

## **E. RELOCATION/DEMOLITION**

### **TABLE OF CONTENTS**

	<u>Page</u>
<b>INTRODUCTION</b>	3
<b><u>TASKS</u></b>	
E-1. Developing Local Relocation/Demolition Policy	3
E-2. Understanding Basic Relocation Requirements	6
E-3. Defining Relocation Procedures	9
E-4. Providing Information and Counseling	9
E-5. Identifying Replacement Housing Needs	10
E-6. Locating Replacement Housing	11
E-7. Completing Relocation	13
E-8. Record Keeping	15
<b><u>EXHIBITS</u></b>	
E-1. Recommended Local Relocation Policy/ Grievance Procedure	19
E-2. Relocation Assistance to Displaced Tenants and Displaced Homeowners (Brochures)	29
E-3. Relocation Eligibility and Benefits Chart	47
E-4. Notices of Eligibility for Relocation Assistance	49
E-5. Household Case Record	57
E-6. Inspection Report Format	59
E-7. Letter to Relocate in a Substandard Unit	61

**TABLES OF CONTENTS (Cont'd)**

		<u>Page</u>
E-8.	90-Day Notice to Vacate/30 Day Notice to Vacate	62
E-9.	Claim for Moving Costs Families and Individuals	63
E-10.	Claim for Replacement Housing Payment for Homeowners	65
E-11.	Claim for Down payment and Rental Payment Assistance	69
E-12.	Acknowledgement of Services and Payments	73
E-13.	Format for Waiver of Relocation Payments	75
E-14	Temporary Relocation Composite List	79
E-15.	Relocation File Checklist	80

## **E. RELOCATION/DEMOLITION**

### **Introduction**

"Displacement" means the involuntary movement of persons (individuals, families, businesses, organizations, or farms) from their properties as a result of: (1) an activity assisted in whole or in part with CDBG funds; or (2) a non-CDBG assisted activity, where such activity is a prerequisite for an activity carried out with CDBG funds (e.g. acquisition of land with local funds for a neighborhood facility to be constructed with CDBG funds).

Title I of the Housing and Community Development Act of 1974 as amended through 1983 requires States to have their local government recipients certify that they will minimize displacement of persons as a result of activities assisted with Title I funds.

### **Task E-1: Developing a Local Relocation/Demolition Policy**

Section 570.606 of the federal regulations governing the LCDBG program states that where one or more CDBG activities could result in displacement, as defined in 570.606, the grantee shall develop, adopt, and make public a statement of local policy indicating the steps that will be taken, consistent with other goals and objectives of the CDBG program, to minimize displacement of persons from their homes and neighborhoods and to mitigate the adverse effects of any such displacement on low and moderate income persons. **Exhibit E-1** contains a recommended local Relocation policy/Grievance procedure.

The State cannot provide CDBG funds to any local government or agency to pay all or part of the cost of any project or property or in the displacement of any person, unless the State receives satisfactory assurance from the local government or agency that certain requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act 1970 (Uniform Act) and Title I will be met. The State requires all applicants for CDBG funds to evaluate their proposed activities to assess their potential to cause temporary or permanent displacement or other hardships to low and moderate-income persons. Applicants proposing CDBG activities that will result in temporary or permanent displacement of low and moderate income persons are required to develop a written plan for assisting such persons. They are also required to describe in their application for funding, actions that will be taken to mitigate any adverse effects resulting from CDBG funded activities that cause displacement.

When the CDBG funded project or activity results in the acquisition of real property or the displacement of persons as a result of CDBG funded acquisition activities, the Uniform Act and its implementing regulations set forth in 24 CFR 42 shall apply. If there is no real property acquisition involved in the displacement of persons resulting from CDBG funded activities the displacement is not subject to the Uniform Act. Such payments and assistance may be higher than the levels established in the Uniform Act, however, the recipient can make such payments and assistance only upon a written determination that the payments are appropriate. The recipient must adopt a written

policy available to the public setting forth the relocation payments and assistance it elects to provide and providing for equal payments and assistance within each class of displacee. The policy must insure fair, consistent, and equitable treatment of persons displaced as a result of CDBG funded activities regardless of race, color, religion, national origin, sex, age, handicap, status or source of income.

The State requires, at a minimum, that the local relocation policy provide for:

1. The payment of reasonable moving expenses;
2. The provision of advisory services as needed to help the displacee in moving, including: 1) Replacement site requirements, 2) Need for outside specialists required for move, 3) Early identification and resolution of realty/personal property issues, 4) Estimated time needed to vacate, 5) Anticipated difficulty in locating replacement site, 6) Identification of advanced relocation payments required for the move;
3. For residential tenants and owners, financial and advisory assistance sufficient to enable the tenant displaced to obtain decent, safe, and sanitary housing at an affordable rental cost to the tenant. In providing advisory assistance to displaced persons to obtain such housing, recipients shall advise them of their rights under the Federal Fair Housing Law (Title VIII), and of replacement housing opportunities in such manner that, wherever feasible, the displacees have a choice between relocating within their own neighborhoods consistent with the recipient's responsibility to affirmatively further fair housing;
4. Under the local policy, rental cost shall be considered to be affordable, if the rent plus the high cost of utilities when not included in the rental rate, does not exceed the greater of the rent plus utilities paid by the tenant prior to the displacement activity or does not exceed 30 percent of the gross monthly income of all adult members of the tenant's household, including supplemental income from other public agencies, whichever is higher. Purchase cost shall be considered affordable if the monthly housing cost, including the cost of all mortgage payments, real property taxes, and reasonable utility charges, does not exceed the greater of the monthly housing cost paid by the displacee prior to the displacement activity or does not exceed 30 percent of the displacee's household, including supplemental income from other public agencies, whichever is higher;
5. The basis for determining the amount of relocation payments;
6. A relocation plan to provide decent, safe, and sanitary housing at affordable costs;
7. Transportation to inspect replacement housing;
8. The grantee cannot propose or request a displaced person to waive his/her rights or entitlements to relocation assistance and benefits provided by the Uniform Act and this regulation.

Elements that must be included in the local policy are:

1. The conditions under which displacement may occur.
  - A statement that identifies the community development program that will cause displacement to occur and the area in which the displacement will take place; and basis for displacement (both temporary and permanent), e.g. acquisition, code enforcement, specifying codes involved, relocation/demolition, or rehabilitation.
2. Eligibility requirements for benefits and assistance.
  - Conditions for eligibility;
  - Conditions for providing temporary relocation payments;
  - Occupancy requirements for benefits and assistance (including types of occupancy, e.g. owner/renter, and term of occupancy of at least 180 days for homeowner occupants and 90-days for tenants).
3. Benefits and assistance.
  - Types and amounts of payments for owner/renters;
  - Conditions of each type of payment;
  - Moving expenses, including the amount and conditions under which such expenses will be paid or not paid;
  - Under which benefits and assistance will be denied, e.g. early move and relocation into substandard housing;
  - Availability of other social services, if applicable.
4. Replacement housing.
  - Procedures for selecting safe, sanitary, and decent, including inspections, approval process, use of realtors and Civil Rights statement; counseling and advisory service to be provided by the recipient to the displacee in locating replacement housing;
  - Under the local policy, replacement housing need not be functionally equivalent to and substantially the same as the housing from which the displacee is required to move. However, the replacement housing must be safe, sanitary and decent and meet local housing and occupancy codes. See HUD Handbook 1378 for the definition of safe, decent, and sanitary.
5. Claims for payments and assistance.

- Explanation of how, when, and where claims are to be filed;
  - Claim forms with an explanation of where assistance in completing claims can be obtained.
6. Project location maps.
- A copy of detailed maps showing project location in the jurisdiction and specific location of each activity (houses, streets, etc.).
7. Replacement housing inventory.
- The recipient should maintain a list of all know available housing and realtors who manage and typically list low-cost housing.
8. Guidelines for displacees.
- Explanation of displacee rights, responsibilities, and privileges;
  - Outline of specific steps they should follow in order to file an appeal;
  - Explanation of how the appeal will be reviewed;
  - Time limits for processing and reviewing appeals;
  - Statement of the displacee’s rights to appeal to the State if they are not satisfied with the local agency's decision. This should included identification of the address and telephone number of the Department of Community Affairs;
  - Statement of the displacee’s rights to appeal to the courts if not satisfied with the local agency's decision;
  - Statement of displacee’s rights under the Civil Rights Act (Title VI and Title VII).

When developing the local policy, the recipients should use the recommended Local Relocation Policy included in this manual. If the locality decides to develop a relocation policy that is substantially different from the recommended local policy, State approval of the policy should be obtained before adoption.

### **Task E-2: Understanding Basic Relocation Requirements**

Relocation is a critical element of implementing your CDBG project. If you do not have relocation experience, it is essential that you understand the requirements, develop procedures to handle them and educate yourself both by reading the available written materials and contacting localities near you that have relocation experience.

Most relocation in connection with your CDBG project may be subject to the Uniform Relocation

Assistance and Real Property Acquisition Policies Act of 1970. This law is commonly called the Uniform Act. If your project entails relocation, you need to refer to [www.hud.gov](http://www.hud.gov) and download Handbook 1378, Tenant Assistance Relocation and Real Property Acquisition, and copies of the HUD brochures, Relocation Assistance to Displaced Homeowners and Relocation Assistance to Displaced Tenants (Exhibit E-2). TAKE TIME TO READ THESE CAREFULLY. These brochures are for residential relocation only. There are different requirements for the relocation of farms, commercial and industrial uses. If your program involves non-residential relocation, DOA will give you additional materials and guidance since non-residential relocation is a more complicated process. Your Local Government Representative is a major resource you should use if you are uncertain how to proceed.

Persons displaced may be eligible for two types of relocation payments: moving costs and replacement housing payments. For a summary of relocation eligibility and benefit guidelines, see **Exhibit E-3**.

Moving Costs: All displaced persons are eligible for moving costs if the move occurs after initiation of acquisition negotiations or after acquisition. The displaced person can choose to receive either actual moving and related expenses, supported by bills and other documentation or receive a fixed payment. Actual moving and related expenses include:

- Transportation up to 50 miles for moving him/herself, his/her family, and personal property;
- Packing and unpacking personal property;
- Disconnecting, dismantling, reassembling and reinstalling relocated household appliances and other personal property;
- Storage;
- Replacement value of property lost, stolen or damaged during the move;
- Insurance in connection with move and storage;
- Other costs related to move if approved by recipient as reasonable.

Alternatively, an eligible displaced person may also elect to take a fixed payment for moving expenses that is based on the Federal Highway Administration allowances.

Replacement Housing Payments: These payments are available to 180-day owner-occupants and 90-day owner-occupants and tenants. The 180-day owner-occupants must meet the following criteria:

- Owned and occupied the acquired dwellings for 180-days prior to initiation of acquisition negotiations;
- Purchased and occupied decent, safe and sanitary units within one year after the date of receipt of final acquisition payment or the date of the move from the acquired unit, whichever is later;
- Filed a claim within 18 months of the time the move is completed.

An 180-day owner-occupant who relocates to an ownership unit is eligible for a maximum replacement housing payment of up to \$22,500, unless otherwise stipulated in the grantee's locally adopted Relocation Policy. The payment represents the combined costs of:

- The cost difference between the acquisition price of the acquired unit and the purchase price of comparable replacement housing or the price of the actual unit purchased, whichever is less;
- Increased interest costs;
- Eligible incidental settlement costs.

However, section 205(c)(3) of the URA precludes displacement from a dwelling unless a comparable replacement dwelling is available. Therefore, if the payment exceeds \$22,500, the additional assistance will be provided, according to the grantee's locally adopted Relocation Policy.

The 90-day tenants and owner-occupants must meet the following criteria:

- Occupied the acquired units 90-days prior to initiation of acquisition negotiations;
- Relocated into decent, safe and sanitary unit within one year after --
  1. In the case of a tenant, the date he/she moves from the acquired unit;
  2. In the case of an owner-occupant, the date of receipt of final acquisition payment or the date of the move filed a claim within 18 months of the time the move is completed.

A tenant or owner-occupant that relocates into a rental unit is eligible for a maximum \$5,250 Rental Assistance Payment. This payment represents 42 times the monthly difference between his/her housing cost at the original dwelling and the monthly housing cost of comparable replacement housing, or the actual unit rented, whichever is less. This payment must be made in a lump sum unless the displaced person specifically requests that the payment be made in installments.

A tenant who relocates to an ownership unit is eligible for a maximum \$5,250 Down Payment Assistance Payment. This payment may be increased according to eligible circumstances described in HUD Handbook 1378.

The Down payment Assistance Payment must be applied to the purchase price of the replacement dwelling and related incidental expenses. The payment is determined on the basis of the amount required to obtain conventional financing for the decent, safe and sanitary dwelling actually purchased and occupied.

Certain benefits may be prorated for unrelated individuals living together. For guidance, check Handbook 1378.

You should clearly understand and indicate that the benefits under the Uniform Act are rights to which the individual is entitled and that your job is to ensure that all displacees receive the maximum amount of benefit to which they are entitled. There are no income or need criteria for benefits. The

wealthy as well as the poor are eligible if they are relocated.

### **Task E-3: Defining Relocation Procedures**

The basic benefits described in **Task E-1** must be provided by your program. You may choose to provide payments higher than these. You do this by formal action of your governing body. If higher benefits are adopted, your local relocation policy must define those higher benefits.

The community must determine how the Uniform Act will be implemented. Among other things, procedures should be developed covering responsibility for the following: notification of eligibility and available assistance, processing claims, making payments, handling grievances, and providing documentation.

#### **Grievance Procedure**

Your procedures should cover grievances. The Grievance Procedure must outline the appeals process, including the grounds for filing an appeal, to which appeals should be filed in your locality, appropriate time limits, and the right of appeal to the State. Requirements concerning appeals are contained in the Handbook. For our program, simply substitute the word State each time the word HUD is used. Also, the Commissioner of Administration will function in place of the HUD Area Director.

### **Task E-4: Providing Information and Counseling**

It is your responsibility to inform occupants of their rights, send them the required notices and assist them to find replacement housing. Therefore, you should identify the people to be relocated as soon as possible. A Notice of Eligibility for Relocation Assistance (**Exhibit E-4**) must be sent to all owner-occupants or tenants in occupancy within 30 days of the written offer to purchase the property if the occupant is going to be relocated. This Notice must be accompanied by a copy of your relocation procedures or the appropriate brochure. A copy of your Grievance Procedure taken from your local policy should be sent with these materials.

All notices must be written in plain, understandable language. **THEY MUST BE EITHER HAND DELIVERED WITH RECEIPT DOCUMENTED, OR SENT CERTIFIED MAIL, RETURN RECEIPT REQUESTED.** The Notices must also contain the name and phone number of a person who may be contacted for answers to questions or other needed help. The Grievance Procedure should be mailed or hand delivered with the Notice of Displacement and receipt documented. The mailed Notice is appropriate for recipients able to read and understand. If there is any reason to believe the recipient may have difficulty understanding the printed materials, hand delivery is preferable. Receipt must be documented.

If relocatees do not speak or read English, you must make all notices available in appropriate translations. Some large cities have already translated these notices in various foreign languages and your Local Government Rep will help you obtain copies. If you use another City's translation, make sure you request a copy of the English version so you can make sure that its notices/procedures are the same as yours.

As soon as these initial notices are sent out, you must interview each recipient, in person, to

determine his/her need for assistance. A sample interview format, the first section of a Sample Household Case Record, is provided to show the type of information that is required (**Exhibit E-5**). This includes data identifying the parcel and dwelling; number of individuals and family units; family composition (including age, sex, location of employment, source and amount of income); description of current dwelling (number and type of rooms); length of time of occupancy; amount of housing payment or rent; replacement housing preferences regarding type of tenure, location and willingness to increase monthly payments; and other important characteristics (health/disability problems, special needs such as furniture, public assistance, etc.).

The staff conducting these surveys and having personal contact with the individuals to be relocated should be very patient, sensitive people capable of understanding the distress of displacement and of dealing with the relocatee in a non-threatening, helpful manner. In general, women are less threatening than men; black interviewers in black areas are less threatening than whites and vice versa. Non-Spanish speaking interviewers in Hispanic areas are less effective than fluent, bilingual interviewers.

You should also remember that some of the persons you are going to relocate may be elderly, with a substantial emotional investment in their present home. In your view, it may be a substandard dwelling unit; to the owner, it is a home that contains a lifetime's memories and mementos. Many will not want to relocate. Some may be frightened of government; others may be suspicious of your intentions. Some may be functionally illiterate or senile. The counseling and assistance required to help these people adequately is significant; and it is the area in which many programs experience greatest difficulty.

In many cases, especially with regard to the elderly, it may be useful to ask if there are any relatives living in the surrounding area. If permission to contact these relatives can be obtained, these contacts can assist in developing a responsible relocation plan for the displacee. Some relatives may

contribute money to the purchase of a dwelling; others will have special skills (e.g., lawyer, realtor) that can facilitate re-housing transactions. Sometimes relatives can also encourage cooperation in the disclosure of information necessary to complete claim forms.

At the same time the interviewers are conducting the family survey, they should review the relocation process with the relocatee. Special attention must be given to: (1) the assistance to be provided by you; (2) the benefits available; (3) the fact that replacement housing payments cannot be made unless the household relocates into a standard unit; (4) the importance of keeping in touch with you; and (5) the need to notify you before they move. It is very important that all significant contacts with displacees be logged into Section 5 of **Exhibit E-5**, Household Case Record.

### **Task E-5: Identifying Replacement Housing Needs**

REPLACEMENT HOUSING CANNOT BE PROVIDED UNLESS YOU ARE ACTING UNDER A CODE ENFORCEMENT POLICY OR PLAN IN CONJUNCTION WITH STATE LAW AND LOCAL ORDINANCE.

A primary purpose of the household survey is to provide the information needed to determine replacement-housing needs. All replacement housing must be "decent, safe and sanitary". This means that the replacement unit must meet local housing or occupancy codes.

The only times that local housing or occupancy codes do not define "decent, safe and sanitary" are when such codes do not exist or when the replacement unit is Section 8 assisted. In the latter instance, Section 8 Existing Housing Quality Standards define "decent, safe and sanitary". The unit must also be free of lead-based paint hazards and or architectural barriers, if serving a handicapped person. A Sample Inspection Report format is shown as **Exhibit E-6**.

#### Comparability/Functionally Similar

In addition to being "decent, safe and sanitary", the replacement unit must also be "functionally similar" to the acquired unit with respect to the number of rooms and living space. The term "functionally" similar means that the comparable replacement unit must perform the same function, provide the same utility and be capable of contributing to the same lifestyle as the acquired dwelling. While it need not contain every feature of the acquired dwelling, the principal features must be present.

This applies unless additional or larger rooms are needed to meet "decent, safe and sanitary" criteria (especially overcrowding). This means that a family of six living in a two-bedroom unit may require a four-bedroom replacement unit to meet local codes or Section 8 standards, if applicable. On the other hand, an elderly widow living alone in a three-bedroom unit is entitled to a three-bedroom unit. They may choose a smaller unit, but you must provide three (3) reasonable choices of comparable replacement units before issuing a 90-day notice to vacate.

#### Affordability

Further, the referral units must be affordable; that is, the monthly housing costs shall not exceed 30 percent of the household's income with the replacement housing payments. Since the acquisition price for a substandard house may be low, the purchase price coupled with even the maximum replacement housing payment (\$22,500) may be insufficient to purchase (free and clear) a comparable unit with monthly mortgage, taxes and utility costs that do not exceed 30 percent of monthly income or established fair market rents.

If you cannot identify comparable, affordable replacement housing using these standards, the inability to relocate site occupants will jeopardize the project. You may seek other means of assisting displacees under the "Last Resort Replacement Housing" provisions of the regulations.

Such alternatives include rehabilitation of, and/or additions to, an existing replacement dwelling; a replacement housing payment in excess of normal limits; construction of new units; relocation of a replacement dwelling; and removal of barriers to the handicapped in a replacement dwelling.

#### **Task E-6: Locating Replacement Housing**

Having identified the replacement housing needs, you must begin to inventory available housing resources. In doing this, you must be aware of affirmative action criteria that must be met when relocating low-income and minority persons. The regulations require that the community make comparable replacement housing available to low-income or minority relocatees in areas that do not have concentrations of either low-income or minority households if such opportunities are available. This means that if there are vacant, standard, affordable units available in middle/upper income areas or predominantly white areas of your community, low-income or minority relocatees must be given at least one replacement housing choice in those areas before you can give such relocatees a 90-day

notice to vacate.

Furthermore, you are required to make available to low-income and minority families special counseling and related services, (e.g., transportation and escort services). You may secure these services through fair housing or civil rights groups. Many cities have focused their search for replacement units in low-income or minority areas because those areas were where the less expensive housing was concentrated. Now, every community must broaden its search to include middle income and predominantly white areas. We will closely monitor this requirement.

In inventorying available resources, you should contact landlords, realtors, and movers; read the classified ads; and tour neighborhoods looking for "For Rent" and "For Sale" signs. Often affordable units are not advertised. When a landlord puts a vacancy sign on his/her building, those most likely to learn about the vacancy sign are neighborhood residents interested in moving out of their current quarters. Depending on the timing of displacement, these listings can be inspected; and, if found to be decent, safe and sanitary, placed on a list to be used for referrals.

Public housing resources may prove less helpful than anticipated. Displacees may refuse to apply for public housing, either because they simply do not want to live in it or because they resent the investigation necessary to qualify them (the investigation of their incomes, in particular). Also, there have been cases in which the public housing authority has failed to cooperate by refusing to disclose the number and size of vacancies it has, or by refusing to grant preference to displacees.

The process of finding comparable housing will involve continuous contact with displacees to solicit information, establish rapport, provide referrals to rehousing resources, and accompany displacees to inspect possible dwellings. Up-to-date information on the availability and prices of comparable sales and rental housing must be provided. All units must be inspected and certified as meeting local housing and occupancy codes before being placed on a referral list.

### Self-Relocations

Some relocatees will not wait for you to locate comparable units. They will search for their own units and relocate themselves. Self-relocations can prove to be a problem. Occupants who relocate themselves risk not receiving the compensation to which they are entitled. This can happen because: (1) the occupants do not know they are entitled to money and fail to apply; (2) the locality is unable to trace them to their new quarters; or (3) the new quarters are substandard (in which the relocatees still receive moving expenses). Self-relocatees who do not inform you of their plans forego a pre-move inspection of their new quarters.

An inspection after a move is often ineffective in securing needed repairs. You have little leverage with the landlord at this point. Neither does the occupant unless they initiate code enforcement proceedings. However, actions of this kind can result in a tenant's eviction, either as a result of retaliation by the landlord or because the required repairs are so extensive that they cannot be made until the building is vacated.

### Self-Relocation Into a Substandard Unit

If an individual locates or moves into a replacement unit that is not decent, safe and sanitary, you must really try to upgrade the unit to minimum code in order to entitle the relocatee to benefits. This can include providing any assistance for which the unit is eligible with CDBG funds or securing comparable assistance from other sources. In the event that you cannot get the unit brought up to

code, you must inform such relocatees that if they remain in or move to another substandard unit, they will not be eligible for replacement housing payments although they will be eligible for moving expenses. You must also inform them that if they move into a standard dwelling within one year from the date they received payment for their acquired dwelling or from the date they moved from the acquired dwelling, which ever is later, and file a claim within 18 months, they will be eligible for a replacement housing payment. A sample of such a letter is **Exhibit E-7**.

### Housing Discrimination in Relocation

There is often a special problem in moving non-white displacees to privately owned replacement units. Many times a white city/county employee will be told by the landlord or owner that a unit is vacant and available. Yet when a non-white person goes to look at the unit as possible replacement housing, they will be told it is not available. Private landlords may be discriminatory in their renting practices. Individual displacees who have been discriminated against may not know how to take action on their own; and legal action is often too expensive to be a practical solution for them. You must provide assistance in cases of housing discrimination; you need not become a prosecutor, but you must press displacees' claims of discrimination. Please review your local Fair Housing Ordinance for guidance.

If a displacee has been discriminated against, there are two (2) alternatives. Suit may be filed in a federal court, in which case he/she should either consult an attorney or the local Legal Aid Society for assistance. The relocation officer should advise him/her regarding both sources of help. If the court finds in favor of the displacee, it can stop the sale of the house or the rental of the apartment to someone else, and award the displacee damages and court costs. Instead of taking his/her complaint directly to court, the second alternative is for the displacee to send the complaint to DOA within 180-days of the incident, simply telling them of this option and explain their rights to them. Upon receipt of the complaint, the State's Human Rights Commission may take one or more of the following steps: (1) investigate to see if the law has been broken; (2) contact the person accused of the violation and try to get him/her to end the discrimination; (3) refer the complaint to the Human Rights Commission -- if there is one where the incident occurred -- for investigation and possible resolution; and/or (4) recommend that he/she go to court.

### Common Deficiencies

Failure to provide assistance in locating suitable housing. Failure to provide replacement housing opportunities outside areas of low-income and/or minority concentration.

Failure to provide assistance in identifying and remedying instances of discrimination in sales and rentals of housing units.

### **Task E-7: Completion of Relocation**

When you have made a reasonable choice of comparable replacement housing opportunities available to the relocatee, you may issue the 90-day Notice to Vacate (**Exhibit E-8**). This notice cannot be issued before the Notice of Displacement has been issued or before a reasonable choice of comparable replacement housing has been made available that meet the criteria described in **Task E-4**. The notice must state the date by which the property must be vacated, and indicate that a second notice will be issued at least 30 days in advance of the date the property must be vacated. The date on which the property must be vacated cannot be less than 30 days after you have obtained title to

the property or legal right of possession, whichever comes earlier. This means that if negotiations for acquisition drag on for six months, the occupant cannot be required to move until at least 30 days after you have obtained the title. Thus, timing of the notices is very important.

Prior to, and following, the 90-day notice, you continue to work with the relocatees -- inspecting units, certifying they meet code; assisting or preparing mortgage applications, sales agreements, or leases as appropriate; assisting or preparing claim forms which are available from your State Program Rep.; processing and verifying claims; documenting claims and making payments. You should make every effort to expedite relocation since claims may be filed up to 18 months following the completion of the move. This means that claims can be filed months, perhaps years, after the conclusion of your program.

Therefore, if you have unsettled relocation cases at the time you want to close out your grant, you should show maximum payments for each potential claimant as unpaid costs on your Closeout Form.

Otherwise, we may cancel the funds remaining in your Letter of Credit and you would be financially liable for relocation costs. For more detail on closeout procedures, refer to the program closeout section of the material you have received.

Claim forms for relocation payments are included in the Exhibits. They include: Claim for Moving Costs, **Exhibit E-9**; Claim for Replacement Housing Payment for Homeowners, **Exhibit E-10**; and Claim for Rental Assistance or Down payment Assistance, **Exhibit E-11**. Instructions for completing each claim form are provided.

#### Timely Payment

You are responsible for ensuring that all payments are made in a timely fashion. Payments should be issued within 30 days following the submission of sufficient documentation to support the claim. The regulations further state that advance payments must be made where they would avoid or reduce a hardship. When advance payments are made, you must document that the payment was used for the purpose intended. You should have the recipient sign a letter acknowledging receipt of relocation payments (**Exhibit E-12**).

#### Use of Relocation Payments

Payments for down payment assistance must be applied to the purchase price of a replacement dwelling and related incidental expenses. Payments for rental assistance to owners or renters need not be applied to housing costs. The rental assistance payment must be made in a lump sum unless the recipient specifically requests otherwise. You have no right to question the uses to which that payment is put; it need not be accounted for beyond receipt by the claimant.

#### Denying a Claim

If you intend to deny a claim because the replacement unit is not free of lead-based paint, you must notify us 15 days in advance of the denial and indicate the efforts you made to secure compliance with the lead-based paint poisoning prevention requirement. You should make every effort to satisfy this requirement. Denial of a claim on this basis is unwise unless extraordinary efforts were made and failed. In **Task E-6**, we discussed your responsibilities if a person makes a claim for payment which must be denied because the unit is substandard. Briefly, you must inform the claimant why the claim is being denied, indicate the assistance available for bringing the current unit up to code,

and the ongoing opportunity to qualify for assistance by moving to a standard unit.

You must further inform the claimant that the move to a standard unit must be completed within 12 months of the date of removal from the acquired dwelling or receipt of final payment (if owner-occupant), whichever is later; and that the claim must be submitted within 18 months of the completion of the move. As noted, **Exhibit E-7** is a sample letter containing this information.

In any instance in which payments are not made, you must be able to fully document your efforts to provide payments, the reasons payments were not made, and signed waivers of payment if possible. The regulations mandate that any claim for payment be submitted to you within a period of 18 months after displacement. You should strictly adhere to this limitation and fully document when you initially notified the recipient of this requirement and all subsequent reminders.

### Waiver of Relocation Benefits

The only circumstance in which relocation benefits will be waived involves a voluntary acquisition in which a owner-occupant was required to waive relocation benefits as a condition of sale. A tenant's relocation benefits cannot be waived by the owner, nor can such a waiver be required as a condition of voluntary acquisition.

Relocation benefits are rarely waived because they are tax-free and there is not a tax benefit associated with waiving these payments. Should a relocatee choose to waive relocation benefits, be absolutely certain a Waiver of Relocation Benefits and Other Services is completed (**Exhibit E-13**). Also be certain the individual's relocation file documents the individual's decision to waive benefits. Any case involving a waiver of relocation benefits will be carefully examined to insure no coercion was involved.

### **Task E-8: Record Keeping**

Record keeping is a very important part of your relocation responsibilities. You must maintain a separate case file on each displaced household for four years after final project closeout or after the relocation payments, whichever is later. The relocation file checklist (**Exhibit E-15**) identifies all the information required for each file. You should keep a copy of the checklist in front of each relocation file for tracking purposes and to facilitate state and local review. You must also complete **Exhibit E-15** and maintain in your files.

Confidentiality of Records. Records maintained by the grantee/Agency to demonstrate compliance with the policies in this handbook are confidential. They shall not be made available as public information, unless required by applicable law. Only authorized staff of the grantee/Agency or the State or HUD shall have access to them. However, upon the written request of an affected person, the grantee/Agency shall give the person or his designated representative the opportunity to inspect and copy all pertinent records during normal business hours, except material which the grantee/Agency determines should not be disclosed to the person for reasons of confidentiality.

In addition, the following information at a minimum shall be maintained for at least three years after each owner of the property and each person displaced from the property have received the final payment to which they are entitled.

1. List of Occupants. For each project, the grantee's files shall include a list or

lists identifying the name and address of:

- a. All persons occupying the real property at the beginning of the project. Generally, this is the date of the initial submission of the application for assistance by the property owner to the grantee or by the grantee to HUD; however, if site control is not obtained until after submission of the application, the date of site control is usually considered the beginning of the project;
- b. All persons moving into the property on or after the date on which the project begins but before completion of the project; and
- c. All persons occupying the property upon completion of the project.

The list(s) may be maintained in a suitable computer generated format that also indicates, for project management purposes, progress made in carrying out the program.

2. Tenants Not Displaced. Documentation on tenants not displaced shall include:

- a. Evidence that the tenant received timely written notice that the tenant would not be displaced by the project.
- b. For a tenant-occupant of a dwelling, evidence that the tenant received (a) a timely offer of an opportunity to lease and occupy a suitable, affordable, decent, safe and sanitary dwelling in the building/complex upon completion of the project under reasonable terms and conditions, and (b) reimbursement of any out-of-pocket expenses incurred in connection with any temporary relocation or a move to another unit in the building/complex.
- c. For each tenant that is not displaced but elects to relocate permanently, an indication of the reason for the move and any personal contact to explain available alternatives and that the tenant will not qualify for relocation payments as a "displaced person." This information must be available for all tenants who occupied the property before project completion but did not occupy the property after project completion and did not receive relocation assistance as a displaced person.
- d. Racial/ethnic/gender identification as required by program rule (implementing section 562 of the Housing and Community Development Act of 1987 and section 808(e)(6) of the Fair Housing Act).
- e. A copy of any appeal or complaint filed and Agency response.

3. Displaced Persons: For persons displaced, there shall be separate case files that include:

- a. Identification of the person's name, address, racial/ethnic group classification and date of initial occupancy. For residential tenant-occupants, include age, sex, and income of all members of the household and monthly rent and

average monthly utility costs for the displacement dwelling. For homeowners, include Agency "acquisition cost" of unit. For nonresidential occupants, include type of enterprise.

- b. Evidence that the person received early written notice of the possible displacement and a general description of the relocation payments and advisory services for which the person may be eligible, basic eligibility conditions and the procedures for obtaining payments.
- c. Evidence that person received timely written notice of eligibility for relocation assistance and, for those displaced from a dwelling, the specific comparable replacement dwelling and the related cost to be used to establish the upper limit of the replacement housing payment.
- d. Identification of relocation needs and preferences, dates of personal contacts and services provided.
- e. Identification of referrals to replacement properties, date of referral, rent/utility costs or sale price (if dwelling), date of availability, and reason(s) person declined referral.
- f. Copy of 90-day notice and vacate notice, if issued.
- g. Identification (address) of actual replacement property, rent/utility costs or sale price (if dwelling) and date of relocation.
- h. Copy of replacement dwelling inspection report showing condition of unit and date of inspection.
- i. Copy of each approved claim form and related documentation, evidence that person received payment and, if applicable, Section 8 Certificate or Housing Voucher.
- j. Copy of any appeal or complaint filed and grantee response.

For additional record-keeping requirements, refer to Part A, Program Administration, **Task A-16: Record-Keeping and Reporting**.



RECOMMENDED LOCAL RELOCATION POLICY

Name of Agency to Contact:

---

---

---

Address:

---

---

---

Phone Number: \_\_\_\_\_

Hours of Availability: \_\_\_\_\_

Date Passed by City/Parish Council: \_\_\_\_\_

## LOCAL RELOCATION POLICY

WHEREAS, \_\_\_\_\_, Louisiana hereinafter referred to as the locality, is undertaking a Community Development Program under the provisions of the Housing And Community Development Act of 1974 (Public Law 93-383) and amendments thereto;

WHEREAS, the Housing and Community Development Act of 1974 requires compliance with the relocation requirements of the Uniform Relocation and Real Property Acquisition Policies Act of 1970, hereinafter referred to as the Uniform Act, and implementing regulations issued by the Department of Housing and Urban Development (CFR Title 24, Part 42) when the acquisition of real property occurs; and

WHEREAS, the locality wishes to provide a local policy covering all probable types of relocation which may be necessary in accomplishing CDBG related activities, the following policy is hereby adopted:

I. Permanent Relocation Including Acquisition

All persons, families, or businesses displaced as a result of acquisition, in whole or in part, shall be provided with relocation assistance and compensation as authorized by the Uniform Act. Procedures and forms shall be in accordance with the HUD Relocation Handbook 1378, as revised.

II. Temporary Relocation - Owner Occupied Unit

Program activities shall be planned and carried out in a manner that minimizes hardships to occupants of houses being rehabilitated in accordance with the CDBG program.

When a homeowner requests and receives a grant or loan for the purpose of rehabilitating his home, he becomes eligible for temporary relocation assistance providing the nature of the rehabilitation is such that the occupants could not continue to live in the dwelling during rehabilitation as determined by the contractor and the Housing Rehabilitation Specialist and approved by the Planning and Evaluation Administrator.

Arrangements will be made to provide temporary relocation assistance in accordance with the needs of those being temporarily displaced, including social services, counseling, guidance, assistance, and referrals.

Costs associated with a temporary move may be included in the rehab grant if no personal resources are available to the occupant of the dwelling to be rehabilitated. These costs normally may not exceed \_\_\_\_\_. Hardship situations will be considered on an individual basis. Costs which may be charged to the rehabilitation contract include:

Actual reasonable moving costs to the temporary relocation.

Actual reasonable cost of renting the temporary unit.  
(Normally not to exceed \_\_\_\_\_ days.)

Actual reasonable cost for storage of furniture that cannot be housed in the temporary unit in the event that the family can find shelter for themselves but not their belongings.

Actual reasonable cost of moving from the temporary location back to the rehabilitated dwelling.

Eligible recipients shall not be relocated until the contractor is prepared to begin rehabilitation work and shall be returned to their homes immediately upon final inspection of their homes. All reasonable costs must be documented by dated invoices from the parties receiving the remuneration. Procedures and forms shall be in accordance with the HUD Relocation Handbook 1378, as revised.

If the unit was identified in the application for funding as a replacement unit, then the substandard unit can be demolished and a new replacement unit constructed provided all of the other provisions of these guidelines and the program are satisfied. If the unit was not identified in the application for funding as a replacement unit, then only if sufficient funding exists after all of the other units identified in the application for funding as eligible have been addressed, then the unit(s) not identified in the application for funding can be addressed based on their ranking by the grantee.

### III. Tenant Assistance Policy

No tenant shall be considered displaced if the tenant has been offered a decent, safe, and sanitary dwelling unit in the project to be rehabilitated at an affordable rent.

No person displaced by rental rehabilitation activities will be discriminated against. All displaced persons shall be equally provided information, counseling, referrals, and relocation services.

No person shall be displaced because of age, race, color, religion, sex, handicap, or national origin.

All persons will be provided with information and counseling to familiarize tenants in the projects to be rehabilitated with (1) opportunities to select replacement dwellings from a full

range of neighborhoods within the total housing market; (2) individual rights under the Fair Housing Law; and (3) how to search for suitable replacement housing.

IV. Permanent Relocation Without Acquisition

A. Basis:

The Demolition/Relocation Policy is designed to provide an avenue for addressing the housing needs of persons affected by actions of Federally supported Community Development Block Grant program. The basic purpose is to establish a local procedure whereby adequate, affordable, safe and sanitary housing can be provided to those persons displaced or forced to relocate as a result of housing rehabilitation activities and/or local code enforcement within the target neighborhood.

B. Approach:

This aspect of the policy addresses relocation activities which do not fall within the guidelines of the Uniform Act. This policy will be invoked in those cases where voluntary displacement and/or code related demolition of severely substandard housing units are required. Various alternatives are to be considered in providing relocation assistance to displacees, as follows:

1. Homeowners

Provision of a one-time relocation cash payment not to exceed \_\_\_\_\_, and total moving costs within a 25-mile radius.

The relocation payment will be based upon a per square foot replacement rate of \_\_\_\_\_, as defined in Section 3. This rate will be reviewed at least annually to ensure current application.

Any homeowner electing to move to rental property shall be entitled to rental relocation only.

The relocation-housing unit shall meet safety, decency, and sanitation codes.

2. Tenants

Provision of a one-time relocation payment not to exceed \$4,000, and total moving expenses within a 25-mile radius.

The total relocation payment will be based upon local rental rates for the specific bedroom category as defined by Section 8 Guidelines.

The relocation housing must meet safety, decency, and sanitation codes.

3. Payment

The relocation payment must be approved by the appropriate official.

4. Affordability

Under the local policy, rental cost shall be considered to be affordable, if the rent plus the high cost of utilities when not included in the rental rate, does not exceed the greater of the rent plus utilities paid by the tenant prior to the displacement activity or does not exceed 30 percent of the gross monthly income of all adult members of the tenant's household, including supplemental income from other public agencies whichever is higher. Purchase cost shall be considered affordable if the monthly housing cost, including the cost of all mortgage payments, real property taxes, and reasonable utility charges, does not exceed the greater of the monthly housing cost paid by the displacee prior to the displacement activity or does not exceed 30 percent of the gross monthly income of all adult members of the displacee's household, including supplemental income from other public agencies whichever is higher.

C. Basis for Relocation Payment

1. Homeowner Occupants

The payment for relocation is to be based on per square foot replacement rate of \_\_\_\_\_, to a maximum of \_\_\_\_\_, with minimum square foot allowances defined as follows:

**ROOM SIZES**

<u>Location</u> <u>(1)</u>	<u>O-BR</u>	<u>1&amp;2-BR</u>	<u>3-BR</u>	<u>Least</u> <u>Dimen. (2)</u>
LR	N/A	140	150	10'-10"
DR	N/A	80	100	7'-8"
K	N/A	50	60	5'-4"
K'ette	20	25	40	3'-6"
BR(Dbl)	N/A	110	110	8'-8"
BR(Sgl)	N/A	70	70	7'-10"
LR/DA	N/A	180	200	(3)
LR/DA/K	N/A	220	250	(3)
LR/DA/SL	220	N/A	N/A	(3)
LR/SL	190	N/A	N/A	(3)
K/DA	80	80	160	(3)
K'ette/DA	60	60	90	(3)

**NOTES:**

(1) Abbreviations:

LU - Living Unit  
LR - Living Room  
DR - Dining Room  
DA - Dining Area  
K - Kitchen

K'ette - Kitchenette  
BR - Bedroom  
SL - Sleeping Area  
N/A - Not Applicable  
O-BR - No Separate BR

Variations to these areas and dimensions may be permitted when existing partitions preclude precise compliance, and the available area of dimensions do not hinder furniture placement and the normal use of space.

- (2) The lease dimension of each room function applies, except for the overlap or double use of space in combination rooms. It is anticipated that the square footages shown will be exceeded in virtually all cases.

## 2. Tenants

- a. The payment for relocation is to be based upon comparable rental rates for local area as defined by current Section 8 Guidelines published in the Federal Register. The payment will be based upon a one-year period, but in no instance will the total relocation payment (excluding moving expenses) exceed \_\_\_\_\_. Any variation from this will be fully documented in the subject case file.
- b. Reasonable expenses within a \_\_\_\_\_ radius of the neighborhood include such items as: (1) rental of vehicle trailer for moving purposes; (2) reimbursement of utility deposits; and (3) temporary relocation costs, as necessary.
- c. In the event a displacee is relocated to subsidized rental unit (such as Section 8, 202, public housing, etc.), the relocation payment will be based upon the unsubsidized portion of the monthly rental payment only.

## V. Characteristics of the Area

The specific target area, locally known as \_\_\_\_\_, is one of the most depressed areas within the locality. The area has a total population of 3,225 persons, of which 56 percent is minority and 86 percent is in the low/moderate income category. Of the total resident population, 17 percent is over the age of 62. Of the total housing stock, approximately 55 percent is substandard, and of these units, a significant number should be vacated and demolished.

## VI. Example Relocation Plan

It is anticipated that few cases will require utilization to the Uniform Act provisions. There is no plan to acquire subject properties unless absolutely necessary. There are 2-3 occupied units which should be razed and the occupants relocated (in addition to those vacant units scheduled for demolition). These units are severely deteriorated beyond any possibility for rehabilitation. Even emergency repair is inadequate to address any significant portion of the problem. These units should be vacated through local code enforcement or voluntary action, and families should be relocated. Of the total number, three are owner occupied and the balance is composed of rental units.

Relocation will be under taken in accordance with procedures established herein. In order to assure maximum choice, referrals and relocation assistance will be provided to all displaces. This will include at a minimum:

contacting local housing lenders as necessary.

referrals to local realty agencies (multiple listing services).

transportation assistance as necessary.

provide contact lists of local rental complexes (both subsidized and unsubsidized).

assist with processing for Section 8, 202, PHA, etc., as applicable.

Whenever possible, tenant displaces will be afforded the opportunity to relocate to a subsidized unit under the Section 8 Existing or similar program.

#### VII. Applicable Regulations

The Demolition/Relocation Policy will be implemented in accordance with the following HUD regulations:

Section 1 of the Civil Rights Act of 1966 (42 U.S.C. 1982 et. seq.)

Title VI of the Civil Rights Act of 1965 (42 U.S.C. 200 d et. seq.)

Title VIII of the Civil Rights Act of 1968 (42 U.S.C. 3601 et. seq.)

The National Governmental Policy Act of 1969 (42 U.S.C. 4321-4347)

Executive Order 11063, Equal Opportunity in Housing (2 CFR Comp. 1964-65, page 652)

Executive Order 11246, Equal Employment Opportunity (3 CFR Comp. 1971, page 339, as amended)

Executive Order 11625, Minority Business Enterprise (3 CFR Comp. 1971, page 213 (ref. 1276.1:9/79-11-4))

#### VIII. Grievance Procedures

See Attached Procedure.

## GRIEVANCE PROCEDURE

### Grounds

You have the right to appeal any action of the City/Parish on the following grounds:

failure to properly determine your eligibility for, or the amount of, a relocation or other payment due you under the Uniform Act;

refusal to waive the time limit for filing a claim or the one-year purchase and occupancy requirement;

failure to properly inspect the replacement dwelling;

failure to comply with a requirement of 24 CFR 42.209 (Availability of Comparable Replacement Dwellings Prior to Displacement); and

failure to comply with a requirement of 24 CFR 42.207 (Notice of Right to Continue in Occupancy).

Your acceptance of the amount offered you by the City/Parish does not limit your right to appeal the City/Parish's determination and seek a larger payment.

### Methods and Time Limits for Initiating an Appeal

If your appeal concerns your eligibility for, or the amount of, a payment, you must file your appeal with 6 months after the City/Parish notifies you of its determination on your claims.

If your appeal concerns an alleged failure to provide appropriate housing referrals or to properly inspect the replacement dwelling or to comply with 24 CFR 42.209 (Availability of Comparable Replacement Dwellings Prior to Displacement), you must file your appeal with 6 months after you have been displaced from your home or apartment.

If your appeal concerns an alleged failure to comply with 24 CFR 42.207 (Notice of Right to Continue in Occupancy), you must file your appeal no later than 6 months after (a) your permanent move from your home or apartment; or (b) the end of the four-year occupancy period, whichever comes first.

If your appeal concerns the City/Parish's refusal to waive the one-year purchase and occupancy requirement, your appeal must be filed within 30 days after the refusal.

You may make a request to the City/Parish, either orally or in writing, to make an oral appeal. The City/Parish will provide you with the opportunity for an oral presentation within 15 days of your request. If the City/Parish does not grant your grievance, you will be so notified and informed you have the right to make a written appeal. However, the request for an oral presentation does not entitle you to any postponement of displacement.

You may also file a written request for review. In your written request for review, you may include any statement of fact or other material which you feel has a bearing on your appeal. If more time is needed to gather and prepare additional material for review, you may be granted additional time so you have at least 30 days from the date of receiving notification of the decision concerning your appeal. If you need assistance in preparing your material, the City/Parish will help you and will also tell you about other available sources of assistance. After you have submitted the new information in support of your request for review, the City/Parish will reach a decision within 30 days. It will send you a copy of the decision, a statement of the facts and legal basis upon which it is based, a description of how any new payments or relief will be provided to you, and, if your appeal was not totally granted, a statement of your right to appeal the City/Parish's decision to the Louisiana Division of Administration where you can file such an appeal.

Appeal to the State of Louisiana

If the City/Parish disapproves your appeal, you are entitled to a review by the Louisiana Division of Administration. You may obtain a State review by sending a written request to the Division of Administration, Office of Community Development, within 30 days after you receive the review findings from the Division. You will receive a letter containing the State's decision, together with a written statement of the facts upon which the decision is based.

In any review of your appeal by the City/Parish or the State, you have the right to be represented by a lawyer of other counsel, and you may appeal any final decision by the State to the Courts.

If you have any questions concerning these procedures, do not hesitate to contact:

Ms. Ellen Smith, Relocation Officer  
City Hall, West Linn, Louisiana 70801  
or telephone: 555-1212

\_\_\_\_\_  
Occupant's Signature

\_\_\_\_\_  
City/Parish Representative

\_\_\_\_\_  
Date

\_\_\_\_\_  
Occupant's Address

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

## RELOCATION ASSISTANCE TO TENANTS DISPLACED FROM THEIR HOMES

### Introduction

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

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

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

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

### Summary of Relocation Assistance

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

- **Advisory Services.** This includes referrals to comparable and suitable replacement homes, the inspection of replacement housing to ensure that it meets established standards, help in preparing claim forms for relocation payments and other assistance to minimize the impact of the move.
- **Payment for Moving Expenses.** You may choose either a:
  - \* **Payment for Your Actual Reasonable Moving and Related Expenses, or**
  - \* **Fixed Moving Expense and Dislocation Allowance.**

- **Replacement Housing Assistance.** To enable you to rent, or if you prefer, buy a comparable or suitable replacement home, you may choose either:
  - \* **Rental Assistance,** or
  - \* **Purchase Assistance.**

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

## **General Questions**

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

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

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

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

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

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

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

A comparable replacement home is:

- Decent, safe, and sanitary.
- Functionally equivalent to (and equal or better than) your present home.
- Actually available for you to rent.
- Affordable.
- Reasonably accessible to your place of employment.

- Generally as well located with respect to public and commercial facilities, such as schools and shopping, as your present home.
- Not subject to unreasonable adverse environmental conditions.
- Available to all persons regardless of race, color, religion, sex, or national origin.

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

Decent, safe, and sanitary housing is housing that:

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

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

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

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

If you would like to move to government-owned housing or obtain a Section 8 "housing voucher" or "certificate," let the Agency representative know of your interest. Generally, an eligible displaced person receives preference for such long-term housing assistance. You will be given assistance in completing any required application forms.

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

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

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

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

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

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

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

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

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

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

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

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

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

If you choose a Fixed Moving Expense and Dislocation Allowance, you will receive an allowance which is based on the number of rooms in your home or the number of rooms of furniture you will be moving, as shown on a schedule. The Agency has a copy of the schedule and will help you decide whether choosing this allowance is in your best interest.

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

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

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

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

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

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

comparable replacement home (\$350)).

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

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

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

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

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

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

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

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

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

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

payment.

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

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

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

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

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

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

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

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

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

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

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

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

Agency \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_

Office Hours \_\_\_\_\_ Telephone No. \_\_\_\_\_

Person to Contact \_\_\_\_\_

HUD-1042-CPD  
September 2002

(Previous Edition Obsolete)

## RELOCATION ASSISTANCE TO DISPLACED HOMEOWNERS

### Introduction

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

To be eligible for the assistance described in this booklet, you must have owned and occupied your home for at least 180-days before the Agency offered to buy it.

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

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

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

### Summary of Relocation Assistance

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

- **Advisory Services.** This includes referrals to comparable and suitable replacement homes, the inspection of replacement housing to ensure that it meets established standards, help in preparing claim forms for relocation payments and other assistance to minimize the impact of the move.
- **Payment for Moving Expenses.** You may choose either a:

- \* **Payment for Your Actual Reasonable Moving and Related Expenses, or**
  - \* **Fixed Moving Expense and Dislocation Allowance.**
- Replacement Housing Assistance. To enable you to buy or, if you prefer, rent a comparable or suitable replacement home, you may choose either:
    - \* **Purchase Assistance, or**
    - \* **Rental Assistance.**

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

## **General Questions**

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

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

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

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

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

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

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

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

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

If possible, a mutually agreeable date for the move will be worked out. You will be given enough time to make plans for moving. Unless there is a health or safety emergency, you will not be required to move without at least 90-days advance written notice of (1) at least one "comparable replacement home" that is available to you and (2) the earliest date by which you must move. Moreover, you will not have to move for at least 30 days after your property is acquired.

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

A comparable replacement home is:

- Decent, safe, and sanitary.
- Functionally equivalent to (and equal or better than) your present home.
- Actually available for you to buy.
- Affordable. (Ordinarily, there is no increase in monthly mortgage payments for principal and interest.)
- Reasonably accessible to your place of employment.
- Generally as well located with respect to public and commercial facilities, such as schools and shopping, as your present home.
- Not subject to unreasonable adverse environmental conditions.
- Available to all persons regardless of race, color, religion, sex, or national origin.

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

Decent, safe, and sanitary housing is housing that:

- Meets applicable housing and occupancy requirements.
- Is structurally sound, weathertight, and in good repair.
- Contains a safe, adequate electrical wiring system.
- Has adequate living space for the occupants.
- Has a kitchen with a sink, hot and cold running water, and connections for a stove and

refrigerator.

- Has a separate, complete bathroom with hot and cold running water.
- Has heating as required by climatic conditions.
- Has an unobstructed exit to safe, open space at ground level.
- Meets standards protecting occupants from lead-based paint hazards.
- If you are physically handicapped, is free of any barriers which would preclude your reasonable use of the unit.

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

Yes. You will be provided with referrals to housing that has been inspected to ensure that it meets established standards. If possible, you will be referred to at least three comparable replacement homes. The maximum financial assistance for which you may qualify will be based on the cost of the most representative comparable replacement home that is available to you. When the Agency gives you its initial written purchase offer, it will inform you of such unit and explain the maximum assistance available.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

If you choose a Fixed Moving Expense and Dislocation Allowance, you will receive an allowance which is based on the number of rooms in your home or the number of rooms of furniture you will be moving, as shown on a schedule. The Agency has a copy of the schedule and will help you decide whether choosing this allowance is in your best interest.

If you do not have an unusually large amount of personal property to move, this payment should be more advantageous. No special documentation is required to support your claim.

You need only move your personal property and complete the appropriate claim form in order to receive your payment.

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

To help you buy a comparable replacement home, you will receive Purchase Assistance equal to the sum of the following three costs:

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

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

**Examples:** Let's say that the Agency pays \$20,000 to purchase your home and that a comparable replacement home costs \$30,000.

- \* If you pay \$29,000 for a replacement home, you would receive a \$9,000 differential payment (the difference between the Agency's payment for the acquisition of your home and the cost of your replacement home).
- \* If you pay \$32,000 for the replacement home, you would receive a \$10,000 differential payment (the difference between the Agency's acquisition payment and the cost of the comparable replacement home).
- **Mortgage Interest Differential Payment.** This amount covers the "present value" of the additional costs required to finance the purchase of a replacement home that result if the interest rate you must pay for a new mortgage is higher than the interest rate on the mortgage on your present home. It also covers other debt service costs. The payment is based on the lesser of: the mortgage balance on your present home or your new mortgage amount. To be eligible, the mortgage on your home must have been a valid lien for at least 180-days before the Agency's initial written purchase offer for your home.

You should provide the Agency with a copy of your mortgage(s) as soon as possible. Based on that information and the prevailing terms and conditions of new mortgage financing, the Agency will compute the approximate mortgage interest differential payment for which you will be eligible, inform you of that amount and explain the conditions on which it is based.

The payment will be made available with the purchase price differential in a timely manner to reduce the amount you must borrow to buy your new home.

- **Incidental Expenses.** This amount covers those extra costs typically charged when one buys real property, such as the cost of preparing the deed and recording fees; the cost of title insurance, revenue stamps and transfer taxes (not to exceed the cost for comparable replacement housing); loan application, loan origination and appraisal fees; the cost of a credit report; and the cost for a certification of structural soundness or termite inspection when required. It does not cover prepaid expenses, such as property taxes and insurance.

Remember, your total payment is the sum of the purchase price differential, mortgage interest differential, and incidental expenses. If you are not eligible for one of these costs, you may still be eligible for the others.

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

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

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

The assistance needed for one month is determined by subtracting the "base monthly rent" for your present home from the cost of rent and utilities for your new home (or a comparable replacement home, if that cost is lower). That monthly need, if any, is multiplied by 42 to determine the total amount that you will receive. This amount will be paid directly to you. However, the Agency may elect to provide the assistance in monthly installments, other periodic payments or in a lump sum.

Generally, the base monthly rent for your present home is the lesser of: (1) the estimated "market rent" and average monthly cost for utilities, or (2) thirty (30) percent of your average monthly gross household income.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Agency

Address \_\_\_\_\_

\_\_\_\_\_

Office Hours \_\_\_\_\_ Telephone Number

Person to Contact

HUD-1044-CPD  
September 2002

(Previous Edition Obsolete)

## RELOCATION ELIGIBILITY AND BENEFITS CHART

Type of Displacee	Type of Benefit					
	Moving Expenses	Replacement Housing				
		Eligibility	Benefit	Method of Determination	Maximum Amount	Time Limit for Filing Claim
180-Day Homeowner	<p>If a move occurs after initiation of negotiations or acquisition, all displacees are entitled to:</p> <p>a) payment of actual reasonable moving and related expenses, based upon invoices</p> <p>or</p> <p>b) a fixed payment of up to \$300, based upon the number of rooms of furniture moved, plus a \$200 dislocation payment</p>	<p>1. owned and occupied acquired dwelling for at least 180 days prior to initiation of negotiations</p> <p>and</p> <p>2. purchases and occupies a standard unit within 1 year after receiving final payment for the acquired dwelling or the date s/he moves from it (whichever is later)</p>	<p>Differential amount plus increased interest costs plus incidental expenses</p>	<p><u>Differential Amount</u> Difference between acquisition cost of acquired dwelling and the lesser of the cost of a comparable replacement dwelling or the cost of the dwelling actually purchased by the homeowner.</p> <p><u>Increased Interest</u> Sum of the present value of any increase in interest costs of a new mortgage over an existing mortgage</p> <p><u>Incidental Expenses</u> Related costs normally incurred when purchasing a home</p>	\$15,000	<p>All claims must be filed within 18 months after the move is completed, unless this time period is waived by the city</p>
Tenants and 90-Day Homeowners		<p>1. occupied acquired dwelling for at least 90 days prior to initiation of negotiations</p> <p>2. is not eligible for 180-day homeowner benefit</p> <p>3. Rents or purchases a standard unit within 1 year after the date s/he moves from the acquired dwelling or (homeowner) date s/he receives acquisition final payment (whichever is later)</p>	<p>a) Rental Assistance</p> <p>b) Down-Payment Assistance</p>	<p>48 times the monthly difference between rent in acquired unit and new unit or comparable unit (whichever is less)</p> <p>First \$2,000 of downpayment and incidental expenses, plus one half amount over \$2,000, up to an additional \$2,000.</p>	\$ 4,000  \$4,000	



**GUIDEFORM NOTICE OF ELIGIBILITY FOR  
RELOCATION ASSISTANCE -- 180-DAY HOMEOWNER**

*Grantee or Agency Letterhead*

*(date)*

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

This is a notice of eligibility for relocation assistance. As discussed with you, it will be necessary for you to move after the \_\_\_\_\_ (Agency) \_\_\_\_\_ acquires your home at \_\_\_\_\_ (address) \_\_\_\_\_ for the planned \_\_\_\_\_ (identify project) \_\_\_\_\_. However, you do not need to move now. You will not be required to move without at least 90-days advance written notice of the date by which you must vacate. And when you do move, you will be entitled to relocation payments and other assistance in accordance with Federal regulations implementing the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (URA). The effective date of this notice is (date of initiation of negotiations). You are now eligible for relocation assistance.

You may choose either (1) a payment for your actual reasonable moving and related expenses, or (2) if you prefer, a fixed moving expense and dislocation allowance of \$ \_\_\_\_\_.

Since you owned and occupied your home for at least 180-days prior to (date of initiation of negotiations), you may qualify for a replacement housing payment to cover the following costs:

1. Purchase Price Differential. Since we have determined that a "comparable replacement home" will cost more than the value of your present home, you may receive a purchase price differential payment up to \$\_\_\_\_\_ as discussed below.
  
2. Incidental Expenses. You will be reimbursed for all reasonable costs incidental to the purchase of your new home, such as recording fees, the title insurance premium, and transfer taxes.
  
3. Mortgage Interest Differential. It is our understanding that the interest rate on your current mortgage is \_\_\_\_\_% and that the current prevailing rate for a similar mortgage is \_\_\_\_\_%.  
 Assuming these interest rates and an outstanding principal balance of \$\_\_\_\_\_ on your current mortgage, you may qualify for a payment for additional mortgage financing costs up to \$\_\_\_\_\_. The exact amount will be determined at the closing and will depend on the actual interest rate on your new mortgage and the amount you borrow.

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

	<u>Address</u>	<u>Asking Price</u>	<u>Name and Tele. No. of Person to Contact</u>
1.	_____	_____	_____
2.	_____	_____	_____
3.	_____	_____	_____

We would be glad to provide you with transportation to inspect these

dwelling units. We believe that the unit at \_\_\_\_ (address) \_\_\_\_ is the most representative of your present home. Since that unit would cost \$\_\_\_\_\_ more than we have offered you for your present home, you may be eligible for a purchase price differential payment up to \$\_\_\_\_\_. This is the maximum differential that you are eligible to receive. If you purchase a decent, safe and sanitary replacement home that costs less than \$\_\_\_\_\_ the price differential payment would be based on the actual purchase price.

Contact us immediately if you do not agree that these units are comparable to your home. We will explain the basis for our selecting these units and, if necessary, we will find other units. We will not base your payment on any unit that is not a "comparable replacement home." Should you wish to rent (rather than buy) a comparable replacement home, let us know. We will help you find comparable rental housing and explain your eligibility for a rental assistance payment.

I am enclosing a brochure entitled, "Relocation Assistance to Displaced Homeowners." Please read the brochure carefully. It explains your rights and some things you must do to obtain a payment. For example, to obtain a replacement housing payment you must purchase and move to a decent, safe and sanitary home within one year after you move (or receive your final acquisition payment, if later). Therefore, do not commit yourself to buy or rent a unit before we inspect it.

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

this office will soon contact you to determine your needs and preferences. That representative will explain your rights and help you find replacement housing and obtain the relocation payments and other assistance for which you are eligible. If you have any questions, please contact \_\_\_\_\_(name) \_\_\_\_\_, \_\_\_\_\_(title)\_\_\_\_\_ at \_\_\_\_\_(phone)\_\_\_\_\_, \_\_\_\_\_(address)\_\_\_\_\_.

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

Sincerely,

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

Enclosure

GUIDEFORM NOTICE OF ELIGIBILITY FOR  
RELOCATION ASSISTANCE -- RESIDENTIAL TENANT

*Grantee or Agency Letterhead*

*(date)*

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

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

This is a notice of eligibility for relocation assistance. To carry out the project, it will be necessary for you to relocate. However, you do not need to move now. You will not be required to move without at least 90 days advance written notice of the date by which you must vacate. And when you do move, you will be entitled to relocation payments and other assistance in accordance with Federal regulations implementing the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (URA).

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

Counseling and Other Advisory Services

Payment for Moving Expenses. You may choose either (1) a payment for your actual reasonable moving and related expenses, or (2) if you prefer, a fixed moving expense and dislocation allowance of \$\_\_\_\_\_.

Replacement Housing Payment. You may be eligible for a replacement housing payment to rent or buy a replacement home. The payment is based on several factors, including the cost of a "comparable replacement home," the monthly rent and average cost of utility services for your present home, and 30 percent of your average gross household income.

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

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

We would be pleased to provide you with transportation to inspect these dwelling units. We believe that the unit at \_\_\_\_\_(address)\_\_\_\_\_ is the most representative of your present home. The rent and the estimated average cost of utility services for that unit is \$\_\_\_\_\_. Based on the information you have provided about your income, you may be eligible for a rental assistance payment up to \$\_\_\_\_\_ (42 x \$\_\_\_\_\_). This is the maximum amount that you would be eligible to receive. It would be paid in \_\_\_\_\_(indicate number of installments or lump sum). If you rent a decent, safe and sanitary home where the monthly rent and average estimated utility costs are less than \$\_\_\_\_\_, your rental assistance payment would be based on the actual cost of such unit.

Contact us immediately if you do not agree that these units are comparable to your home. We will explain the basis for our selecting these units. And, if necessary, we will find other units. We will not base your payment on any unit that is not a "comparable replacement home." Should you choose to buy (rather than rent) a decent, safe and sanitary replacement home, you would be eligible for a down payment of \$\_\_\_\_\_.

Let us know if you would prefer to buy a replacement home, and we will help you find such housing.

I am enclosing a brochure entitled, "Relocation Assistance to Tenants Displaced From Their Homes." Please read the brochure carefully. It explains your rights and some things you must do to obtain a payment. For example, to obtain a replacement housing payment you must move to a decent, safe and sanitary home within one year after you vacate your present home. Therefore, do not commit yourself to rent or buy a unit until we inspect it.

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



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

Sincerely,

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

Enclosure

SAMPLE HOUSEHOLD CASE RECORD

DATE OF ORIGINAL INTERVIEW: \_\_\_\_\_  
 NAME OF INTERVIEWER: \_\_\_\_\_  
 Racial/Ethnic Classification: \_\_\_\_\_  
 Contact in Case of Emergency: \_\_\_\_\_  
 Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Phone: \_\_\_\_\_  
 Tenure: \_\_\_\_\_

1. HOUSEHOLD SURVEY  
 Name of Occupant: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Census Tract: \_\_\_\_\_  
 Phone: Day \_\_\_\_\_ Night \_\_\_\_\_  
 Date of Original Occupancy: \_\_\_\_\_

HOUSING COSTS OF CURRENT UNIT

TENANT	OWNER
Rent: \$ _____	Monthly Mortgage: \$ _____
Average Utilities: \$ _____	Average Utilities: \$ _____
Total Monthly Housing Cost: \$ _____	Real Property Taxes: \$ _____
	Total Monthly Housing Costs: \$ _____

CHARACTERISTICS OF CURRENT UNIT  
 # of Rooms: \_\_\_\_\_  
 # of Bedrooms: \_\_\_\_\_  
 # of Bathrooms: \_\_\_\_\_  
 Approximate Square Footage: \_\_\_\_\_  
 Accessibility to Shopping: \_\_\_\_\_  
 Medical: \_\_\_\_\_  
 Public Transit: \_\_\_\_\_  
 Other Services: \_\_\_\_\_

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

**HOUSEHOLD CHARACTERISTICS**

NAME	AGE	SEX	RELATIONSHIP WITH HOUSEHOLD HEAD	GROSS MONTHLY INCOME	EMPLOYER/SOURCE OF INCOME			
					AMOUNT	SOURCE OF INCOME	PHONE	DATE/INITIALS PERSON VERIFYING INCOME/HOUSEHOLD DATA
					\$			
					\$			
					\$			
					\$			
					\$			
					\$			
					\$			
					\$			

SAMPLE

INSPECTION REPORT FORMAT

Displace Person's Name: \_\_\_\_\_

Case Number: \_\_\_\_\_

Special Requirements: Handicapped \_\_\_\_\_

Other (Specify) \_\_\_\_\_

Units Inspected

1. Address: \_\_\_\_\_ Date Inspected: \_\_\_\_\_

A. Does the building meet Section 8 Housing Quality Standards? YES NO

If NO, what would be required to bring unit to Section 8 Standards?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

B. Does the building meet Local Housing Code/ Occupancy Code? YES NO

If NO, what would be required to bring unit to code in addition to items listed in A above?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

C. Estimated Date of Construction: \_\_\_\_\_



SAMPLE  
LETTER TO RELOCATE IN A SUBSTANDARD UNIT

Date

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

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

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

In order to be eligible for a replacement housing payment, you must move into an apartment or house that meets all these requirements within one year from the date you moved from your old apartment on Ash Street. You have to move into a qualified apartment or house by November 15, 2003 to be eligible. Ms. Ellen Smith has a list of eligible houses and apartments and will help you find one and will arrange inspections of any apartments or houses you find on your own. Her phone number is 441-4444.

If you move into a “decent, safe and sanitary” house or apartment by November 15, 2003, you would be eligible to receive a rental assistance up to a maximum of \$4,000 to cover the difference in the monthly cost between your old apartment and a new apartment for four years, or the difference between your new rent and 30 percent of your gross monthly income, whichever is less. This payment will be made in a lump sum if you file a claim for benefits within 18 months after the date you move into a “decent, safe and sanitary” apartment or house.

If you choose to purchase a home, you would be eligible for \$2,000 for down payment assistance. Up to an additional \$2,000 would be available if you match it dollar for dollar (i.e., if you put in \$500, you would get an extra \$500; if you put in \$2,000, you would get an additional \$2,000) for a total of \$4,000 in down payment assistance. You are entitled to these benefits if you move into a “decent, safe and sanitary” replacement until by November 15, 2003 and file a claim within 18 months of completing the move. The City has already set aside money to pay you.

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

Sincerely,

Mary Simmons  
City Secretary

**SAMPLE**  
**90-day NOTICE TO VACATE**

Date \_\_\_\_\_

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

As you know, the City is purchasing your home (or apartment). The purchase will be completed on (this date; must be no later than 60 days after date of this letter). We have been in contact with you since \_\_\_\_\_ (date) to help you locate and move into suitable replacement housing. We have referred you to \_\_\_\_\_ (number) such units.

The house (or apartment) you are now living in must be vacated in 90-days, by (this date; must be at least 90-days after date on this letter). We will send you a second notice 30 days before you must vacate.

If you have any questions or need additional assistance in completing your move, please call Ms. Ellen Smith at 555-1212.

Sincerely,

Ellen Smith  
City Secretary

**SAMPLE**  
**30 DAY NOTICE TO VACATE**

Date \_\_\_\_\_

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

This letter is to inform you that you must vacate this house (or apartment) within 30 days, on (this date, must be 30 days after date of this letter, and 30 days after the City has title).

If you have any questions or need additional assistance to complete your move, please call Ms. Ellen Smith at 555-1212.

Sincerely,

Ellen Smith  
City Secretary

## Claim for Moving and Related Expenses

Families and Individuals

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

OMB Approval No. 2506-0016  
(exp. 04/30/2005)

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

<b>For Agency Use Only</b>	Name of Agency	Project Name or Number	Case Number
----------------------------	----------------	------------------------	-------------

**Instructions:** This claim form is for the use of families and individuals applying for payment of moving and related expenses. You may apply for either (1) a fixed allowance, or (2) an amount to cover the actual moving and related expenses incurred (as described on page 2 of this form). A claim for actual expenses must be supported by receipts or other evidence. The Agency will explain the differences between the two types of payments and will help you complete this form. If the full amount of your claim is not approved, the Agency will provide you with a written explanation of the reason. If you are not satisfied with the Agency's determination, you may appeal that determination. The Agency will explain how to make an appeal.

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

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

Dwelling	Address (include Apartment No.)	How many rooms did you occupy? *	Was it furnished with your own furniture? <input type="checkbox"/> Yes <input type="checkbox"/> No	When did you move to this unit?
3. Unit That You Moved From				
4. Unit That You Moved To		* Excluding bathrooms, hallways and closets.		

5. Is This a Final Claim?  Yes  No

6. Computation of Payment (complete Item 6a or 6b)			
Item	6a. Fixed Allowance	6b. Actual Moving Expenses	For Agency Use Only
(1) Moving Cost		\$	\$
(2) Transportation Cost—Families and Individuals			
(3) Cost of Insurance Covering Move and/or Storage			
(4) Storage Cost (Complete Item 10 on page 2)			
(5) Other (Explain in Remarks Section)			
(6) Total Amount of Claim (Consult Agency for amount of fixed allowance)	\$	\$	\$
(7) Amount Previously Received, if any			
(8) Amount Requested (Subtract line (7) from line (6))	\$	\$	\$

**7a. Certification of Eligibility for Relocation Payments and Services**  
**Instructions:** To qualify for relocation advisory services or relocation payments authorized by the Uniform Relocation Assistance and Real Property Acquisition Policies Act, a "displaced person" must be a United States citizen or national, or an alien lawfully present in the United States. The certification below must be completed in order to receive any benefits. (This certification may not have any standing with regard to applicable State laws providing relocation benefits.) **Your signature(s) on this claim form constitutes certification.**

The individual(s) listed below occupy/occupies the dwelling at \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

I, \_\_\_\_\_, as head of household, hereby certify that all individuals are either United States citizens or nationals, or are aliens lawfully present in the United States.  
For unrelated individuals, each individual by affixing their signature below certifies that they are either a United States citizen or national, or an alien lawfully in the United States.

_____ (Signature and Date)	_____ (Signature and Date)	_____ (Signature and Date)
_____ (Signature and Date)	_____ (Signature and Date)	_____ (Signature and Date)

7b. **Certification By Claimant(s):** I certify that this claim and supporting information are true and complete and that I have not been paid for these expenses by any other source. I ask that the amount on line (8) of Item 6 be paid to  me  the contractor(s) (as specified in the Remarks Section).

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

X

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

**To Be Completed by the Agency**

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

**10. Supporting Data For Storage Cost** (Describe property stored in Remarks Section or attach list.)

Is this a Final Claim for Storage? <input type="checkbox"/> Yes <input type="checkbox"/> No		Computation of Storage Costs		
Date moved to Storage (mm/dd/yyyy)	Date moved from Storage (mm/dd/yyyy)	Item	Amount	For Agency Use Only
Name & Address of Storage Company		Monthly Rate for Storage	\$	\$
		Number of Months in Storage		
		Total Storage Costs (enter on line (4) of Item 6b)	\$	\$
Should Payment be made directly to Storage Company? <input type="checkbox"/> Yes <input type="checkbox"/> No		Amount Previously Received (Include this Amount in line (7) of Item 6b)	\$	\$

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

Additional sheets attached?  Yes  No

**Moving and Related Expenses Which Are Paid For**

- |   |  |
|---|--|
| <ol style="list-style-type: none"> <li>1. Transportation of individuals, families and personal property from the displacement site to the replacement site. Transportation costs for a distance beyond 50 miles are not eligible, unless the Agency determines that relocation beyond 50 miles is justified.</li> <li>2. Packing, crating, uncrating and unpacking of personal property.</li> <li>3. Necessary charges for the removal and hookup of appliances, equipment and other items, not acquired as real property.</li> </ol> | <ol style="list-style-type: none"> <li>4. Storage of the personal property, as determined necessary by the Agency.</li> <li>5. Insurance of the personal property in connection with the move and necessary storage.</li> <li>6. The replacement value of property lost, stolen or damaged in the move where insurance is not reasonably available.</li> </ol> |
|---|--|

**Moving and Related Expenses Which Are Not Paid For**

- |   |   |
|---|---|
| <ol style="list-style-type: none"> <li>1. Cost of moving any building or other real property in which the displaced person reserved ownership.</li> <li>2. Interest on a loan to cover moving expenses.</li> <li>3. Personal injury.</li> </ol> | <ol style="list-style-type: none"> <li>4. Any legal fee or other cost for preparing the claim for moving and related expenses or for representing the claimant before the Agency.</li> <li>5. Expenses for searching for a replacement dwelling.</li> </ol> |
|---|---|

Public Reporting Burden for this collection of information is estimated to average 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless that collection displays a valid OMB control number.

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

## Claim for Replacement Housing Payment for 180-Day Homeowner

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

OMB Approval No. 2506-0016  
(exp. 04/30/2005)

<b>For Agency Use Only</b> Name of Agency	Project Name or Number	Case Number
---	------------------------	-------------

Public Reporting Burden for this collection of information is estimated to average 1.0 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

**Privacy Act Notice:** This information is needed to determine whether you are eligible to receive a replacement housing payment for a 180-day homeowner. You are not required by law to furnish this information, but if you do not provide it, you may not receive this payment or it may take longer to pay you. This information is being collected under the authority of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970. The information may be made available to a Federal agency for review.

**Instructions.** This form is for the use of families and individuals applying for a replacement housing payment for a 180-day homeowner. The Agency will help you complete this form. If the full amount of your claim is not approved, the Agency will provide you with a written explanation of the reason. If you are not satisfied with the Agency's determination, you may appeal that determination. The Agency will explain how to make an appeal.

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

2. Have all members of the household moved to the same dwelling?  Yes  No (If "no", attach a list of the names of all members and the addresses to which they moved.)

Dwelling	Address	When did you buy this unit?	When did you move to this unit?	When did you move out of this unit?
3. Unit That You Moved From				
4. Unit That You Moved To				

5. Computation of Replacement Housing Payment Item	To Be Completed By Claimant	For Agency Use Only
(1) Purchase Price of Comparable Replacement Dwelling (To be provided by the Agency)	\$	\$
(2) Purchase Price of the Unit You Moved To	\$	\$
(3) Lesser of line (1) or (2)	\$	\$
(4) Price Paid by Agency for Unit That You Moved From	\$	\$
(5) Differential Amount (Subtract line (4) from line (3). If amount on line (4) exceeds amount on line (3), enter 0)	\$	\$
(6) Incidental Expenses (From line (16) of Item 12)	\$	\$
(7) Mortgage Buydown Payment and Other Debt Service Costs (To be determined by Agency. See instructions in Item 13)	\$	\$
(8) Total Amount of Replacement Housing Payment Claim (Add lines (5), (6), and (7))	\$	\$
(9) Amount Previously Received, if any	\$	\$
(10) Amount Requested (Subtract line (9) from line (8))	\$	\$

**6a. Certification of Eligibility for Relocation Payments and Services**

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

The individual(s) listed below occupy/occupies the dwelling at \_\_\_\_\_




**Part A - Information from Mortgage Documents**

Item	(a) Old Mortgage	(b) New Mortgage	(c) Lesser of Col. (a) or (b)
(1) Outstanding principal balance	\$	\$	
(2) Annual interest rate of mortgage	%	%	
(3) Number of monthly payments remaining on mortgage	Mos.	Mos.	Mos.

**Part B - Computation of Payment** (Use mortgage amortization table with 6 decimal places.)

(4) Monthly payment required to amortize a loan of \$1,000 in _____ months (line (3), column (c)) at an annual interest rate of _____ % (line (2), column (b))	\$	
(5) Monthly payment required to amortize a loan of \$1,000 in _____ months (line (3), column (c)) at an annual interest rate of _____ % (line (2), column (a))	\$	
(6) Subtract line (5) from line (4)	\$	
(7) Divide line (6) by line (4) (carry to 6 decimal places)	\$	
(8) Enter old mortgage balance (amount on line (1), column (a))	\$	
(9) Multiply line (7) by line (8)	\$	
(10) New loan needed (subtract line (9) from line (8))	\$	
<b>Note:</b> If line (10) is less than line (1), column (b), enter amount from line (9) onto line (13) and skip lines (11) and (12)		
(11) Divide line (1), column (b) by line (10) (carry to 6 decimal places)	\$	
(12) Multiply line (11) by line (9)	\$	
(13) Enter amount from line (9) or line (12), as appropriate (This is the mortgage buydown payment)		\$
(14) Other debt service costs (Reimbursement of purchaser's points and loan origination fees is based on the new loan needed (line (10)), or the actual new loan balance (line (1), column (b)), whichever is less. Do not include seller's points or any cost included as an incidental expense in Item 12.)		\$
(15) Add lines (13) and (14). Enter this amount on line (7) of Item 5.		\$



## Claim for Rental Assistance or Down Payment Assistance

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

OMB Approval No. 2506-0016  
(Exp. 04/30/2005)

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

<b>For Agency Use Only</b>	Name of Agency	Project Name or Number	Case Number
----------------------------	----------------	------------------------	-------------

**Instructions:** This claim form is for the use of families and individuals applying for rental or down payment assistance. The Agency will help you complete the form. If the full amount of your claim is not approved, the Agency will provide you with a written explanation of the reason. If you are not satisfied with the Agency's determination, you may appeal that determination. The Agency will explain how to make an appeal.

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

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

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

5. Computation of Payment: Complete Items 13 and 14 on the back of this form before completing this section. If you are filing for down payment assistance, check this box <input type="checkbox"/> and skip line (1).	To Be Completed By Claimant		For Agency Use Only
	(a)	(b)	(c)
(1) Monthly Rent and Average Monthly Utility Costs for Unit That You Moved To (From line (8), Column (c), Item 13)	\$		\$
(2) Monthly Rent and Average Monthly Utility Costs for Comparable Replacement Dwelling (From line (8), Column (e) of Item 13) (To be provided by the Agency)			
(3) Lesser of line (1) or (2) (If claim is for down payment assistance, enter amount from line (2))		\$	
(4) Monthly Rent and Average Monthly Utility Costs for Unit That You Moved From (From line (8), Column (a) of Item 13)			
(5) 30% of Average Gross Monthly Household Income (From line (4), Column (a) of Item 14)			
(6) Lesser of line (4) or (5)			
(7) Monthly Need (Subtract line (6) from line (3))			
(8) Amount of Payment Claim (Amount on line (7) multiplied by 42)		\$	\$
(9) Amount Previously Received (if any)			
(10) Amount Requested (Subtract line (9) from line (8))		\$	\$

**6a. Certification of Eligibility for Relocation Payments and Services**

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

The individual(s) listed below occupy/occupies the dwelling at \_\_\_\_\_.


I \_\_\_\_\_, as head of household, hereby certify that all individuals are either United States citizens or nationals, or are aliens lawfully present in the United States.

For unrelated individuals, each individual by affixing their signature below certifies that they are either a United States citizen or national, or an alien lawfully in the United States.

\_\_\_\_\_  
(Signature and Date) (Signature and Date) (Signature and Date)

\_\_\_\_\_  
(Signature and Date) (Signature and Date) (Signature and Date)

6b. **Certification By Claimant(s):** I certify that this claim and supporting information are true and complete and that I have not been paid for these expenses by any other source.

\_\_\_\_\_  
Signature(s) of Claimant(s) & Date

X

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

<b>To be Completed by the Agency</b>	7. Effective date (mm/dd/yyyy) of eligibility for relocation assistance	8. Date of referral (mm/dd/yyyy) to comparable replacement dwelling	9. Date (mm/dd/yyyy) replacement dwelling inspected and found decent, safe and sanitary
--------------------------------------	---	---	---

10. Payment To Be Made In:  Lump Sum (only for down payment assistance)  Monthly Installments  Other (specify in the Remarks Section)

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

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

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

Item	Average Monthly Cost				
	Unit That You Moved From		Unit That You Moved To (Do not complete if claim is for down payment assistance.)		Comparable Replacement Dwelling
	(a) Claimant	(b) For Agency Use Only	(c) Claimant	(d) For Agency Use Only	(e) To Be Provided By Agency
(1) Rent (The amount paid under the terms and conditions of occupancy. It may or may not cover any utilities.)	\$	\$	\$	\$	\$
(2)					
(3)					
(4)					
(5)					
(6) Gross Monthly Rent and Utility Costs (add lines (1) through (5))	\$	\$	\$	\$	\$
(7) Monthly Housing Subsidy, if applicable (e.g., Section 8 HAP)					
(8) Net Monthly Rent and Utility Costs (subtract line (7) from line (6)) (Enter these amounts on the appropriate lines in Item 5)	\$	\$	\$	\$	\$

14. Determination of Person's Financial Means

Item	Household Income	
	Claimant (a)	For Agency Use Only (b)
(1) Annual Gross Income of Household. Include income from net family assets. Enter name of each household member with income. (See paragraph 7-21 of HUD Handbook 1378)	\$	\$
(2) Total Gross Annual Income (Sum of entries in line (1))		
(3) Gross Monthly Income (Divide line (2) by 12)		
(4) 30% of line (3) (Enter this amount on line (5) of Item 5)	\$	\$

Remarks

Remarks continued on a separate page?  Yes  No

**Public reporting burden** for this collection of information is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid OMB control number.

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



SAMPLE

LETTER OF ACKNOWLEDGEMENT

SERVICES AND PAYMENTS RENDERED

Department of Community Development  
City of West Linn  
100 Main Street  
West Linn, Louisiana 70801

To: \_\_\_\_\_, Relocation Officer

This is to certify that the Relocation Assistance, Services and Payments rendered by the Department of Community Development at the time of my displacement from \_\_\_\_\_ to \_\_\_\_\_ was done to my satisfaction.

I further certify that I have received reimbursement of my moving expense and/or Relocation Payment by the Department of Community Development checked below.

MOVING EXPENSE

\_\_\_\_\_ Fixed Payment of \$ \_\_\_\_\_.

\_\_\_\_\_ Reimbursement of paid receipt from a Mover or Direct Payment to a Mover of \$ \_\_\_\_\_.

ADDITIONAL RELOCATION PAYMENTS (Tenants and Certain Others)

\_\_\_\_\_ Downpayment Assistance of a lump sum of \$ \_\_\_\_\_.

\_\_\_\_\_ Rental Assistance Payment of \$ \_\_\_\_\_ in a lump sum.

REPLACEMENT HOUSING PAYMENT (Owner-Occupants)

\_\_\_\_\_ Replacement Housing Payment in a lump sum of \$ \_\_\_\_\_.

\_\_\_\_\_ Date

\_\_\_\_\_ Claimant

By: \_\_\_\_\_



GUIDEFORM WAIVER OF RELOCATION ASSISTANCE UNDER THE  
UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION  
POLICIES ACT OF 1970, AS AMENDED (URA)

**E-13**

1. I, \_\_\_\_\_, am presently the owner of a residential tenant of property located at \_\_\_\_\_ (*address*)\_\_\_\_\_.

2. I have been formally notified that this property is to be acquired, rehabilitated, demolished for a program or project to be carried out by \_\_\_\_\_ (*agency*) \_\_\_\_\_ with Fe advised that I am eligible for relocation payments and other relocation assistance under the URA in connection with this displacement. It has been explained to me that the law provides for advisory assistance, including referral to comparable (affordable, decent, safe and sanitary) replacement housing; for payment of actual, reasonable moving and related expenses or for a fixed expense and dislocation allowance, at my election; and, in addition, for a replacement housing payment to assist me in buying or renting a replacement home.

3. The nature and amounts of such payments and other assistance have been specifically described to me in such a manner and in sufficient detail that I fully understand my eligibility.

4. I have determined not to claim the benefits available to me under the URA, and hereby release the \_\_\_\_\_ (*agency*) \_\_\_\_\_ from all obligations and liability regarding them. I do this freely, on the basis of my full understanding of all my legal rights. I am under no duress or coercion by the \_\_\_\_\_ (*agency*) \_\_\_\_\_ and make this decision without reservation or qualification.

5. This waiver shall expire on \_\_\_\_ (*date*)\_\_\_\_, unless the assisted program or project has been completed by that date.

Witness: \_\_\_\_\_

Signature: \_\_\_\_\_

Witness: \_\_\_\_\_

\_\_\_\_\_  
(Seal)

Notary Public

My Commission Expires On: \_\_\_\_\_

WAIVER OF RELOCATION BENEFITS UNDER THE UNIFORM RELOCATION ACT  
[AND SECTION 104(d) OF THE HOUSING AND  
COMMUNITY DEVELOPMENT ACT OF 1974] -- RESIDENTIAL TENANT

1. I, \_\_\_\_\_, am presently a residential tenant of property located at \_\_\_\_\_.

2. I have been formally notified that the property may be [acquired, rehabilitated, demolished] in connection with a program or project to be carried out by (Agency/Owner) with Federal financial assistance provided by the Department of Housing and Urban Development and that such action would make it necessary for me to move permanently from the property [pay a higher rent to remain in the property].

3. I have also been advised that such action would make me eligible for relocation payments and other relocation assistance required by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (URA) [and section 104(d) of the Housing and Community Development Act of 1974, as amended (section 104(d))] to help me relocate successfully. It has been explained to me that the law provides for relocation advisory assistance, including referral to comparable, affordable, decent, safe and sanitary housing; for either payment of actual, reasonable moving and related expenses or, at my election, a moving expense and dislocation allowance; and for a replacement housing payment to assist me in buying or renting a replacement home.

4. The nature and amounts of such payments and other assistance and benefits have been specifically described to me in such a manner and in sufficient detail that I fully understand them.

5. In consideration of \_\_\_\_\_, I have determined not to claim the benefits available to me under the URA [and section 104(d)], and I hereby release the (Agency/Owner) from all legal obligations and liability regarding them. I do this freely, on the basis of my full understanding of all my rights under the law. I am under no duress or coercion by the (Agency/Owner) and make this decision without reservation or qualification.

6. This waiver shall expire on \_\_\_\_\_, unless the property has been acquired [the rehabilitation/demolition has commenced] by that date.

Witness: \_\_\_\_\_

Signature: \_\_\_\_\_

Witness: \_\_\_\_\_

\_\_\_\_\_ (Seal)

Notary Public:

My Commission Expires On: \_\_\_\_\_

**NOTE:** A tenant may (for appropriate consideration) find it to be in his/her best interest to "waive" (forego right to) URA/section 104(d) relocation assistance if the alternative is less attractive (e.g., infeasible project and no assistance). Examples: (1) A tenant permitted to remain in a property after rehabilitation at a new rent only slightly higher than the "old" rent; (2) A tenant in a substandard unit may be willing to relocate for a cash incentive. A "waiver" is not to be used to coerce a tenant into accepting less assistance than the tenant would otherwise receive. It is HUD policy to monitor all "waivers" to ensure that each tenant was fully informed of his/her rights and waived those rights only for well-documented reasons.

WAIVER OF ACQUISITION AND RELOCATION BENEFITS UNDER THE UNIFORM RELOCATION  
ACT [AND SECTION 104(d) OF THE HOUSING  
AND COMMUNITY DEVELOPMENT ACT OF 1974] -- OWNER-OCCUPANT

1. I, \_\_\_\_\_, am presently the owner of property located at \_\_\_\_\_.

2. I have been formally notified that the property may be eligible for acquisition in connection with a program or project to be carried out by \_\_\_\_\_ (Agency) with Federal financial assistance provided by the Department of Housing and Urban Development and that if I agree to sell the property for this purpose it would be necessary for me to move permanently from the property.

3. I have also been advised that, unless I voluntarily agree to forego relocation assistance, such acquisition would make me eligible for relocation payments and other relocation assistance required by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (URA) [and section 104(d) of the Housing and Community Development Act of 1974, as amended (section 104(d))]. I would also receive the benefits of the URA acquisition procedures. It has been explained to me that the law provides for relocation advisory assistance, including referral to comparable, affordable, decent, safe and sanitary housing; for either payment of actual, reasonable moving and related expenses or, at my election, a moving expense and dislocation allowance; for a replacement housing payment to assist me in buying or renting a replacement home; and to an offer to purchase my property for no less than its established fair market value based on an appraisal. The nature and amounts of such payments and other assistance and benefits have been specifically described to me in such a manner and in sufficient detail that I fully understand my eligibility.

4. I understand that if I am unwilling to accept the purchase price offered by the \_\_\_\_\_ (Agency) and to release all claims to relocation payments and other assistance, the \_\_\_\_\_ (Agency) will make no further attempt to acquire my property and will not bring about my displacement from it.

5. In consideration of the \_\_\_\_\_ (Agency's) offer to acquire my property, I have determined not to claim benefits under the URA [or section 104(d)], and I hereby release the \_\_\_\_\_ (Agency) from all legal obligations and liability regarding them. I do this freely, on the basis of my full understanding of all my rights under the law. I am under no duress or coercion by the \_\_\_\_\_ (Agency) and make this decision without reservation or qualification.

6. This waiver shall expire on \_\_\_\_\_, unless the property has been acquired by that date.

Witness: \_\_\_\_\_

Signature: \_\_\_\_\_

Witness: \_\_\_\_\_

\_\_\_\_\_ (Seal)

Notary Public:

My Commission Expires On: \_\_\_\_\_

**NOTE:** This waiver covers a "voluntary acquisition" that is subject to the URA. (Exclusions from the URA are described in Paragraph 5-1 of HUD Handbook 1378.) It may be used where it is advantageous to the owner-occupant to agree to "waive" (forego right to) URA/section 104(d) relocation assistance because sale of the property for the consideration offered is more attractive than the alternative -- no sale to the grantee. It is HUD policy to monitor all such "waivers" to ensure that each person was fully informed of his/her rights and waived those rights only for well-documented reasons.



## Relocation Composite List

- Complete the chart below for all persons relocated.

NAME	ADDRESS	L/M		180-DAY Homeowner		Benefits Paid	Claim Amount	Meets Section 8 Standards	
		YES	NO	YES	NO			YES	NO
						\$	\$		
						\$	\$		
						\$	\$		
						\$	\$		
						\$	\$		
						\$	\$		
						\$	\$		
						\$	\$		

