy.

Per Diem and Other Incidental Expense Requirements: In cases where a hotel is used, and it lacks cooking facilities and food storage, the applicant must provide for a reasonable per diem payment for the cost of paying for or preparing meals away from the home. The table below provides for guidance on per diem payments for meals.

Household Member	Breakfast	Lunch	Dinner
Adult or Child age 12 or older	\$8.00 per day	\$12.00 per day	\$16.00 per day
Child under the age of 12	\$6.00 per day	\$8.00 per day	\$10.00 per day

Incidental expenses such as, but not limited to increased transportation costs, pet boarding, utility transfers, and laundry may be required to be paid.

Moving Assistance: There are two options available to ensure that necessary moving costs are compensated for.

Actual, Reasonable and Necessary Expenses: Under this option the household being relocated would have their costs associated with packing, moving, unpacking, moving supplies, and equipment paid for directly by the applicant. This type of move would typically be performed by a moving company. Items such as utility transfer fees would be in the form of a reimbursement.

Fixed Payment In Lieu of Actual, Reasonable and Necessary Expenses: The applicant can propose a fixed payment for the occupant to perform a self-move. Methods to calculate such payment could be cost of a mover bid with the vendors typical profit and overhead subtracted from the payment. The cost must be sufficient to cover the cost of packing materials and equipment necessary to complete the move such as a rental truck and furniture moving equipment.

Temporary Relocation Coordination and Other Advisory Services: The applicant is required to work directly with the household to plan their individual relocation including communicating their special needs to any vendors assisting in the relocation such as a mover, notify the household of their location of their temporary housing, notify the household of the date and general time of day of their move, assist with transportation to the temporary unit where necessary, and assist with any damage claims or issues and challenges with their temporary housing.

File Closure and Review: The relocation case file shall be reviewed for consistency with these requirements and closed by a knowledgeable person responsible for delivery of relocation services.

Tenant In-Place Rehabilitation Projects

In some cases, an applicant may determine that the scope of work required to rehabilitate or renovate a property does not require a household to temporarily relocate from their unit. However, if the project is receiving federal assistance, the applicant must plan for and implement an assistance program for the residents. This program shall include:

- An interview with the household to determine any special needs that may require a temporary relocation, i.e. the household has a medical, mobility, or other reasonable personal challenge such as needing to sleep during the hours the work is performed in the unit.
- Develop a plan that clearly explains the proposed work hours, scope of work (including any invasive testing and/or abatement activity in the unit), the notifications to be provided and other assistance offered.
- Provide tenants with a notification that explains the work to be done in the unit, the hours of work, the assistance they will receive with the movement of any furnishings or other personal property, and the contact information for the party able to make decisions and assist them where their reasonable needs require additional assistance.

- Provide each household with a minimum of 30-day notice prior to work in the unit. Notice should provide the date or at least a range of dates work will occur and the hours, and contact information.
- Provide each household with a 3-day notice prior to the start of the work that affirms the information in all previous notices regarding the date(s) of the work, hours of work, general updates to assistance provided if necessary, and contact information.
- Forms of assistance that are common are the provision of a furnished on-site community room with lunch served, meal vouchers to eat lunch off-site, gift cards, transit passes, and a listing of community centers off property.

Temporary Relocation of Residential Occupants for Greater Than 12-Months

In situations where a household is initially intended to be displaced for a period less than 12-months, but that period exceeds 12-months, the applicant must meet with the household to explain their rights and make an offer for relocation assistance to them as a displaced person. The occupant has the right to refuse the offer after it has been presented and continue with the temporary relocation process. After presentation of the offer for permanent relocation assistance has been made, and the occupant rejects the offer and chooses to continue with temporary relocation assistance, the applicant should obtain an acknowledgement to this fact from the occupant. If the occupant accepts the offer, they must be provided with services and assistance as described above under Displacement of Residential Occupant.

In situations where a household is expected to be temporarily relocated for a period longer than 12-months from the outset of the project, they will be considered displaced and they must be provided with services and assistance as that which is described above under Displacement of Residential Occupant.

In situations where a federal funding program provides an alternative to this policy, such programmatic rules shall be followed.

Implications of Section 104(d)

Should a project utilize HOME, CDBG or other sources that trigger Section 104(d), the following additional requirements apply when a low-income household is displaced by a project where there is a loss of low-income units through demolition and/or conversion to a non-housing use. Section 104(d) only applies to low-income households. The requirements of 104(d) cannot be ignored in lieu of more favorable requirements such as reduced cost found under this Handbook.

- The calculations provided in Appendix E would reflect providing rental assistance for 60 months versus 42 months.
- The payment of reasonable, market-determined security deposits is required.
- Households approved for an HCV may elect to forfeit the HCV and accept a payment calculated in accordance with the URA.
- There is no lawful presence requirement so long as the household can document that they are low-income.

A comparison of the requirements of Section 104(d) to those of the URA is provided in Appendix F of this Handbook.

Implications of RAD and Other Public Housing Conversions

Where a project is utilizing funds secured through the state in addition to participating in RAD, the applicant must comply with this Handbook as well as the requirements under RAD. Where RAD permits additional options, those options will be honored even though they may not be specifically granted under this Handbook. Where RAD requires measures over and above this Handbook, those measures must be followed.

Where a project falls solely under the requirements of other forms of HUD conversion for public housing such as Section 18, 22, or 42, and there is no funds sourced through the State or through HUD that triggers the URA, this Handbook shall not be applicable, however, it may serve as a tool in designing an adequate relocation program for the project.

Relocation of Businesses, Non-profit Organizations, and Farming Operations (Non-residential Displacement)

Relocation benefits shall be provided to any displaced non-residential occupants pursuant to the URA. Eligible non-residential occupants may receive a relocation payment to cover the reasonable cost of moving their personal property to their replacement site.

The non-residential displacees shall have 2 options:

- (A) A payment for actual reasonable and necessary moving and related expenses;
- Or,*
- (B) A fixed payment in lieu not to exceed Forty Thousand and No/100ths Dollars (\$40,000).

Payment for Actual Reasonable and Necessary Moving and Related Expenses

This payment may include the following:

- a) Transportation of persons and property from the present location to the replacement location (transportation costs are limited to a distance of fifty (50) miles);
- b) Packing, crating, uncrating, and unpacking personal property;
- c) Disconnecting, dismantling, removing, reassembling, and installing relocated and substitute machinery, equipment and other personal property. This includes connection to utilities available nearby, and modifications necessary to adapt such property to the

replacement structure, or to the utilities, or to adapt the utilities to the personal property;

- d)** Storage of personal property generally for up to 12 months, at the applicant's discretion;
- e)** Insurance of personal property while in storage or transit and, the replacement value of property lost, stolen, or damaged (though not through the fault or negligence of the displaced person) in the process of moving;
- f)** Subject to certain limitations, any license, permit or certification required by the displaced business, to the extent that the cost is necessary for reestablishment at the replacement location;
- g)** Subject to certain limitations, reasonable and pre-authorized professional services, including architects', attorneys', engineers' fees and consultants' charges, necessary for: **(1)** planning the move of the personal property; **(2)** moving the personal property; or, **(3)** installing the relocated personal property at the replacement location;
- h)** Subject to certain limitations, the purchase and installation of substitute personal property limited to the lesser of: **(1)** the estimated cost to move the item to the replacement location; or, **(2)** the replacement cost, less any proceeds from its sale;
- i)** Subject to certain limitations, modifying the machinery, equipment or other personal property to adapt it to the replacement location or to utilities available at the replacement location or modifying the power supply.
- j)** Actual direct losses of tangible personal property resulting from moving, or discontinuing a business or non-profit organization, *not-to-exceed the lesser of:*
- k)** The fair market value of the tangible, personal property for continued use at its location prior to displacement; *or,*

An amount equal to the reasonable expenses that would have been required to relocate the property, as determined by the State, subject to certain limitations;
- l)** Actual, and reasonable expenses incurred in searching for a replacement business location, *not-to-exceed* Two Thousand Five Hundred and No/100ths Dollars (\$2,500.00).
- m)** Actual, and reasonable expenses necessary to reestablish a displaced small business at its new location, *not-to-exceed* Twenty-Five Thousand and No/100ths Dollars (\$25,000.00). Examples of expenses that may be considered for reimbursement include advertising, redecoration and certain increased costs of operation at the new location.

Fixed Payment In Lieu of a Payment for Actual Reasonable Moving and Related Expenses

The amount of this payment shall be based on the *average, annual net* earnings of the business. The payment to an eligible business may neither be less than One Thousand and No/100ths Dollars (\$1,000.00), nor more than Forty Thousand and No/100ths Dollars (\$40,000.00). To qualify for this payment a displaced business:

- A) *Cannot* be a part of a commercial enterprise having *at least* 3 other establishments which are *not* being displaced as part of the Project, and which is under the *same ownership* and engaged in the *same, or similar* business activities;
- B) Must *not* be able to relocate without substantial loss of patronage; and,
- C) *Must* have contributed *at least* thirty-three percent (33%) of the owner's total gross income during *each* of the 2 taxable years *prior to* displacement or meet specific earnings criteria.

The procedure for the preparation and filing of claims and the processing and delivery of payments shall be as follows:

1. Claimant(s) shall provide all necessary documentation to substantiate eligibility for assistance;
2. Relocation Team shall review all necessary documentation before reaching a determination as to which expenses are eligible for compensation;
3. Required claim forms shall be prepared by Relocation Team and be presented to the claimant for review and signature. Signed claims and supporting documentation shall be returned to Relocation Team for processing of payment;
4. Relocation Team shall review and approve claims for payment or request additional information;
5. Relocation Team shall issue benefit checks to claimants in the most secure, expeditious manner possible;
6. Receipts of payment and all claims materials shall be maintained in the relocation case file;
7. In cases where the displacee disputes the amount of payment they are awarded in the claim, they may make a written appeal in accordance with the appeals process.

Temporary Non-residential Relocation

In cases where a business, non-profit, or farming operation may be temporarily relocated, they shall be entitled to much of the same assisted as those stated under the preceding portion of this Handbook. Careful planning will be required to ensure that the business is not unnecessarily harmed by the project; in such cases a permanent displacement should be considered.

Voluntary Property Transactions

No relocation assistance is owed to persons voluntarily selling their property for a publicly assisted project including federally assisted projects. A voluntary sale cannot be conducted under the threat of eminent domain or the use of condemnation. Should an applicant have the power of eminent domain, they must specify in writing to the property owner that they are forgoing their rights to utilize that condemning Project Developer to acquire the property. Such notice should specify it is a transaction that will only be completed amicably. The owner should also sign a statement as an addendum to the purchase and sale agreement that they are not entitled to relocation assistance.

Tenant Voids Eligibility for Relocation Assistance

Households deemed eligible as a displaced person for permanent relocation or for temporary relocation, but who choose – for their own reasons and on their own terms – to vacate the currently occupied unit, after receipt of the GIN and NND, but prior to being notified of their eligibility or being notified they are required to move, effectively relinquish their eligibility for either displacement or temporary relocation benefits.

Payment Disbursements

Claims must be paid in a timely manner. In the instance of permanent relocation housing assistance payments, payments must be issued in no less than 2 installments. Installments do not have to be made over the 42- or 60-month period. Payments for moving expenses or down payment on a homeownership unit may be issued as a lump sum payment.

Time Limits for Displacement Compensation

Displaced households must move in to a DSS unit within 12 months of their displacement or 12 months from the date a comparable replacement dwelling is made available, whichever is later, to be eligible for replacement housing payments. Households must file a claim for reimbursement within 18 months of their displacement or within 18 months of the date a comparable replacement dwelling is made available, whichever is later. The subrecipient must provide an inspection of the unit prior to issuing payment to ensure that the unit meets the definition of DSS housing. If the unit does not meet the definition of DSS housing, the budget should be amended to allow for costs to bring the unit up to the DSS housing standard.

RELOCATION PROCESS AND PROJECT MANAGEMENT GUIDANCE AND RESOURCES

Parties who will undertake a relocation programs are encouraged to seek additional guidance from HUD, obtain training, and or consider the use of an experienced 3rd party.

HUD Region 1 Relocation Specialist, Nancy A. Johnson is a resource for technical guidance. Ms. Johnson can be contacted at 617.994.8357 or Nancy.a.Johnson@hud.gov.

HUD has made several trainings available at: <https://www.hudexchange.info/trainings/>

Appendix G of this Handbook provides examples of relocation process and timelines.

APPEALS PROCESS

This portion of the Handbook provides RIH guidelines for processing appeals to 1) determinations as to relocation eligibility; 2) the amount of a relocation payment(s); 3) failure to provide comparable replacement housing referrals; and 4 other matters that may be subject to an appeal as a result of a temporary relocation or a displacement.

Right of Review

(a) Any appellant, that is any person who believes him/herself aggrieved by a determination by the Project Developer as to eligibility, the amount of a relocation payment or failure to provide comparable replacement housing referrals, may, at his or her election, have his/her claim reviewed and reconsidered by the project developer in accordance with the procedures set forth herein, as supplemented by the procedures the Project Developer may establish for the conduct of hearings.

(b) A person or organization directly affected by the relocation project may petition the RIH to review the Project Developer's final relocation plan to determine if the plan is in compliance with state laws and guidelines, or to review the implementation of the relocation plan to determine if the project developer is acting in compliance with the URA and the Project Developer's relocation plan.

Notification to Appellant

If the project developer denies or refuses to consider a claim, the Project Developers's notification to the appellant of its determination shall inform the appellant of its reasons, and the applicable procedures for obtaining review of the decision. If necessary, such notification shall be printed in a language other than English.

Stages of Review by the Project Developer

(a) **Request for Further Written Information.** An appellant may request the Project Developer to provide him or her with a full written explanation of its determination and the basis therefore, if he/she feels that the explanation of the Project Developer's determination accompanying the payment of the claim or notice was incorrect or inadequate. The Project Developer shall provide such an explanation to the appellant within three (3) weeks of its receipt of his or her request.

(b) **Informal Oral Presentation.** An appellant may request an informal oral presentation before seeking formal review and reconsideration. A request for an informal oral presentation shall be filed with the Project Developer within the period described in subsection (d) of this section. The Project Developer shall afford the appellant the opportunity to make such presentation before a management-level staff person designated by the Project Developer and who has not previously participated in the relocation decision. The Project Developer may be required to establish an

independent body to hear the appeal if they lack such personnel. The appellant may be represented by an attorney or other person of his/her choosing at his/her expense.

This oral presentation shall enable the appellant to discuss the claim with the designated Project Developer staff person. The designated Housing Project Developer staff person shall make a summary of the matters discussed in the oral presentation to be included as part of the Project Developer's file on the appellants relocation. The right to formal review and reconsideration shall not be conditioned upon requesting an oral presentation.

(c) **Written Request for Review and Reconsideration.** At any time within the period described in subsection (d) below, an appellant may file a written request with the Project Developer for formal review and reconsideration. The appellant may include in the request for review any statement of fact within the appellant's knowledge or belief or other material that may have a bearing on the appeal. If the appellant requests more time to gather and prepare additional material for consideration or review and demonstrates a reasonable basis therefore, the Project Developer may grant the appellants request by granting the appellant a definite period to gather and prepare materials.

(d) **Time Limit for Requesting Review.** An appellant desiring either an informal oral presentation or seeking formal review and reconsideration, shall make a request to the Project Developer within eighteen (18) months following the date he/she moves from the property.

Formal Review and Reconsideration

(a) **General.** The Project Developer shall consider the request for formal review and shall decide whether a modification of its initial determination is necessary. This formal review shall be conducted by an independent arbitrator (the "Arbitrator"). The Arbitrator shall consider the appeal regardless of form, and the Project Developer staff shall, if necessary, provide assistance to the claimant in preparing the written claim. When a claimant seeks review, Project Developer staff shall inform him/her that he/she has the right to be represented by an attorney at the claimant's expense, to present his/her case by oral or documentary evidence, to submit rebuttal evidence, to conduct such cross-examination as may be required for a full and true disclosure of facts, and to seek judicial review once he/she has exhausted the administrative appeal.

(b) **Scope of Review.** The Arbitrator shall review and reconsider the initial determination of the claimant's case in light of: (1) all material upon which the Project Developer based its original determination, including all applicable rules and regulations, except that no evidence shall be relied upon where a claimant has been improperly denied an opportunity to controvert the evidence or cross-examine the witness(es); (2) the reasons given by the claimant for requesting review and reconsideration of the claim; (3) any additional written or relevant documentary material submitted by the claimant; (4) any further information which the Arbitrator, in its discretion, obtains by request, investigation, or research, to ensure fair and full review of the claim.

(c) **Determination on Review.** The determination on review by the Arbitrator shall include, but is not limited to: (1) the Arbitrator's decision on reconsideration of the claim; (2) the factual and legal basis upon which the decision rests, including any pertinent explanation or rationale; and (3) a statement to the claimant that administrative remedies have been exhausted and judicial review may be sought. The determination shall be in writing with a copy provided to the claimant. The Arbitrator's decision shall be binding on the Project Developer.

(d) **Time Limits.** The Project Developer shall issue its determination on review as soon as possible but no later than six weeks from the date of the hearing. In the case of appeals dismissed for untimeliness or for any other reason not based on the merits of the claim, the Project Developer shall furnish a written statement to the claimant stating the reason for the dismissal of the claim as soon as possible but not later than two weeks from receipt of the last material submitted by the claimant, or the date of the hearing, whichever is later.

Refusals to Waive Time Limitation

Whenever the Project Developer rejects a request by a claimant for a waiver of the time limits, the claimant may file a written request for reconsideration of this decision, except that such written request for reconsideration shall be filed within ninety (90) calendar days of the claimant's receipt of the Project Developer's determination.

Extension of Time Limits

The time limits specified may be extended for good cause by the Project Developer.

Recommendations by Third Party

Upon agreement between the claimant and the Project Developer, a mutually acceptable third party or parties may review the claim and make advisory recommendations thereon to the Project Developer for its final determination. In reviewing the claim and making recommendations to the Project Developer, the third party or parties shall be guided by the provisions of this Appeals/Grievance Procedure.

Review of Files by Claimant

Except to the extent the confidentiality of material is protected by law or its disclosure is prohibited by law, the Project Developer shall permit the claimant to inspect all files and records bearing upon his or her claim or the prosecution of the appellant's grievance.

If an appellant is improperly denied access to any relevant material bearing on his or her claim, such material may not be relied upon in reviewing the initial determination.

Effect of Determination on Other Persons

The principles established in all determinations by the Project Developer shall be considered as precedent for all eligible persons in similar situations regardless of whether a person has filed a written request for review. All written determinations shall be kept on file and available for public review.

Right to Counsel

Any aggrieved party has a right to representation by legal or other counsel at his or her expense at any and all stages of the proceedings set forth in this procedure.

Stay of Displacement Pending Review

If an appellant seeks to prevent displacement, the Project Developer shall not require the appellant to move until at least twenty (20) calendar days after the Project Developer has made a determination and the appellant has had an opportunity to seek judicial review. In all cases the Project Developer shall notify the appellant in writing, twenty (20) calendar days prior to the proposed new date of displacement.

Joint Appellants

Where more than one person believes themselves aggrieved by the failure of the Project Developer to refer them to comparable permanent replacement housing, the appellants may join in filing a single written request for review. A determination shall be made by the Project Developer for each of the appellants.

Judicial Review

Nothing in this Appeals/Grievance Procedure shall in any way preclude or limit a claimant or the Project Developer from seeking judicial review of a claim upon exhaustion of such administrative remedies as are available herein.

MONITORING, COMPLIANCE, CORRECTIVE ACTIONS, AND PENALTIES

Monitoring and Corrective Actions

RIH shall periodically monitor relocation projects. Monitoring shall start in the application process by inspecting that the applicant has provided a rent roll of original tenants, proof of service of the GIN to those original tenants, and a relocation plan that is consistent with Appendix C of this Handbook. Upon their review RIH shall issue findings and directions to correct the actions necessary.

RIH should request and review an updated relocation prior to entering into an agreement with the awardee. Should the project be carrying out temporary relocations, RIH shall confirm the NND has been served to the necessary occupants. Upon their review RIH shall issue findings and directions to correct the actions necessary.

RIH should conduct a review of all the grantee's relocation case files at the close of the project prior to completing final award requirements in the agreement. Upon their review RIH shall issue findings and directions to correct the actions necessary.

Compliance

Some of the most critical issues for compliance are provided below:

- Each relocation assistance advisory program shall assure that a person shall not be required to move from a dwelling unless the person has had a reasonable opportunity to relocate to a comparable replacement dwelling, except in the case of "major disaster, national emergency, or other emergency such as a hurricane, flood, or pandemic that constitutes a substantial danger to the health or safety of such person."
- Whenever a displaced person has relocated to inadequate housing because required payments, housing referrals, property inspection, or other services were not offered in accordance with this handbook, the grantee shall promptly take whatever steps are appropriate and shall bear whatever reasonable costs are necessary to:
 - (a) Enable the displaced person to relocate to a comparable replacement dwelling or a decent, safe, and sanitary dwelling of his/her choice; or
 - (b) Ensure the repair or rehabilitation of the replacement dwelling occupied by the displaced person to the extent necessary or correct deficiencies which would not be present if the grantee had met his obligations under this handbook. The grantee is not required to remedy deficiencies which can be demonstrate were caused after the displaced person occupied the replacement dwelling. (A grantee may use its code enforcement powers or other programs to ensure that the owner of a tenant occupied dwelling makes repairs necessary to correct housing deficiencies.)
- If a person moves and there is not adequate verification of the notices being sent in a timely and correct manner or the information presented to the person was not complete, the person must be located using all available means necessary to locate them. The search methods must be verified with acceptable documentation.

- If a person cannot be located, the estimated relocation assistance money must be set aside for one (1) year. If the person was not located during that time, a written “finding” will be completed with a copy sent to HUD for their records.

Penalties

Applicants, awardees, and grantees are to be held accountable and responsible for the terms of this Handbook. It should be understood that HUD or the federal oversight agency for certain programs may also apply sanctions in accordance with applicable program regulations. These sanctions can impair RIH’s ability to make programs available. RIH may also pass such sanctions down to the applicant, awardee, or grantee.

The penalty for failure to adhere to RIH’s policies may be forfeiture of the right to participate in all RIH programs in one or more future years depending upon the severity and nature of the circumstances and/or financial penalties.

If HOME Subrecipients fail to comply with URA and/or Section 104(d) relocation requirements and fail to take the necessary steps to correct the outstanding relocation deficiencies, RIH and/or HUD may temporarily suspend funding for the project or program until the issues are resolved.

If the HOME Subrecipient does not follow the recommended procedures to correct the relocation deficiencies, RIH and /or HUD may make a determination that the HOME Subrecipient will be ineligible to apply for future Notice of Funds Available (NOFA) or HUD funds.

APPENDIX A: CITATIONS

The following is a list of applicable statutes and regulations and their citations related to the primary regulations and guidelines in this Handbook:

URA

Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (URA, Uniform Act, or Uniform Relocation Act), (Pub. L. 91-646, 42 U.S.C. 4601 et seq), and the government-wide implementing regulations found at 49 CFR part 24.

Full text of the URA can found at:

<https://www.hudexchange.info/resource/804/ura-and-real-property-acquisition-policies-act-49-cfr-part-24/>

HUD Handbook 1378

This Handbook includes changes to the URA statute that became effective on October 1, 2014, which are also explained in Notice CPD-14-09, available at: <https://www.hud.gov/sites/documents/14-09CPDN.PDF>. Many HUD assisted programs/projects are covered by the URA. Chapters 1 through 6 of this Handbook outline the requirements of the URA, with the applicable regulatory citation noted where appropriate.

Full text including sample notices cited in this Handbook can be found at:

https://www.hud.gov/program_offices/administration/hudclips/handbooks/cpd/13780

Section 104(d)

Under Section 104(d) of the Housing and Community Development Act of 1974, as amended (HCD Act) (Pub. L. 93-383, 42 U.S. C. 5301 et seq) and the implementing regulations at 24 CFR part 42, a residential anti-displacement and relocation assistance plan is required and must provide for: 1) One-for-one replacement of occupied and vacant occupiable low- and moderate-income dwelling units demolished or converted to another use in connection with a development project assisted under Parts 570 and 92, and 2) Relocation assistance for all low- and moderate income persons who occupied housing that is demolished or converted to a use other than for low- or moderate-income housing. Development projects which are funded in whole or in part by: Community Development Block Grant (CDBG) (including State, Entitlement, HUD Administered Small Cities, Insular Areas, Section 108, Special Purpose Grants, Economic Development Initiative (EDI) (competitive), Brownfields Economic Development Initiative (BEDI)), Home Investment Partnership (HOME), or Urban Development Action Grant (UDAG) Program(s), are subject to these requirements, in addition to the URA. Chapter 7 explains the requirements of Section 104(d) regarding both relocation assistance and one-for-one replacement.

Full text including sample notices cited in this Handbook can be found at:

https://www.hud.gov/program_offices/administration/hudclips/handbooks/cpd/13780

APPENDIX B: DEFINITIONS

The following are definitions to terms utilized in this Handbook. This is not a comprehensive glossary of relocation terms. Any omission or exclusion of a term used in any applicable law or regulation does not absolve the user from its requirements.

90-Day Notice A notice that may be given to a person who will be required to move a residence, business or personal properties as a result of the agency's project. It informs the person that he or she must move the residence, business or personal properties 90 days from the date of the notice. This notice can only be given after a relocation plan is approved and a Notice of Eligibility or other form of eligibility notice for relocation benefits has been given to the displaced person(s).

30-Day Notice A notice that may be given to a person who will be required to move a residence, business or personal properties as a result of the agency's project. It informs the person that he or she must move the residence, business or personal properties 30 days from the date of the notice. This notice can only be given after a 90-day notice is given to the displaced person(s).

Adjusted income: Tenant's gross annual household income after allowable deductions. Monthly adjusted income is 1/12 of the adjusted annual income. Potential deductions include: \$480 each dependent, \$400 per elderly family member, certain childcare costs, and allowable medical expenses for elderly and disabled households.

Advisory Services: (under Section 104(d) or URA) Referrals to comparable and suitable replacement homes, inspection of replacement housing to ensure that it meets established standards, help in preparing claim forms for relocation payments, counseling and other assistance to minimize the disruption of the move.

Affordable Rent: provides a standard of reasonable household expenditures. It means:

- (i) No rent increase after rehabilitation.
- (ii) For tenants with income less than or equal to HUD's 80% of area median, rent must not exceed the greater of:
 - a) 30% of adjusted household monthly income, or
 - b) 10% of gross household monthly income
- (iii) For tenants with income greater than 80% of area median income, use the fair market rent, unless its use would result in a hardship because of the person's income or other circumstances.

Applicant: The party or entity applying for funding or assistance from RIH for a project that requires compliance with this Handbook.

Comparable Replacement Dwelling Per the definition set forth in the URA, a dwelling which is:

- (i) Decent, safe and sanitary;
- (ii) 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. Generally, functional equivalency is an objective standard, reflecting the range of purposes for which the various physical features of a dwelling may be used. However, in determining whether a replacement dwelling is

functionally equivalent to the displacement dwelling, the Agency may consider reasonable trade-offs for specific features when the replacement unit is equal to or better than the **displacement dwelling**;

(iii) Adequate in size to accommodate the occupants;

(iv) In an area not subject to unreasonable adverse environmental conditions and natural or artificial hazards;

(v) In a location generally not less desirable than the location of the displaced person's dwelling with respect to public utilities, commercial and public facilities, schools, and public transportation, and reasonably accessible to the person's place of employment;

(vi) On a site that is typical in size for residential development with normal site improvements, including customary landscaping. The site need not include

special improvements such as outbuildings;

(vii) Currently available to the displaced person on the private market; and

(viii) Within the financial means of the displaced person: A replacement dwelling rented by an eligible displaced person is considered to be within his or her financial means if, after receiving rental assistance under this part, the person's monthly rent and estimated average monthly utility costs for the replacement dwelling do not exceed the person's base monthly rental for the displacement dwelling; For a displaced person who is not eligible to receive a replacement housing payment because of the person's failure to meet length-of occupancy of occupancy requirements, comparable replacement rental housing is considered to be within the person's financial means if an Agency pays that portion of the monthly housing costs of a replacement dwelling which exceeds the person's base monthly rent for the displacement dwelling. Such rental assistance must be paid under Replacement housing of last resort.

(ix) For a person receiving government housing assistance before displacement, a dwelling that may reflect similar government housing assistance. In such cases any requirements of the government housing assistance program relating to the size of the replacement dwelling shall apply.

The project owner must identify and offer a comparable unit to the displaced person. A comparable unit must be equally available to all persons, regardless of race, color, religion, gender, or national origin.

Decent, Safe, and Sanitary Dwelling Per the definition set forth in the Uniform Relocation Act (URA), a dwelling which meets local housing and occupancy codes. However, any of the following standards which are not met by the local code shall apply unless waived for good cause by the Federal Agency funding the project. The dwelling shall:

(i) Be structurally sound, weather-tight, in good repair, and in compliance with local housing and occupancy codes;

(ii) Contain a safe electrical wiring system adequate for lighting and other devices that meets applicable codes for adequacy and safety;

(iii) Contain a heating and cooling system capable of sustaining a healthful temperature (of approximately 70 degrees in the winter and 78 degrees in the summer) for a displaced person, except in those areas where local climatic conditions do not require such a system;

(iv) Be adequate in size with respect to the number of rooms and area of living space needed to accommodate the displaced person. The number of persons occupying each habitable room used for sleeping purposes shall not exceed that permitted by local housing codes or, in the absence of local codes, the policies of the displacing agency.

(v) There shall be a separate, well lighted and ventilated bathroom that provides privacy to the user and contains a sink, bathtub or shower stall, and a toilet, all in good working order and properly connected to appropriate sources of water and to a sewage drainage system. In the case of a housekeeping dwelling, there shall be a kitchen area that contains a fully usable sink, properly connected to potable hot and cold water and to a sewage drainage system, and adequate space and utility service connections for a stove and refrigerator, all in working order. If temporary relocation will not exceed 30 days (unless the Department grants a waiver), project owners may provide per diem for meals instead of kitchen facilities;

(vi) Contains unobstructed egress (fire escape) to safe, open space at ground level;

(vii) For a displaced person with a disability, be free of any barriers which would preclude reasonable ingress, egress, or use of the dwelling by such displaced person; or have improvements made to remove barriers to ingress, egress, or use of property, as required to accommodate persons with a disability, prior to occupancy; and

(viii) Complies with standards protecting occupants from lead-based paint hazards.

Dependent: Household member younger than 18, person with disability, or full-time student.

Displacement: The act of requiring a displaced person to move permanent from the dwelling in which they occupy for a federally or state funded or sponsored project.

Displacement Dwelling: Per the definition set forth in the URA, the dwelling unit in the real properties that the displaced person moves from or moves his or her personal properties from the real properties.

Displaced Person Per the definition set forth in the URA,

(i) *General.* The term *displaced person* means, any person who moves from the real properties or moves his or her personal properties from the real properties. This includes a person who occupies the real properties prior to its acquisition, but who does not meet the length of occupancy requirements. (A) As a direct result of a written notice of intent to acquire, the initiation of negotiations for, or the acquisition of, such real properties in whole or in part for a project; (B) As a direct result of rehabilitation or demolition for a project. (ii) *Persons not displaced.* The following is a nonexclusive listing of persons who do not qualify as displaced persons under this part: (A) A person who moves before the initiation of negotiations, unless the Agency determines that the person was displaced as a direct result of the program or project; (B) A person who initially enters into occupancy of the properties after the date of its acquisition for the project; (C) A person who has occupied the properties for the purpose of obtaining assistance under the Uniform Act; (D) A person who is not required to relocate permanently as a direct result of a project. Such determination shall be made by the Agency in accordance with any guidelines established by the Federal Agency funding the project, or as a result of the rehabilitation or demolition of the real properties. (However, the displacement of a tenant as a direct result of any acquisition, rehabilitation or demolition for a Federal or federally assisted project is subject to this part.); (E) A person who, after receiving a notice of relocation eligibility, is notified in writing that he or she will not be displaced for a project. Such written

notification shall not be issued 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 after the effective date of the notice of relocation eligibility.

Fixed Residential Moving Cost Schedule: This schedule is used to calculate the amount of reimbursement that displaced persons may be eligible to receive if they decide to move their own personal properties. The Federal Highways Administration periodically updates and distributes this schedule. A copy can be found on our web site at: <http://www.fhwa.dot.gov/realestate/index.htm> in the section *Relocation Assistance*. Payment per this schedule is also known as a fixed move payment.

Grantee, aka Recipient: Development Owner or Developer who received an award of federal funds for acquisition and rehabilitation, reconstruction, or conversion of residential housing units.

Head of Household: The party identified on the lease or other members of the household as the party responsible for payment of rent and in general the major decisions for the household.

Household: One or more persons occupying a housing unit.

Last Resort Housing Payments: Payment in excess of \$7,200.00 where housing cannot be provided within a household's financial means.

Low-income Household: A household whose annual income does not exceed 80 percent of the median income for the area, as determined by HUD with adjustments for smaller and larger families, except that HUD may establish income ceilings higher or lower than 80 percent of the median for the area on the basis of HUD findings that such variations are necessary because of prevailing levels of construction costs or fair market rents, or unusually high or low family incomes.

Memorandum of Understanding (MOU) The document that explains the temporary relocation benefits to be provided to an occupant of residential dwelling unit that is required to move from the unit temporarily. The MOU must be provided the occupant for their review and signature prior to the expected move date.

Notice of Eligibility (NOE): Also referred to as an NOE, the written description of the type of permanent relocation benefits and the monetary amount(s) of those benefits a displaced person is eligible to receive under the appropriate relocation statutes or laws, for example, the URA. This can be given prior to the approval of the relocation plan as deemed appropriate.

Notice of Non-displacement (NND): Notice of non-displacement, issued to households who may relocate on the premises or off-site temporarily (less than 12 months)

Non-displacement: Refers to tenants who can remain in the property when the project is completed. Non-displaced tenants may relocate temporarily during rehab.

Not a displaced person (causes for ineligibility): (i) Tenant evicted for cause and with due process.
(ii) Illegal tenant or one not on the lease.
(iii) Tenant who moved in just to get relocation assistance.
(iv) New tenant correctly given Move-In Notices (see Relocation Notices & Requirements).
(v) Tenant who, though fully informed of rights, signs assistance waivers
(vi) Owner-occupant who sells or rehabilitates property voluntarily.

Over Housed: A household that resides in a unit, which is larger than their need per the local occupancy standard.

Over Income: A household whose income is greater than 80% of area median income, adjusted for their household size.

Payment Standard: The Section 8 Voucher Payment Standard is the most the local housing Project Developer can pay to help a family with rent. The family's voucher will show the number of bedrooms authorized by the Housing Project Developer, based on the number of persons in the family. Typically, tenants are not required to pay more than 40 percent of the income as rent. The maximum rent shown is set by payment standards **only for new contracts**. For rent increases, there is no limit as to what the landlord may request subject to what the local housing Project Developer determines is a reasonable rent based on comparison with unassisted rental units in the housing market. The Housing Project Developer would continue to pay the amount below as a maximum, but tenants may choose either to pay the amount of the increase or relocate to a more affordable unit using their voucher.

Project Developer: Party who has been awarded funding by RIH who is developing a project which requires temporary relocation, displacement, or other activity considered in this handbook.

Relocation Rental Assistance Payment (RAP): A RAP is the amount of assistance paid to a displaced person, during the relocation process, who is a renter, to compensate for the difference between the monthly rent and utility payment that they will pay at the replacement dwelling unit and what was paid for rent and utilities at the displacement dwelling. This difference is calculated over a 42-month period. If Tenant-based Rental Assistance is available to the displaced person that amount of assistance will offset a portion of the difference and any unmet portion of the difference is eligible to be paid for with a RAP. The RAP must be claimed within 18 months after the displaced person moves from the displacement dwelling. Tenant must occupy the dwelling 90 days prior to ION to receive replacement housing payment (unless qualified as low-income tenant).

Replacement Dwelling: A replacement dwelling is the unit the displaced person elects to move to from the displacement dwelling. A displaced person must locate and move into a replacement dwelling within 12 months of the date they vacate the displacement dwelling to claim a RAP.

Server: The party who carries out service of notice or other document required for relocation.

Tenant-based Rental Assistance Is a form of federal or state funded rental subsidy or assistance in which the assisted tenant may move from a dwelling unit with a right to continued assistance. Tenant-based rental assistance under this part also includes security deposits for rental of dwelling units. A common form of Tenant-based Rental Assistance is a Section 8 Housing Choice Voucher.

Vacant Occupiable: Condition of dwelling unit with no present tenant, (1) in standard condition; (2) in substandard condition but suitable for rehabilitation; (3) in any condition, occupied (except by a squatter) at any time within 90 days before execution of the agreement by the Subrecipient covering the rehabilitation or demolition. This definition from 49 CFR Part 24 is used for both URA and 104(d) covered projects.

APPENDIX C: REQUIRED CONTENT OF RELOCATION PLAN

Content Requirement	Permanent Relocation	Temporary Relocation	In Place Renovation
Description of Entity Sponsoring and/or Developing Project	X	X	X
Description of Project Causing Potential Displacement/Relocation	X	X	X
Scope of the Renovations		X	X
Location of Project Including Maps/Diagrams	X	X	X
Description of the Surrounding Neighborhood of Project Site Including Features and Amenities Including Transportation, Location of Schools Serving Project, and Other Pertinent Characteristics	X	X	
Description of Third Party Preparing the Plan Where Applicable	X	X	X
Description of How the Plan is Consistent with the Local Housing Goals and Regulations	X	X	
Specific Sources of Funding Including Name of Funding Agency and Program	X	X	X
Anticipated Dates of Funding Applications and Award of Funds	X	X	X
Identification of Applicable Laws and Regulations Pertaining to Relocation for Funding Sources	X	X	X
Declaration of Compliance with Civil Rights and Fair Housing Laws and Requirements	X	X	X
Description of the Impacted Property Including Address, APN, Type, Units and Age	X	X	X
Description of Impacted Persons (Only Details Applicable to Population):			
Number of Households or Businesses	X	X	X
Number of Persons or Employees	X	X	X
Age of Residential Occupants	X	X	X
Race/Ethnicity of Residential Occupants	X	X	X
Disabilities Present	X	X	X
Languages Spoken	X	X	X
Special Needs of the Population	X	X	X
Identification of Impacts to Seniors, Children, and Large Families	X	X	X
Estimate of the Dwelling Units or Commercial Spaces Impacted	X	X	X
Current Rents of Units	X	X	X
Rents Post-Rehabilitation (Where Applicable)	X	X	X
Rental Subsidies Applicable to Minimize Housing Cost Increases	X	X	X
Availability, Number of Units, and Rental Rates of Comparable Permanent Replacement Housing Resources, or Temporary Housing	X	X	X
Anticipated Economic Displacements for Rehabilitation Projects	X	X	X
Description of Any Phasing Plans	X	X	X
Description of Resident Outreach and Engagement Process Used in Developing the Plan and Relocation Program	X	X	X
Description of Any Alternative(s) to Be Used to Minimize Off-Site Relocations	X	X	X

Description of the Relocation Advisory Services Provided Including the Required Forms and Notices to Be Used	X	X	X
Description of Housing and Moving Options Available	X	X	X
Description of Transportation, Meal, Per Diem, and Other Special Services and Payments	X	X	X
Identification of Relocation Staff Who Will Implement the Plan Including Their Roles and Responsibilities and Office Location	X	X	X
Identification of Source of Payment for Relocation Costs	X	X	X
Grievance/Appeals Procedures	X	X	X
Schedule for Implementation	X	X	X
Budget/Cost Estimate for Relocation Assistance	X	X	X
Description of Protocol for Responding to Comments to Relocation Plan	X	X	X

APPENDIX D: SCHEDULE OF NOTICES

Name	Type of Relocation Used For	Purpose	When Served/Utilized
Appeal Form	All	Written form for person being relocated to explain their grievance with the relocation process and to identify their desired form of relief	Upon exhaustion of informal resolution of a non-judicial complaint
Case Journal or Diary	All	Electronic or written document to record interactions and milestones for a relocation case	Throughout process
Certificate of Abandonment	All	Form utilized to document any personal property left behind upon vacation of the household from the premises	At vacation of the displacement unit or unit being temporarily vacated
Claim Form	All	Form utilized to explain relocation payments and authorize payment	Once compensation is owed
Decent, Safe, and Sanitary Inspection Form	All	Form utilized to document the inspection of temporary housing or permanent replacement housing	Prior to leasing and occupancy of dwelling. NOTE: a HUD Housing Quality Survey form may also be utilized
GIN	All	First advisory notice served under the URA related to relocation	Prior to application for funding
Informational Statement	Permanent	Notice that details the applicable requirements of relocation assistance	After completion of interview of person to be relocated
Interview Form	All	Electronic or written document to record information pertaining to the person being relocated	Used during interview to record pertinent facts
MOU	Temporary	Document utilized to describe, explain, and verify the assistance provided for temporary relocation	No less than 60-days prior to temporary relocation
NND	Temporary	Notice that informs the person that they will not be displaced by the project	As soon as person is determined not to be displaced by project
NOE	Permanent	Notice that informs the displaced person of the assistance they are eligible to receive	No less than 30-days prior to service of the 90-day Notice
90-day Notice to Vacate	Permanent	Notice that informs the displacee of the date that is 90-days after service of the date by which they must vacate	After service of NOE and at least 90-days prior to required vacation of the premises

90-day Informational Notice	Temporary More Than 6-Months	Advices persons temporarily relocated for period between 6 and 12-months of general timeframe of relocation	At least 60-days prior to the planned service of a date certain 30-day Notice to Vacate
30-day Notice to Vacate	Permanent	Notice that informs the displacee of the date that is 30-days prior to the date they must vacate by	At least 30-days prior to the planned expiration of a date certain for persons remaining after the 90-day Notice to Vacate is served
30-day Notice to Vacate	Temporary	Notice that informs persons to be temporarily relocated of the specific date of the temporary move, or required move out date and details regarding their relocation	At least 30-days prior to the planned temporary move
Other	All	Other forms the project developer determined necessary to properly inform the person being relocated of their rights, project details, or other pertinent facts and issues related to the relocation	As necessary

APPENDIX E: PAYMENT CALCULATION METHODOLOGY

Fixed Move Payments

The URA Fixed Residential Moving Cost Schedule 2015 was published in the [Federal Register/Notices](#) on Wednesday, July 24, 2015. The provisions of the notice are effective August 24, 2015 or on such earlier date as an agency elects to begin operating under this schedule.

Number of Rooms Furnished by Displacee	Amount Paid
1	\$600
2	\$850
3	\$1,000
4	\$1,200
5	\$1,400
6	\$1,600
7	\$1,800
8	\$2,000
Additional Rooms	\$150
Number of Rooms Not Furnished by Displacee	Amount Paid
1	\$300
Additional Rooms	\$100

Below is the conversion of this schedule to typical sized units in Rhode Island.

# of Rooms	Typical Unit Size
3	1 BR
4	2 BR
5	3 BR
6	4 BR
7	4 BR
8	6 BR

Household Income:

Household Income The term *household income* means total gross income received for a 12-month period from all sources (earned and unearned) including, but not limited to wages, salary, child support, alimony, unemployment benefits, workers compensation, social security, or the net income from a business. It does not include income received or earned by dependent children and full-time students under 18 years of age.

30% of Household Income- The amount of the displaced person's average monthly gross household income that is expected to be contributed toward rent if the household is classified as "low income" by the U.S. Department of Housing and Urban Development's Annual Survey of Income Limits for the Public Housing and Section 8 Programs. Low Income households have an annual income that is at or below 80% of Area Median Income (AMI). (NOTE: Frequently 50% or 60% of AMI is used, which is incorrect.)

Permitted Exclusions.

Per Federal Register / Vol. 79, No. 97 / Tuesday, May 20, 2014 / Notices

- Food Stamps
- Low Income Energy Programs
- Certain Native American Benefits (including some gaming)
- Federal Work Study
- Earned Income Tax Credit Refunds
- AmeriCorps
- Workforce Investment Act
- Crime Restitution Payments
- Child Care Block Grant
- Free Lunch and WIC
- Veteran Death or Disability Benefits
- Disaster Recovery
- Monies in Individual Development Account
- Vietnam Veterans benefits

URA Rental Assistance Replacement Housing Payment Sample Calculation

[See Below]

1. Rent of Displacement Unit	\$1,500	Displacement Rent plus Utility Costs
Or		
2. Ability to Pay	\$1,775	30% of the Gross Household Income
3. Lesser of lines 1 or 2	\$1,500	
Subtracted From:		
4. Actual New Rent	\$2,400	Actual New Rent including Utility Allowance
Or		
5. Comparable Rent	\$2,925	Determined by Agency; <u>includes</u> Utility Allowance
6. <u>Lesser</u> of lines 4 or 5	\$2,400	
7. Yields Monthly Need:	\$900	Subtract line 3 from line 6
8. Rental Assistance	\$37,800	Multiply line 7 by 42 months

APPENDIX F: COMPARISON OF THE URA AND SECTION 104(D)

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

PART I. ELIGIBILITY

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

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

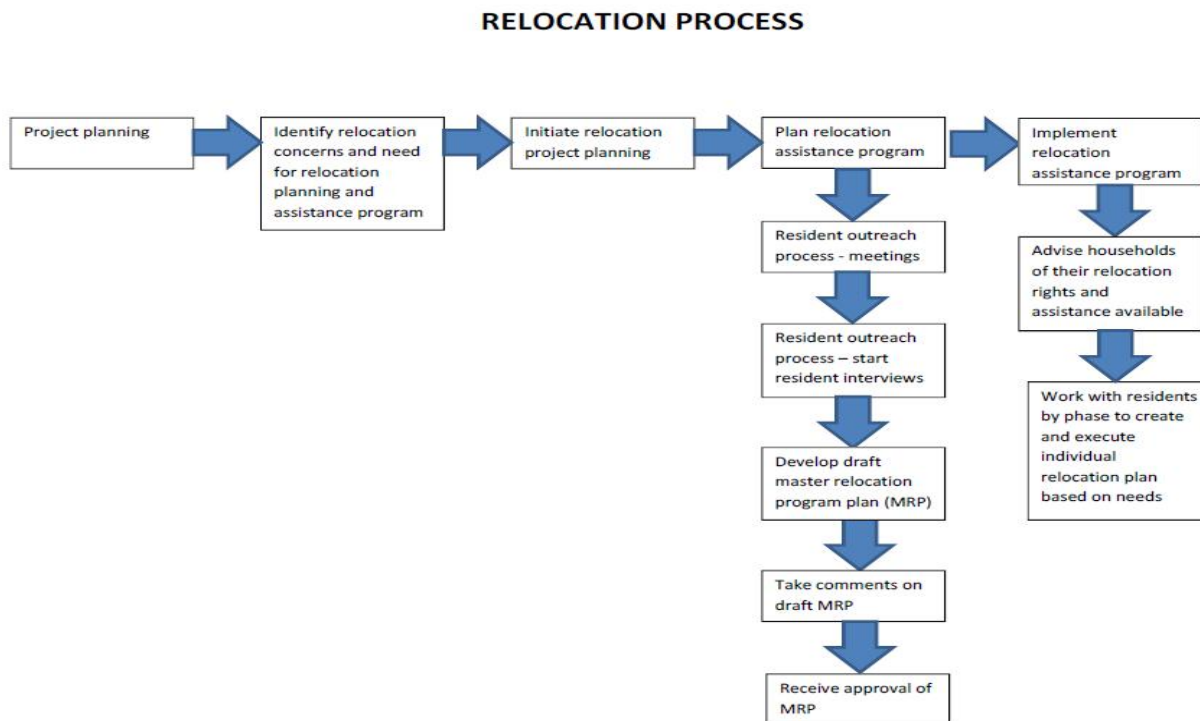
PART II. RELOCATION ASSISTANCE FOR DISPLACED RESIDENTIAL TENANTS

Subject	URA Regulations	Section 104(d)
Advisory Services	Comprehensive services provided.	Same as URA.
Rental Assistance	Payment equals 42 x monthly rental assistance payment	Payment equals 60 x monthly rental assistance payment
Monthly Rental Assistance Payment	<p>Monthly difference between the lesser of:</p> <ul style="list-style-type: none"> • Old rent/utility costs; • 30% of gross monthly income (if low income); • Welfare rent (as paid) <p>And</p> <p>Monthly rent/utility costs for the lesser of:</p> <ul style="list-style-type: none"> ➤ comparable or ➤ DSS replacement dwelling occupied 	<p>Monthly difference between Total Tenant Payment² (TTP), the greater of:</p> <ul style="list-style-type: none"> • 30% of adjusted monthly income; • 10% of gross monthly income; • Welfare rent (as paid); • Minimum Rent (PHAs) <p>And</p> <p>Monthly rent/utility costs for the lesser of:</p> <ul style="list-style-type: none"> ➤ comparable or ➤ DSS replacement dwelling occupied
Use of Government Housing Assistance (Vouchers, etc.)	<p>If displaced residential tenant is not currently receiving government housing assistance, cash replacement housing payment is required (person may accept government housing assistance, if available).</p> <p>If displaced person currently in government assisted housing, must be offered a government assisted rental, unless one is not available</p>	<p>Agency may offer Housing Choice Voucher (Section 8) assistance in lieu of cash replacement housing payment under 104(d).</p> <p>However, LI tenants may request assistance calculated under URA instead.</p>
Pay Security Deposit	Only if non-refundable.	Payment required

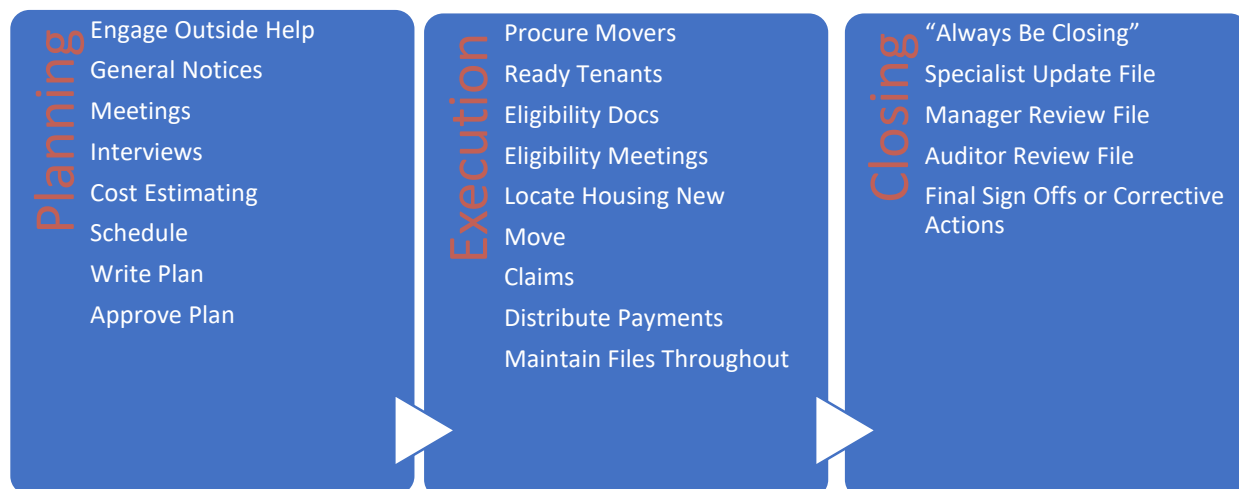
Subject	URA Regulations	Section 104(d)
Downpayment Assistance	Payment equals 42 x monthly rental assistance payment. Agency may increase up to \$5,250 (if calculation is less).	Limited to purchase of cooperative or mutual housing and based on present (discounted) value of 60 x monthly rental assistance payment.
Moving and Related Expenses	Displaced person may choose: <ul style="list-style-type: none"> • Payment for actual moving and related expenses; • Fixed Residential Moving Cost Schedule; • or in some cases, a combination of both. 	Same as URA.

APPENDIX G: GENERAL RELOCATION PROCESS DIAGRAMS

Relocation Process Flow



Relocation Process Groups and Major Activities



General Timeline of Actions and Activities

