

**County of Richland
State of South Carolina**



Policy and Procedure Guide for compliance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended at 49 CFR 24 and Section 104(d) of the Housing and Community Development Act of 1974, as amended at 24 CFR 42.

NOTE: This document is intended as a guideform internal procedure manual to assist agencies, and their subrecipients, with compliance for HUD-funded projects involving acquisition, rehabilitation, demolition, and/or conversion. It should be modified as necessary to reflect specific operations of your agency, changes in organizational structure, and program procedures. Information contained herein is intended to complement HUD Handbook 1378, "*Tenant Assistance, Relocation, and Real Property Acquisition*". The URA requires agencies to establish criteria for determining the minimum qualifications and competency of appraisers and review appraisers and have an appraisal review process. Section 104(d) requires preparation of a residential anti-displacement and relocation assistance plan, which must be made available to the public.

Introduction

This procedure guide provides step-by-step guidance to the County of Richland (County) staff on applicability of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (URA) (including the requirements under Section 104(d)) when Federal funds are used in connection with projects involving acquisition, rehabilitation, demolition and/or conversion of lower-income dwelling units. These procedures address the steps to be followed from the application phase through the completion of the project, including relocation of displaced occupants. These procedures reflect the URA requirements found at 49 CFR Part 24, as amended, effective February 3, 2005. Section 104(d) requirements may be found at 24 CFR 42.

The procedures are divided into eight stages as described below.

- Stage 1: Property/Site Identification for Acquisition
- Stage 2: Approval of Acquisition Authority (County Council/Development & Services Committee)
- Stage 3: Preliminary Acquisition and Relocation Planning
- Stage 4: Request for "Written Offer to Purchase" Approval
- Stage 5: Offer to Purchase
- Stage 6: Property Acquisition
- Stage 7: Issuing Move Notices
- Stage 8: Execute Relocation

For each stage, this procedure guide provides a list of the process steps and any necessary background on relevant requirements. The guide focuses on URA/104(d) compliance and provides references, where necessary, for additional resources related to other requirements.

This guide is also designed to clarify and establish staff assignments and responsibilities. Accordingly, the following pages list steps described in this guide with space to enter responsible staff. Upon preparing this guide, County staff appropriately assigned qualified individuals for each step in the process.

List of Acronyms

CDBG	Community Development Block Grant
CDBG-DR	Community Development Block Grant – Disaster Recovery
CFR	Code of Federal Regulations
CPD	Richland County Community Planning & Development Department
DOT	Department of Transportation
ESD	Richland County Emergency Services Department
ESG	Emergency Shelter Grants
FEMA	Federal Emergency Management Agency
FIRREA	Financial Institutions Reform, Recovery and Enforcement Act of 1989
FMR	Fair Market Rent
FMV	Fair Market Value
GIN	General Information Notice
HMGP	Hazard Mitigation Grant Program
HOME	Home Investment Partnerships
HOPWA	Housing Opportunities for Persons with AIDS
HUD	U.S. Department of Housing and Urban Development
ION	Initiation of Negotiations
LDRM	Richland County Local Disaster Recovery Manager
MLIS	Multiple Listing Information Service
M/WBE	Minority and Women-Owned Business Enterprise
RHP	Replacement Housing Payment

SCEMD South Carolina Emergency Management Division
SFHA Special Flood Hazard Area
URA Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970

Task	Responsible Entity	Staff Person(s)
Stage 1: Property/Site Identification for Acquisition		
1.1 Project identification	Federal Emergency Management Agency (FEMA) Programs - Emergency Services Department (ESD) U.S. Department of Housing and Urban Development (HUD) Programs -Community Planning & Development Department (CPD)	Director Director
1.1.1 Identify Need	FEMA Programs - ESD HUD Programs - CPD	Local Disaster Recovery Manager (LDRM) Flood Plain Manager CPD Housing Program Manager
1.1.2 Identify Appropriate Real Property	FEMA Programs - ESD HUD Programs - CPD	LDRM Flood Plain Manager CPD Housing Program Manager
1.1.3 Identify Funding Source	FEMA Programs - ESD HUD Programs - CPD	LDRM CPD Housing Program Manager
1.1.4 Order Environmental Review	FEMA Programs - ESD HUD Programs - CPD	LDRM CPD Housing Program Manager

Task	Responsible Entity	Staff Person(s)
1.1.5 Notify Tax Assessor's Office	FEMA Programs - ESD HUD Programs - CPD	LDRM CPD Housing Program Manager
1.2 Site Visit—Identify Occupants/Possible Displacement	FEMA Programs - ESD HUD Programs - CPD	LDRM CPD Housing Program Manager
1.2.1 Residential	FEMA Programs - ESD HUD Programs - CPD	LDRM CPD Housing Program Manager
1.2.2 Commercial	FEMA Programs - ESD HUD Programs - CPD	LDRM CPD Housing Program Manager
1.2.3 Other	FEMA Programs - ESD HUD Programs - CPD	LDRM CPD Housing Program Manager
1.3 104(d) Demolition/Conversion Review	FEMA Programs - ESD HUD Programs - CPD	LDRM CPD Housing Program Manager
1.4 Develop Preliminary Relocation Costs	FEMA Programs - ESD	LDRM

Task	Responsible Entity	Staff Person(s)
	HUD Programs - CPD	CPD Housing Program Manager
1.5 Issue Notice of Interest/GIN	FEMA Programs - ESD HUD Programs - CPD	LDRM CPD Housing Program Manager
Stage 2: Approval of Acquisition Authority		
2.1 Development & Services Committee Recommendation to County Council	FEMA Programs - ESD HUD Programs - CPD	LDRM CPD Housing Program Manager
2.2 County Council Approval	FEMA Programs - ESD HUD Programs - CPD	Director Director
2.2.1 Acquisition Authority	FEMA Programs - ESD HUD Programs - CPD	Director Director
2.2.2 Redevelopment Authority	FEMA Programs - ESD HUD Programs - CPD	LDRM CPD Housing Program Manager
Stage 3: Preliminary Acquisition and Relocation Planning		
3.1 Title and Survey Work	FEMA Programs - ESD	LDRM

Task	Responsible Entity	Staff Person(s)
	HUD Programs - CPD	CPD Housing Program Manager
3.2 Appraisals	FEMA Programs - ESD	LDRM
3.2.1 Appraisal Contents	HUD Programs - CPD	CPD Housing Program Manager
3.2.2 Review Appraisal Ordered	FEMA Programs - ESD	LDRM
3.3 Prepare Relocation Plan	HUD Programs - CPD	CPD Housing Program Manager
3.4 Prepare 104(d) One for One Replacement Plan	FEMA Programs - ESD	LDRM
3.4.1 Affected Units	HUD Programs - CPD	CPD Housing Program Manager
3.4.2 Place Public Notice	HUD Programs - CPD	CPD Housing Program Manager
3.4.3 Submit Draft of Plan to HUD	HUD Programs - CPD	CPD Housing Program Manager

Task	Responsible Entity	Staff Person(s)
3.5 Issue Move-In Notice to Owner	FEMA Programs - ESD HUD Programs - CPD	LDRM CPD Housing Program Manager
Stage 4: Request for "Written Offer to Purchase" Approval		
4.1 Property Information (title, appraisals, survey) to law dept	FEMA Programs - ESD HUD Programs - CPD	LDRM CPD Housing Program Manager
4.2 Draft and Forward Confidential Memo	FEMA Programs - ESD HUD Programs - CPD	LDRM CPD Housing Program Manager
4.3 Verify and Authorize Funding	FEMA Programs - ESD HUD Programs - CPD	LDRM CPD Housing Program Manager
4.4 Final Memo Drafted	FEMA Programs - ESD HUD Programs - CPD	LDRM CPD Housing Program Manager
Stage 5: Offer to Purchase		
5.1 Offer of Just Compensation to Owner	Richland County Attorney FEMA Programs - ESD	Staff Attorney LDRM

Task	Responsible Entity	Staff Person(s)
	HUD Programs - CPD	CPD Housing Program Manager
5.1.1 Determining Just Compensation	Richland County Attorney FEMA Programs - ESD HUD Programs - CPD	Staff Attorney LDRM CPD Housing Program Manager
5.1.2 Purchase Agreement	Richland County Attorney FEMA Programs - ESD HUD Programs - CPD	Staff Attorney LDRM CPD Housing Program Manager
5.1.3 Tenant Improvement	FEMA Programs - ESD HUD Programs - CPD	LDRM CPD Housing Program Manager
5.2 Provide Eligibility Notices/Notice of Non-displacement to Occupants	FEMA Programs - ESD HUD Programs - CPD	LDRM CPD Housing Program Manager
5.2.1 Notice of Non-Displacement	FEMA Programs - ESD HUD Programs - CPD	LDRM CPD Housing Program Manager
5.2.2 Temporary Relocation	FEMA Programs - ESD	LDRM

Task	Responsible Entity	Staff Person(s)
	HUD Programs - CPD	CPD Housing Program Manager
5.2.3 Notice of Eligibility for Relocation Assistance	FEMA Programs - ESD HUD Programs - CPD	LDRM CPD Housing Program Manager
Stage 6: Property Acquisition		
6.1 Negotiation with Property Owner	FEMA Programs - ESD HUD Programs - CPD	LDRM CPD Housing Program Manager
6.1.1 Coercive Actions Not Allowed by Agency	FEMA Programs - ESD HUD Programs - CPD	LDRM CPD Housing Program Manager
6.1.2 Administrative Settlement	FEMA Programs - ESD HUD Programs - CPD	LDRM CPD Housing Program Manager
6.1.3 Closing the Sale	FEMA Programs - ESD HUD Programs - CPD	LDRM CPD Housing Program Manager
6.1.4 Renting the Acquired Property	FEMA Programs - ESD	LDRM

Task	Responsible Entity	Staff Person(s)
	HUD Programs - CPD	CPD Housing Program Manager
6.2 Condemnation Process	Richland County Attorney HUD Programs - CPD	Staff Attorney CPD Housing Program Manager
6.2.1 Involve County Attorney	Richland County Attorney HUD Programs - CPD	Staff Attorney CPD Housing Program Manager
6.2.2 Request Check for Escrow	Richland County Attorney HUD Programs - CPD	Staff Attorney CPD Housing Program Manager
6.2.3 Deposit Check at County Treasurer's Office	Richland County Attorney HUD Programs - CPD	Staff Attorney CPD Housing Program Manager
6.2.4 Litigation	Richland County Attorney	Staff Attorney
Stage 7: Issuing Move Notices		
7.1 90- and 30-day Notice to Vacate	FEMA Programs - ESD HUD Programs - CPD	LDRM CPD Housing Program Manager
Stage 8: Execute Relocation		
8.1 Residential	FEMA Programs - ESD HUD Programs - CPD	LDRM CPD Housing Program Manager

Task	Responsible Entity	Staff Person(s)
8.1.1 Provision of Comparables	FEMA Programs - ESD HUD Programs - CPD	LDRM CPD Housing Program Manager
8.1.2 Advisory Services	FEMA Programs - ESD HUD Programs - CPD	LDRM CPD Housing Program Manager
8.1.3 Moving	FEMA Programs - ESD HUD Programs - CPD	LDRM CPD Housing Program Manager
8.2 Commercial	FEMA Programs - ESD HUD Programs - CPD	LDRM CPD Housing Program Manager
8.2.1 Assistance with New Locations	FEMA Programs - ESD HUD Programs - CPD	LDRM CPD Housing Program Manager
8.2.2 Advisory Services	FEMA Programs - ESD HUD Programs - CPD	LDRM CPD Housing Program Manager
8.2.3 Moving	FEMA Programs - ESD	LDRM

Task	Responsible Entity	Staff Person(s)
	HUD Programs - CPD	CPD Housing Program Manager
8.2.4 Reestablishment Costs	FEMA Programs - ESD	LDRM
8.3 Appeals	HUD Programs - CPD	CPD Housing Program Manager
	FEMA Programs - ESD	Director
	HUD Programs - CPD	Director

Stage 1: Property/Site Identification for Acquisition

These requirements include:

- Property Identification
- Site Visit
- Demolition/Conversion Review
- Development Preliminary Relocation Costs
- Issue Notice of Interest/GIN

1.1 Property Identification

For any project, the acquisition process must begin with the identification of all the property(ies) that will be needed to undertake and complete the project, including any and all land, buildings, and improvements that may be needed. For the Federal Emergency Management Agency (FEMA) grant funded buy out programs, the Emergency Services Department (ESD) and for the U.S. Department of Housing and Urban Development (HUD) grant funded acquisition programs the Community Planning & Development Department (CPD) must complete the following steps prior to property acquisition or buyout (for the purposes of this document, acquisition will be used to include FEMA's grant buyout programs):

- Identify the need for the project;
- Identify appropriate property to acquire;
- Identify all funding sources for project;
- Order environmental review;
- Notify the Tax Assessor's Office of the possible acquisition.

1.1.1 Identify Need

For FEMA acquisition grant programs, the LDRM and Flood Plain Manager must review the proposed project and determine that a need has been identified and is consistent with the following:

- South Carolina Emergency Management Division's (SCEMD) grant guidance; and
- The property is in the Special Flood Hazard Area (SFHA); and
- The property was significantly damaged by the disaster event; and
- The property owner has an interest in participating in the program.

The FEMA acquisition grant program is strictly a voluntary acquisition program. Either the property owner or the County can decline acquisition at any time in the process.

For HUD acquisition grant programs, The CPD Housing Program Manager must review the proposed project and determine that a need has been identified, and is consistent with the following:

- HUD approved 3 -5 Year Consolidated Plan; and
- County of Richland (County) Consolidated Plan – Annual Action Plan; or
- Local neighborhood or area redevelopment plan.

This project review should include the determination that the proposed project is an eligible activity under the identified funding source (Hazard Mitigation Grant Program (HMGP), Home Investment Partnerships (HOME), Community Development Block Grant (CDBG), Community Development Block Grant – Disaster Recovery (CDBG-DR), Emergency Shelter Grants (ESG), Housing Opportunities for Persons with AIDS (HOPWA), State of South Carolina or local appropriation). This review should include determination of any public notification or comment required under separate requirements, based on funding source.

1.1.2 Identify Appropriate Real Property

For FEMA acquisition grant programs, to begin the real property acquisition process, the LDRM and Richland County Flood Plain Manager must identify all the property(ies) that may be acquired for the project, including all land, buildings, and any real property improvements. This identification should include a determination of whether the target property(ies) is occupied, and how the property(ies) is used.

For HUD acquisition grant programs to begin the real property acquisition process, the CPD Housing Program Manager must identify all the property(ies) that may need to be acquired for the project, including all land, buildings, and any real property improvements. This identification process should include a determination of whether the target property(ies) is occupied, and how the property(ies) is used.

The CPD Housing Program Manager must take all reasonable steps to minimize displacement, and potentially seek alternatives, when selecting real property(ies) that may require acquisition for a project. The CPD Housing Program Manager must check the County's Real Estate Inventory to determine whether the County could use any properties it currently owns for project instead of acquiring new property. The CPD Housing Program Manager should also check real estate's Multiple Listing Information Service (MLIS) for alternative properties.

1.1.3 Identify Funding Source

Funding sources must be identified as soon as the LDRM and/or CPD Housing Program Manager selects appropriate properties for acquisition. Any time property is acquired with Federal financial assistance the URA is triggered and all requirements must be followed precisely. It is necessary to not only understand all the requirements of the URA, but also have enough funding to meet all of the URA obligations. While the HOME and CDBG

program can usually pay relocation costs, other program requirements may also have to be met to ensure that the cost is eligible.

The LDRM and CPD Housing Program Manager must know financial limits of a Federal funding source, developer and/or County funding when acquiring property. Potential sources of project funds should be identified as early as feasible.

1.1.4 Order Environmental Review

The LDRM for FEMA acquisition grant programs and/or the CPD Housing Program Manager for HUD acquisition grant programs must order an environmental review for the property acquisition. This is a cursory review of available materials, not a Phase I review. It takes two or more weeks to complete this review. Under 24 CFR Part 58, as amended, the County is required to conduct an environmental review to determine a project's potential impact on the physical environment, including historic resources, in accordance with the National Environmental Policy Act (NEPA), and other Federal laws and authorities. This process step will initially assist to identify environmental conditions and issues upfront and contribute preliminary information to be used in decision making.

1.1.5 Notify Tax Assessor's Office

The LDRM for FEMA acquisition grant programs and/or the CPD Housing Program Manager for HUD acquisition grant programs must notify the Richland County Tax Assessor Division of the property acquisition. Once the project has undergone preliminary review and determined viable by the LDRM for FEMA acquisition grant programs and/or the CPD Housing Program Manager for HUD acquisition grant programs, the Tax Assessor Division reviews the memo requesting acquisition services that includes the following information: 1) a funding source that includes line item for project soft costs; 2) a copy of the redevelopment/TIF plan, if available at this time; and 3) the scope of acquisition services requested (i.e., title commitment, plat of survey, appraisal and appraisal review).

1.2 Site Visit

The LDRM for FEMA acquisition grant programs and/or the CPD Housing Program Manager for HUD acquisition grant programs is required to complete an initial site visit of all properties prior to acquisition.

The purpose of the initial site visit(s) is to identify all occupants of property that may be affected by a proposed project. In some projects, a site visit may be the only way to identify households that could be affected by the project and may either be eligible for temporary or permanent relocation assistance.

1.2.1 Residential Properties

For all residential properties, the LDRM for FEMA acquisition grant programs and/or the CPD Housing Program Manager for HUD acquisition grant programs are responsible for completing an initial site visit, follow-up visits, and a visual home site inspection. Written

documentation summarizing contacts must be retained in accordance with HUD recordkeeping requirements.

- ❑ Initial Visit. During the initial visit, the LDRM for FEMA acquisition grant programs and/or the CPD Housing Program Manager for HUD acquisition grant programs must:
 - Obtain data, regarding the family composition, current rent, type and tenure of homeowner/tenant, employment status, and household income
 - Establish eligibility for relocation
 - Explain the relocation process to the homeowner/tenant
 - Deliver a relocation pamphlet to the homeowner/tenant
- ❑ Follow up visits. During follow-up visits, the LDRM for FEMA acquisition grant programs and/or the CPD Housing Program Manager for HUD acquisition grant programs must:
 - Secure documents, including the lease, proof of income, and utility bills
 - Determine the tenant's needs, including preference on location, means of transportation, type of move
 - Search for a replacement unit – either 3 comparable or 3 suitable
- ❑ Visual home site inspection. During the visual home site inspection, the LDRM for FEMA acquisition grant programs and/or the CPD Housing Program Manager for HUD acquisition grant programs must:
 - Determine if the conditions are decent, safe, and sanitary
 - Determine if the occupants have any special needs
 - Review the unit amenities, size, or features

Non-Residential Properties

For all non-residential properties, the LDRM for FEMA acquisition grant programs and/or the CPD Housing Program Manager for HUD acquisition grant programs are responsible for completing an initial site visit, follow-up visits, and a visual non-residential site inspection.

- ❑ Initial visit. During the initial visit, the LDRM for FEMA acquisition grant programs and/or the CPD Housing Program Manager for HUD acquisition grant programs must:
 - Obtain data, including the nature of the business, industry, or other property use, and type and tenure of owner/tenant
 - Establish eligibility for relocation

- Explain the relocation process to the owner/tenant
- Deliver a relocation pamphlet to the owner/tenant
- ❑ Follow up visits. During follow-up visits, the LDRM for FEMA acquisition grant programs and/or the CPD Housing Program Manager for HUD acquisition grant programs must:
 - Deliver forms, including the letter of intent, inventory forms, searching cost forms, outmoded printed matters
 - Secure documents, including the lease, copy of County's license, and legal documents
 - Determine relocation plan, including in-lieu of payment, self-move, actual move
- ❑ Visual non-residential site inspection. During the visual non-residential site inspection, the LDRM for FEMA acquisition grant programs and/or the CPD Housing Program Manager for HUD acquisition grant programs must:
 - Walk through property with occupant to identify possible reestablishment expenses, including electricity, plumbing and other reconnection or reestablishment needs.

1.3 104(d) Demolition/Conversion Review

For HUD grant funded acquisition projects, an important element of the planning process is the review and determination of whether the project will result in the demolition or conversion of existing affordable housing unit as the result of the proposed project. An affordable housing initiative may result in newly renovated units, construction of new housing units, or conversion from renter-occupied units to owner-occupied units. Even so, the project must be evaluated in accordance with the requirements under Section 104(d) of the Housing and Community Development Act of 1974, as amended.

Section 104(d) requires that whenever HOME or CDBG program funds are used in a project that results in the "loss" of housing units that are affordable to low-income households (both rental and owner occupied), higher relocation benefits must be extended to the displaced low-income families, and units lost must be replaced on a one-for-one basis. This requirement can be triggered even in projects where the de-concentration or reduction of housing density is a desirable objective.

Meeting the requirements of Section 104(d) is an important planning consideration that must be addressed to ensure that both the project budget has sufficient resources, and the obligation to replace units can be recognized and achieved. Additionally, requirements under this section include the development and submittal of a plan to HUD detailing how the demolished or converted units lost to the affordable housing supply will be replaced. The provision for developing a one-for-one replacement plan includes the requirement for public notice and a 30- day comment period prior to the plan's submission to HUD.

For FEMA grant funded acquisition projects, since the HMGP is designed to eliminate future loss due to floods, the HMGP program specifically prohibits rebuilding on the acquired sites.

1.4 Development Preliminary Relocation Costs

In planning for the acquisition of real property, a preliminary relocation budget must be developed. The project relocation budget must include all costs related to:

- The purchase of land, buildings, or housing units, estimated at fair market value (see Valuation, below);
- Transfer of ownership, including customary settlement fees and closing costs (legal assistance, title search, recordation fee);
- Property survey(s);
- Appraisal(s); and
- Demolition costs to include:
 - initial asbestos testing, monitoring, and clearance testing;
 - restoration of the property to the desired state; and
- Relocation payments, including replacement housing payment, moving expenses, and advisory services, if displacement will occur.

In addition to these direct costs, if displacement will occur, there are staff requirements associated with meeting the needs of those currently occupying the property. In addition, if Section 104(d) applies to the project, there may be higher relocation payments to low-income occupants who are displaced, and the grantee must also consider how the replacement unit(s) will be funded. (See discussion on Demolition and Conversion of Housing Units.) Planning and budgeting is essential to ensure that sufficient funds are available to comply with all applicable relocation and acquisition requirements, prior to final project approval.

- If displacement must occur in a project, the following considerations must be considered to establish accurate relocation costs:
 - Relocation is an eligible project soft cost, but it will increase total project cost and will impact the overall financial feasibility of the proposed project.
 - Early planning is essential to ensure that project budgets include funds for relocation/acquisition costs.
 - There is no requirement governing whether relocation costs must be publicly or privately funded - the regulations only require that Federally-funded projects comply with the URA and 104(d) requirements.

- It is permissible to have relocation costs paid for by the project developer. However, the direct HUD-funding recipient is always responsible for compliance with all applicable regulations and for ensuring that the relocation process – including payments and recordkeeping – is administered correctly.

Determining Resource Needs

- ❑ During the planning stage of a project, it is recommended that the County review the following in order to anticipate relocation issues:
 - Applicable relocation requirements
 - Staffing needs
 - Staff training and other needed capacity building
- ❑ The grantee should also determine the following issues:
 - The supply and cost of comparable replacement units if involuntary displacement must occur
 - The availability of social services to assist those with special needs
 - Costs to the program, the project, and the people involved

1.5 Issue Notice of Interest/General Information Notice

The URA requires that everyone affected by the acquisition of real property in a Federal financed project receive timely notices and specific information regarding their status and potential eligibility for any assistance and services. Upon determination that a project has received preliminary approval and will be submitted to the County Council for final approval, the LDRM for FEMA acquisition grant programs and/or the CPD Housing Program Manager for HUD acquisition grant programs will undertake the following steps to provide required notices to all affected parties.

1.5.1 Preliminary Notice of Interest

Upon receipt of the title commitment the LDRM for FEMA acquisition grant programs and/or the CPD Housing Program Manager for HUD acquisition grant programs will forward a “Notice to Owner” to all the affected property owners for the identified project. The “Notice to Owner” will include the following:

- ❑ Expression of possible interest in acquiring the property;
- ❑ Advise occupants not to move;
- ❑ Informs the property owner(s) if an appraisal must be conducted, and that the owner has the right to accompany the appraiser;

- If the property is acquired, the owner(s) will be offered fair market value; and
- The owner's protections under the URA.
 - The "Notice to Owner" must include the HUD brochure (HUD Form 1041-CPD) "When a Public Agency Acquires Your Property"

1.5.2 General Information Notice (GIN)

Based on information and data collected at the preliminary site visit(s), the LDRM for FEMA acquisition grant programs and/or the CPD Housing Program Manager for HUD acquisition grant programs will identify and issue to all occupants a "General Information Notice" as soon as feasible. If involuntary displacement is possible, the GIN will include the applicable HUD brochure. For acquisition projects, the GIN should be given to tenants as soon as possible after the "Notice to Owner" has been sent to the owner(s).

The General Information Notice (GIN) is issued to all occupants and informs them of the proposed project and the possible effect it may have on their ability to remain in residence. The GIN will include:

- An explanation of the proposed project;
- Advise occupants not to move prematurely;
- Information (if available) regarding the terms for continued occupancy or of the assistance available if the person will be displaced.

Files or Attachments needed for Stage 1:

- Sample Notice – Notice to Owner
- Sample Notice – General Information Notice
- HUD Form 1041-CPD, "When a Public Agency Acquires Your Property"
- HUD Booklet 1042-CPD, "Relocation Assistance to Tenants Displaced from Their Homes"
- HUD Booklet 1043-CPD, "Relocation Assistance to Non-Residential Occupants"
- HUD Booklet 1044-CPD, "Relocation Assistance to Displaced Homeowner Occupants"
- HUD Booklet 1365-CPD, "Relocation Assistance to Persons Displaced from Their Homes 104(d)"

GUIDEFORM NOTICE TO OWNER
- INVOLUNTARY ACQUISITION -
(Threat/Use Of Eminent Domain)

Grantee or Agency Letterhead

(date)

Dear _____:

(City, County, State, Tribe, other) _____, is interested in acquiring property you own at (address) _____ for a proposed project which may receive funding assistance from the U.S. Department of Housing and Urban Development (HUD) under the _____ program.

The purpose of this notice is to inform you of your rights under a federal law known as the Uniform Relocation Assistance and Real Property Acquisition Policies Act (URA). Enclosed is a HUD brochure entitled "When A Public Agency Acquires Your Property". This brochure provides useful information about the public acquisition of real property (real estate) under the URA. At this stage, your property is only under consideration for acquisition. This notice is not a contractual offer or commitment to purchase your property.

If your property is selected for acquisition, under the URA, you will have the right to receive just compensation for your property. In order to determine the amount of just compensation to be offered to you, an appraisal of your property would be required. In such a case, an appraiser will contact you to provide you an opportunity to accompany him or her on the inspection of your property. It would be in your best interest to accompany the appraiser during the property inspection so that you can point out any unique features of your property which should be considered in the valuation process and so that you can also answer any questions the appraiser may have.

For your information, (City, County, State, Tribe, other) _____ possesses eminent domain authority to acquire the property needed for this project, however, our goal is to attempt to negotiate amicable agreements for all property acquisitions prior to its use. If negotiations fail, acquisition under eminent domain may be considered.

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

Sincerely,

1378 CHG-8
Appendix 30

(name and title) _____

Enclosure

NOTES.

1. The case file must indicate the manner in which this notice was delivered (e.g., certified mail, return receipt requested) and the date of delivery.
2. This is a guideform. It should be revised to reflect the circumstances.
2. A notice to owner is merely an Agency's notice informing the owner of the agency's interest in acquiring the property; it is not a commitment and does not establish relocation eligibility. Whereas a notice of intent to acquire is an Agency's written notice provided to a person to be displaced; it is a commitment and clearly establishes relocation eligibility in advance of the normal acquisition and relocation process. A notice to owner is required under 49 CFR 24.102(b) for acquisitions subject to 49 CFR part 24, subpart B.

**RICHLAND COUNTY
ADMINISTRATION**

2020 Hampton Street, Suite 4069
Columbia, SC 29204
803-576-2050



GENERAL INFORMATION NOTICE

RESIDENTIAL TENANT TO BE or HAVE BEEN DISPLACED

Date
Name
Address

Greeting:

Richland County is interested in acquiring the property you **previously occupied**, located at [Insert Address](#) for a proposed project which may receive funding assistance from the U.S. Department of Housing and Urban Development (HUD) under the Voluntary HMGP Residential Buyout Local Match program.

The purpose of this notice is to inform you that you may be displaced as a result of the proposed project. This notice also serves to inform you of your potential rights as a displaced person under a federal law known as the Uniform Relocation Assistance and Real Property Acquisition Policies Act (URA). You may be eligible for relocation assistance and payments under the URA, if the proposed project receives HUD funding and if you are displaced as a result of acquisition, rehabilitation or demolition for the project.

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

If you are determined to be eligible for relocation assistance in the future, you may be eligible for: 1) Relocation advisory services including help to you find another place to live; 2) At least 90 days' advance written notice of the date you will be required to move; 3) Payment for your moving expenses; and 4) Replacement housing payments to enable you to rent, or if you prefer to purchase, a comparable replacement home. You will also have the right to appeal the agency's determination, if you feel that your application for assistance was not properly considered. Your monthly rent will remain the same or, if increased, your new rent and estimated average utility costs will not exceed 30% of the household's average monthly gross income.

The enclosed HUD brochure, "Relocation Assistance to Tenants Displaced from Their Homes" provides an explanation of this assistance and other helpful information.

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



Please be advised that you should continue to pay your rent and meet any other obligations as specified in your lease agreement. Failure to do so may be cause for eviction. If you choose to move or if you are evicted prior to receiving a formal notice of relocation eligibility you will not be eligible to receive relocation assistance. It is important for you to contact us before making any moving plans.

Again, this is not a notice to vacate the premises and does not establish your eligibility for relocation payments or assistance at this time. If you are determined to be displaced and are required to vacate the premises in the future, you will be informed in writing. In the event the proposed project does not proceed or if you are determined not to be displaced, you will also be notified in writing.

If you have any questions about this notice or the proposed project, please contact Mike King (Richland County Disaster Recovery Coordinator) at 803-731-8362, or recovery@richlandcountysc.gov with any questions, concerns, or need for additional information. You may also contact one of our project managers by calling the hotline number at (803) 873-9295 or by email at RichlandCountyHMGP@sites.tetrattech.com

Sincerely,

Edward B. Gomeau
Interim County Administrator

Enclosures



HUD Form 1041-CPD, "When a Public Agency Acquires Your Property"

Introduction

This booklet describes important features of the **Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970**, as amended (URA) and provides general information about public acquisition of real property (real estate) that should be useful to you.

Most acquisitions of real property by a public agency for a Federal project or a project in which Federal funds are used are covered by the URA. If you are notified that your property will be acquired for such a project, it is important that you learn your rights under this important law.

This booklet may not answer all of your questions. If you have more questions about the acquisition of your property, 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 sell your property. Afterwards, it may be too late.

General Questions

What Right Has Any Public Agency To Acquire My Property?

The Federal Government and every State government have certain powers which are necessary for them to operate effectively. For example, they have the power to levy taxes and the power to maintain order. Another government power is the power to acquire private property for public purposes. This is known as the power of eminent domain.

The rights of each of us are protected, however, by the Fifth and Fourteenth Amendments of the U.S. Constitution and by State constitutions and eminent domain laws which guarantee that if a public agency takes private property it must pay "just compensation" to the owner. The URA provides additional protections, as explained in this booklet.

Who Made The Decision To Buy My Property?

The decision to acquire a property for a public project usually involves many persons and many determinations. The final determination to proceed with the project is made only after a thorough review which may include public hearings to obtain the views of interested citizens.

If you have any questions about the project or the selection of your property for acquisition, you should ask a representative of the Agency which is responsible for the project.

How Will The Agency Determine How Much To Offer Me For My Property?

Before making you an offer, the Agency will obtain at least one appraisal of your

property by a competent real property appraiser who is familiar with local property values. The appraiser will inspect your property and prepare a report that includes his or her professional opinion of its current fair market value. After the appraiser has completed his work, a review appraiser will examine the appraisal report to assure that the estimate is fair and the work conforms with professional appraisal standards.

The Agency must offer you "just compensation" for your property. This amount cannot be less than the appraised fair market value of the property. "Just compensation" for your property does not take into account your relocation needs. If you are eligible for relocation assistance, it will be additional.

What Is Fair Market Value?

Fair market value is sometimes defined as that amount of money which would probably be paid for a property in a sale between a willing seller, who does not have to sell, and a willing buyer, who does not have to buy. In some areas a different term or definition may be used.

The fair market value of a property is generally considered to be "just compensation." Fair market value does not take into account intangible elements such as sentimental value, good will, business profits, or any special value that your property may have for you or for the Agency.

How Does An Appraiser Determine The Fair Market Value Of My Property?

Each parcel of real property is different and therefore no single formula can be devised to appraise all properties. Among the factors an appraiser typically considers in estimating the value of real property are:

- How it compares with similar properties in the area that have been sold recently.
- How much rental income it could produce.
- How much it would cost to reproduce the buildings and other structures, less any depreciation.

Will I Have A Chance To Talk To The Appraiser?

Yes. You will be contacted and given the opportunity to accompany the appraiser on his or her inspection of your property. You may then inform the appraiser of any special features which you believe may add to the value of your property. It is in your best interest to provide the appraiser with all the useful information you can in order to insure that nothing of allowable value will be overlooked. If you are unable to meet with the appraiser, you may wish to have a person who is familiar with your property represent you.

How Soon Will I Receive A Written Purchase Offer?

Generally, this will depend on the amount of work required to appraise your property. In the case of a typical single-family house, it is usually possible to make a written purchase offer within 45 to 60 days of the date an appraiser is selected to appraise the property.

Promptly after the appraisal has been reviewed (and any necessary corrections obtained), the Agency will determine just compensation and give you a written purchase offer in that amount along with a "summary statement," explaining the basis for the offer. No negotiations are to take place before you receive the written purchase offer and summary statement.

What Is In The Summary Statement Of The Basis For The Offer Of Just Compensation?

The summary statement of the basis for the offer of just compensation will include:

- An accurate description of the property and the interest in the property to be acquired.
- A statement of the amount offered as just compensation. (If only part of the property is to be acquired, the compensation for the part to be acquired and the compensation for damages, if any, to the remaining part will be separately stated.)
- A list of the buildings and other improvements covered by the offer. (If there is a separately held interest in the property not owned by you and not covered by the offer (e.g., a tenant-owned improvement), it will be so identified.)

Must I Accept The Agency's Offer?

No. You are entitled to present your evidence as to the amount you believe is the fair market value of your property and to make suggestions for changing the terms and conditions of the offer. The Agency will consider your evidence and suggestions. When fully justified by the available evidence of value, the offer price will be increased.

May Someone Represent Me During Negotiations?

Yes. If you would like an attorney or anyone else to represent you during negotiations, please inform the Agency. However, the URA does not require the Agency to pay the costs of such representation.

If I Reach Agreement With The Agency, How Soon Will I Be Paid?

If you reach a satisfactory agreement to sell your property and your ownership (title to the property) is clear, payment will be made at a mutually acceptable time. Generally, this should be possible within 30 to 60 days after you sign a purchase contract. If the title evidence obtained by the Agency indicates that further action is necessary to show that your ownership is clear, you may be able to hasten the payment by helping the Agency obtain the necessary proof. (Title evidence is basically a legal record of the ownership of the property. It identifies the owners of record and lists the restrictive deed covenants and recorded mortgages, liens, and other instruments affecting your ownership of the property.)

What Happens If I Don't Agree To The Agency's Purchase Offer?

If you are unable to reach an agreement through negotiations, the Agency may file a suit in court to acquire your property through an eminent domain proceeding. Eminent domain proceedings are often called condemnations. If your property is to be acquired by condemnation, the Agency will file the condemnation suit without unreasonable delay.

An Agency may also decide not to buy your property, if it cannot reach agreement on a price, and find another property to buy instead.

What Happens After The Agency Condemns My Property?

You will be notified of the action. Condemnation procedures vary, and the Agency will explain the procedures which apply in your case.

Generally, when an Agency files a condemnation suit, it must deposit with the court (or in an escrow account) an amount not less than its appraisal of the fair market value of the property. You should be able to withdraw this amount, 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.

During the condemnation proceeding, you will be provided an opportunity to introduce your evidence as to the value of your property. Of course, the Agency will have the same right. After hearing the evidence of all parties, the court will determine the amount of just compensation. If that amount exceeds the amount deposited by the Agency, you will be paid the difference, plus any interest that may be provided by law.

To help you in presenting your case in a condemnation proceeding, you may wish to employ an attorney and an appraiser. However, in most cases the costs of these professional services and other costs which an owner incurs in presenting his or her case to the court must be paid by the owner.

What Can I Do If I Am Not Satisfied With The Court's Determination?

If you are not satisfied with the court judgment, you may file an appeal with the appropriate appellate court for the area in which your property is located. If you are considering an appeal, you should check on the applicable time limit for filing the appeal and consult with your attorney on whether you have a basis for the appeal. The Agency may also file an appeal if it believes the amount of the judgment is too high.

Will I Have To Pay Any Closing Costs?

You will be responsible for the payment of the balance on any mortgage and other liens on your property. Also, if your ownership is not clear, you may have to pay the cost of clearing it. But the Agency is responsible for all reasonable and necessary costs for:

- Typical legal and other services required to complete the sale, recording fees, revenue stamps, transfer taxes and any similar expenses which are incidental to

transferring ownership to the Agency.

- Penalty costs and other charges related to prepayment of any recorded mortgage on the property that was entered into in good faith.
- Real property taxes covering the period beginning on the date the Agency acquires your property.

Whenever possible, the Agency will make arrangements to pay these costs directly. If you must incur any of these expenses yourself, you will be repaid—usually at the time of closing. If you later discover other costs for which you should be repaid, you should request repayment from the Agency immediately. The Agency will assist you in filing a claim. Finally, if you believe that you were not properly repaid, you may appeal the decision to the Agency.

May I Keep Any Of The Buildings Or Other Improvements On My Property?

Very often, many or all of the improvements on the property are not required by the Agency. This might include such items as a fireplace mantel, your favorite shrubbery, or even an entire house. If you wish to keep any improvements, please let the Agency know as soon as possible.

If you do arrange to keep any improvement, the Agency will deduct only its salvage value from the purchase price you would otherwise receive. (The salvage value of an item is its probable selling price if offered for sale on the condition that the buyer will remove it at his or her own expense.) Of course, if you arrange to keep any real property improvement, you will not be eligible to receive a relocation payment for the cost of moving it to a new location.

Can The Agency Take Only A Part Of My Property?

Yes. But if the purchase of only a part of your property reduces the value of the remaining part(s), you will be paid for the loss in value. Also, if any remaining part would have little or no utility or value to you, the Agency will offer to buy that remaining part from you.

Occasionally, a public project will increase the value of the part which is not acquired by the Agency. Under some eminent domain laws, the amount of such increase in value is deducted from the purchase payment the owner would otherwise receive.

Will I Have To Pay Rent To The Agency After My Property Is Acquired?

If you remain on the property after the acquisition, you may be required to pay a fair rent to the Agency. Such rent will not exceed that charged for the use of comparable properties in the area.

How Soon Must I Move?

If possible, a mutually agreeable date for the move will be worked out. Unless there is an urgent need for your property (e.g., your occupancy would present a health or safety

emergency), you will not be required to move without at least 90 days advance written notice.

If you reach a voluntary agreement to sell your property, you will not be required to move before you receive the agreed purchase price. If the property is acquired by condemnation, you cannot be required to move before the estimated fair market value of the property has been deposited with the court so that you can withdraw your share.

If you are being displaced from your home, you will not be required to move before a comparable replacement home is available to you.

Will I Receive Relocation Assistance?

Title II of the URA requires that certain relocation payments and other assistance must be provided to families, individuals, businesses, farms, and nonprofit organizations when they are displaced or their personal property must be moved as a result of a project that is covered by the URA.

The Agency will furnish you a full explanation of any relocation assistance to which you may be entitled. If you have any questions about such assistance, please contact the Agency. In order for the Agency to fulfill its relocation obligations to you, you must keep the Agency informed of your plans.

My Property Is Worth More Now. Must I Pay Capital Gains Tax On The Increase?

Internal Revenue Service (IRS) Publication 544 explains how the Federal income tax would apply to a gain or loss resulting from the sale or condemnation of real property, or its sale under the threat of condemnation, for public purposes. If you have any questions about the IRS rules, you should discuss your particular circumstances with your personal tax advisor or your local IRS office.

I'm A Veteran. How About My VA Loan?

After your VA home mortgage loan has been repaid, you will be permitted to obtain another VA loan to purchase another property. Check on such arrangements with your nearest Veterans Administration Office.

Is It Possible To Donate Property?

Yes. You may donate your property or sell it to the Agency for less than its fair market value. The Agency must obtain an appraisal of the property and offer just compensation for it, unless you release the Agency from these obligations.

Additional Information

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

Agency:

Address:

Office Hours:

Telephone Number:

Person to Contact:

**RICHLAND COUNTY
ADMINISTRATION**

2020 Hampton Street, Suite 4069
Columbia, SC 29204
803-576-2050



**U. S. Department of Housing and Urban Development
Relocation Assistance to Tenants Displaced from Their Homes**
www.hud.gov/relocation

Introduction

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

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

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

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

Summary of Relocation Assistance

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

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

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



General Questions

How Will I Know I Am Eligible for Relocation Assistance?

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

How Will the Agency Know How Much Help I Need?

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

How Soon Will I Have to Move?

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

What Is a Comparable Replacement Home?

A comparable replacement home is:

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

What is Decent, Safe, and Sanitary Housing?

Decent, safe, and sanitary housing is housing that:

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

Will The Agency Help Me Find a Replacement Home?

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

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

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

What If I Find My Own Replacement Housing?

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

What If I Encounter a Problem in Obtaining Housing of My Choice?

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

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

What Other Services Will I Receive?

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

What Is a Payment for Actual Reasonable Moving and Related Expenses?

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

- Transportation for you and your family.
- Packing, moving and unpacking your household goods.
- Disconnecting and reconnecting household appliances and other personal property (e.g., telephone and cable TV).
- Storage of household goods, as may be necessary.
- Insurance for the replacement value of your property during the move and necessary storage.

- The replacement value of property lost, stolen or damaged in the move (but not through your neglect) if insurance is not reasonably available.

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

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

What is a Fixed Moving Expense and Dislocation Allowance?

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

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

How Much Rental Assistance Will I Receive?

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

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

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

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

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

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

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

Example: Assuming the information in the prior examples, the 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. While refundable deposits are not covered by URA payments, you may be able to obtain an advance payment to meet these costs. An advance payment may be placed in "escrow" or paid directly to a contractor to ensure that the move will be completed on a timely basis.

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

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

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

Will I Have to Pay Rent to The Agency Before I Move?

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

Do I Have to Pay Federal Income Taxes On My Relocation Payments?

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

What If I Don't Receive the Required Assistance? Can I Appeal?

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

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

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

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

I Have More Questions. Who Will Answer Them?

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

Agency: Richland County Disaster Recovery

Contact Person: Mike King

Phone: 803-731-8362 or 803-873-9295

Email: recovery@richlandcountysc.gov or RichlandCountyHMGP@sites.tetrattech.com

Edward B. Gomeau
Interim County Administrator

**RELOCATION ASSISTANCE
TO DISPLACED BUSINESSES,
NONPROFIT ORGANIZATIONS
AND FARMS**

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

(Form has been revised. See last page.)

Introduction

This booklet describes the relocation assistance and payments provided to displaced businesses, nonprofit organizations and farms under the **Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (URA)**. This includes any such occupant that moves from real property, or moves personal property from real property, as a direct result of acquisition, rehabilitation or demolition for a Federal project or a project in which Federal funds are used. If you are notified that you will be displaced, it is important that you **do not move** before you learn what you must do to receive the relocation payments and other assistance to which you are entitled.

*Pursuant to Public Law 105-177, aliens not lawfully present in the United States are **not** eligible for relocation assistance, unless such ineligibility would result in exceptional and extremely unusual hardship to a qualifying spouse, parent, or child as defined at 49 CFR 24.208(h). **All persons seeking relocation assistance will be required to certify that they are a United States citizen or national, or an alien lawfully present in the United States.***

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

Summary of Relocation Assistance

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

- **Advisory Services** includes referrals to suitable replacement locations, help in preparing claim forms for relocation payments and other assistance to minimize the impact of the move.
- **Payment for Moving and Reestablishment Expenses** falls into two general categories:
 - * **Payment for Actual, Reasonable Moving and Related Expenses.** If you choose this payment, you may also be eligible for a **Payment for Reestablishment Expenses**, up to \$25,000.
 - * **Fixed Payment** ("In Lieu Of" Payment). As an alternative to receiving payment for your actual, reasonable and related moving and reestablishment expenses, certain persons are eligible to choose a **Fixed Payment** in the amount of \$1,000 - \$40,000.

General Questions

How Will I Know I Am Eligible For Relocation Assistance?

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

How Will The Agency Know How Much Help I Need?

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

How Soon Will I Have To Move?

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

How Will I Find A Replacement Location?

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

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

What Other Assistance Will Be Available To Help Me?

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

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

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

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

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

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

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

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

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

What Moving Expenses Are Eligible For Payment?

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

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

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

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

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

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

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

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

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

What Is A Payment For Reestablishment Expenses?

If you choose to receive a payment for your actual moving and related expenses, you may also be eligible to receive a payment for reestablishment expenses, not to exceed \$25,000. Such expenses must be reasonable and necessary, as determined by the Agency. They include, but are not limited to the following:

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

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

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

Certain businesses, nonprofit organizations and farms are eligible to obtain a Fixed Moving Payment, “in lieu of” receiving a payment for Actual, Reasonable Moving and Related Expenses and a Payment for Reestablishment Expenses. The Fixed Payment for a business or farm operation is based on the average annual net earnings of the business or farm operation; the Fixed Payment for a nonprofit organization is based on average annual gross revenues less administrative expenses. A Fixed Payment will not be less than \$1,000, nor more than \$40,000. Check with the Agency to see if you are eligible for this payment option.

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

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

Must I File A Claim For A Relocation Payment?

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

All claims for relocation payments must be filed no later than 18 months after: For tenants, the date of your move. For owners, the later of (1) the date of your move; or (2) the date of final payment for the acquisition of your property. However, it is to your advantage to file as soon as possible after you move. The sooner you submit your claim, the sooner it can be processed and paid. If you are unable to file your claim within 18 months, ask the Agency to consider extending this period.

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

If you must pay any relocation expenses before you move, discuss your needs with the Agency. You should be able to obtain an advance payment. An advance payment may be placed in "escrow" to ensure that the move will be completed on a timely basis.

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

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

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

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

If I Don't Receive The Required Assistance, Can I Appeal?

Yes. If you disagree with the Agency's decision as to your right to relocation assistance or the amount of a payment, you may appeal the decision to the Agency. The Agency will inform you of its appeal procedures. At a minimum, you will have 60 days to file your appeal with the Agency after you receive written notification of the Agency's determination on your claim. Your appeal must be in writing. However, if you need help, the Agency will assist you in preparing your appeal.

If you are not satisfied with the Agency's final decision on your appeal, you may seek review of the matter by the courts.

I Have More Questions. Who Will Answer Them?

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

Agency:

Address:

Office Hours:

Telephone Number:

Person to Contact:

(NOTE: Updated to incorporate MAP-21 statutory changes to the URA effective on 10/01/2014. Please note the current URA regulations of 49 CFR 24 will be revised in a future rule making to reflect MAP-21 changes. For additional information on MAP-21 changes to the URA for HUD programs and projects, refer to HUD Notice CPD-14-09 at the following website: <http://portal.hud.gov/hudportal/documents/huddoc?id=14-09cpdn.pdf>.)

**RELOCATION ASSISTANCE
TO DISPLACED HOMEOWNER
OCCUPANTS**

www.hud.gov/relocation

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

(Form has been revised. See last page.)

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 90 days before the Agency offered to buy it. If you have owned and occupied your home for less than 90 days, you may still be eligible for relocation assistance, contact the Agency for additional information.

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

Pursuant to Public Law 105-117, aliens not lawfully present in the United States are not eligible for relocation assistance, unless such ineligibility would result in exceptional and extremely unusual hardship to a qualifying spouse, parent, or child as defined at 49 CFR 24.208(h). All persons seeking relocation assistance will be required to certify that they are a United States citizen or national, or an alien lawfully present in the United States.

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

Summary of Relocation Assistance

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

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

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

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

General Questions

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

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

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

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

How Will I Know I Am Eligible For Relocation Assistance?

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

How Will The Agency Know How Much Help I Need?

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

How Soon Will I Have To Move?

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

What Is A Comparable Replacement Home?

A comparable replacement home is:

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

What is Decent, Safe, and Sanitary Housing?

Decent, safe, and sanitary housing is housing that:

- Meets local housing and occupancy requirements.

Additionally, it is housing that:

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

a person with a physical disability.

Will The Agency Help Me Find A Replacement Home?

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

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

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

What If I Find My Own Replacement Housing?

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

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

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

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

What Other Services Will I Receive?

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

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

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

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

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

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

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

What Is A Fixed Moving Payment?

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

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

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

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

equal to the sum of the following three costs:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

computed purchase price differential.

Must I File A Claim To Obtain A Relocation Payment?

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

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

If you must pay any relocation expenses before you move (e.g., a deposit when you contract for the purchase of a new home), discuss your financial needs with the Agency.

You will be able to obtain an advance payment to meet these costs. An advance payment to purchase a home may be placed in "escrow." An advance payment for moving expenses may be paid directly to the moving contractor to ensure that the move will be completed on a timely basis.

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

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

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

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

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

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

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

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

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

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

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

I Have More Questions. Who Will Answer Them?

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

Agency:

Address:

Office Hours:

Telephone Number:

Person to Contact:

(NOTE: Updated to incorporate MAP-21 statutory changes to the URA effective on 10/01/2014. Please note the current URA regulations of 49 CFR part 24 will be revised in a future URA rule making to reflect MAP-21 changes. For additional information on MAP-21 changes to the URA for HUD programs, refer to HUD Notice CPD-14-09 at the following website: <http://portal.hud.gov/hudportal/documents/huddoc?id=14-09cpdn.pdf>.)

**RELOCATION ASSISTANCE
TO PERSONS DISPLACED
FROM THEIR HOMES
(SECTION 104(d))**
www.hud.gov/relocation

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

Introduction

This booklet describes the relocation payments and other relocation assistance provided under **section 104(d) of the Housing and Community Development Act of 1974** (section 104(d)) to eligible persons displaced from their homes. Persons eligible for assistance have the option of declining the section 104(d) assistance and receiving assistance under the **Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA)**, if they decide that it is in their best interest.

NOTE: Aliens not lawfully present in the United States are not eligible for URA relocation assistance, unless such ineligibility would result in exceptional and extremely unusual hardship to a qualifying spouse, parent or child. A person seeking URA relocation assistance must certify that the person is a United States citizen or national, or an alien lawfully present in the United States. (Section 104(d) assistance is not subject to this requirement.)

Eligibility

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

"Lower-income" means that your income does not exceed 80% of the median income for the area as established by the U.S. Department of Housing and Urban Development (HUD).

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

The Agency (identified at the back of this booklet) will determine whether you qualify as a lower-income person and if your home will be demolished or "converted." If you do not qualify for section 104(d) assistance, you may be eligible for relocation assistance under the URA.

Caution. 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.

This booklet may not answer all of your questions. If you have more questions about your relocation, contact your Agency representative. (See name/telephone number in the back of this booklet.) Ask your questions before you move. Afterwards, it may be too late.

Summary of Relocation Assistance

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

- **Advisory Services** (*same under section 104(d) and URA*). 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, counseling and other assistance to minimize the impact of the move.
- **Payment for Moving Expenses** (*same under section 104(d) and URA*). You may choose either a:
 - **Payment for Your Actual Reasonable Moving and Related Expenses, or**
 - **Moving Expense and Dislocation Allowance, or**
 - **a combination of both, based on circumstances.**
- **Security Deposit** (available under section 104(d) only, when required).
- **Interim Living Costs**, when required.
- **Replacement Housing Assistance**. To enable you to rent, or, if you prefer, to buy a 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.

Basic Questions and Answers

How Will I Know I Am Eligible For Relocation Assistance?

Any one of several actions can trigger eligibility for relocation assistance. Promptly after eligibility is triggered, the Agency must provide you a written "Notice of Eligibility

for Relocation Assistance." To be certain of your eligibility, 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 your present home. It may not be identical, but it will be equal to or better than your present home.
- Actually available for you to rent.
- Within your ability to pay as described in this booklet.
- 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 a person with a physical disability, is free of any barriers which would preclude your reasonable use of the unit.

Will The Agency Help Me Find A Replacement Home?

Yes. You will be provided with referrals to housing that has been inspected to ensure that it meets the established standards. If possible, you will be referred to at least three comparable replacement homes. All comparable replacement homes must be available to you, and, with the rental assistance for which you may qualify, they must be affordable to you. The maximum financial assistance for which you may qualify will be based on the cost of the most representative comparable replacement home. 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. You will be offered appropriate transportation to inspect these units.

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

What If I Find My Own Replacement Housing?

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

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

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

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

What Other Services Will I Receive?

In addition to help in obtaining a comparable replacement home, other assistance, as necessary, will be provided in order to minimize the impact of your move. This

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

Payment for Moving Expenses

To pay the cost of moving, you may choose either a **payment for actual reasonable moving and related expenses**, or a **moving expense and dislocation allowance**, or a **combination of both, based on circumstances**.

What Is A Payment For Actual Reasonable Moving And Related Expenses?

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 (examples: 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, the Agency will pay the mover directly. In either case, let the Agency know before you move.

What Is A Moving Expense And Dislocation Allowance?

If you choose a Moving Expense and Dislocation Allowance, you will receive an allowance which is normally based on 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.

Payment for Rental Assistance

You may be eligible to receive rental assistance. If so, you may choose assistance under section 104(d) or under the URA. For most lower-income tenants, the amount of assistance provided under section 104(d) is greater.

Section 104(d) Rental Assistance.

If you are eligible, you will receive assistance based on estimated needs for a period of 60 months. The Agency may offer you that assistance in cash or under the HCV Program. The Agency will tell you which option it is providing to you.

- **Cash Rental Assistance.** A household's "need" for rental assistance is computed by subtracting the highest of the following calculations from the rent and estimated average monthly utility costs for your new home (or a comparable replacement home, if that cost is lower):
 1. 30 percent of the household's monthly adjusted income,
 2. 10 percent of the household's monthly gross income, or
 3. The welfare rent allowance (where designated).

That monthly need, if any, is multiplied by 60, to determine the total amount that you will receive. This amount will be paid directly to you in monthly installments or other periodic payments.

Example: Let's say that your family's adjusted monthly income is \$600, and the monthly rent and estimated average utility costs for the comparable replacement home to which you move are \$350. In this case, your monthly need would be \$170 [$\$350 - \180 (30 percent of \$600)]. Multiplying this amount by 60 results in \$10,200 of rental assistance.

- **Housing Choice Voucher (HCV) (section 104(d)).** You may be offered a HCV. If so, you will also be referred to comparable replacement homes where the owner will accept the voucher. If the rent and estimated average monthly utility costs for both the comparable replacement home and the unit to which you relocate exceed the voucher "payment standard," you will qualify for cash assistance to cover the gap for 60 months.

Advantages of HCV Assistance. The HCV assistance may continue for as long as you have a need. Unlike cash assistance, HCV assistance is recomputed each year to reflect changes in your income, rent or the cost of utilities. While cash assistance will terminate at the end of 60 months, HCV assistance may continue to be available after the 60-month period ends if you still qualify as a lower-income person.

URA Rental Assistance.

URA rental assistance is computed by subtracting the "base monthly rent" for your present home from the rent and average monthly cost of 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 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 income (if you are low-income based on HUD income limits).

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

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

Purchase Assistance

If you buy, rather than rent, a replacement home, you may be eligible for assistance to make a down payment. The amount depends on the type of housing that you buy. Section 104(d) purchase assistance is limited to mutual housing and cooperative housing. If you wish to purchase a house that is not mutual or cooperative housing, your purchase assistance would be provided under the URA.

Section 104(d) Purchase Assistance.

If you buy a replacement home which is mutual or cooperative housing, you may be eligible for assistance based on the present value of the monthly payments you would receive if you rented a comparable replacement home for 60 months. Remember, the monthly payment is generally determined by subtracting 30 percent of your adjusted income from the monthly rent and estimated average monthly utility costs for a comparable replacement home.

Example: Assuming the information in the prior section 104(d) example and a 4 percent return on passbook savings, the purchase assistance would be \$9,231.

Remember, your net monthly contribution is \$180, and the monthly rent and estimated average monthly cost of utilities for a comparable replacement home total \$350. The monthly difference is \$170. The present value of 60 monthly payments of \$170, discounted at 4 percent, is \$9,231. The full amount of the payment must be applied to the purchase of the mutual or cooperative housing that you buy.

URA Purchase Assistance for Renters.

URA assistance to make a down payment is equal to the amount you would receive if you had rented a comparable replacement home (42 times the amount obtained by subtracting the "base monthly rent" for your present home from the monthly rent and estimated average monthly cost of utilities for a comparable replacement home). Remember, URA assistance is not limited to mutual housing or cooperatives.

Example: Assuming the information in the prior URA examples, the assistance for a down 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 utility costs for a comparable replacement home (\$350)). The full amount of the payment must be applied to the purchase of your new home.

MORE QUESTIONS AND ANSWERS

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 (for example, 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. Be careful not to confuse this 18-month filing period with the requirement that you must rent (or buy) and actually occupy a decent, safe and sanitary replacement home within 12 months of the move. (If you are unable to occupy the replacement home within 12 months or file your claim within 18 months after the move, ask the Agency to extend this period.)

You will be paid promptly after you file an acceptable claim. If there is any question regarding your right to a relocation payment or the amount of the payment, you will be notified, 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. You need not report relocation payments as part of your gross income for Federal tax purposes. For information on State or local income taxes, you should check with the State or local income tax office in your area or with your personal tax advisor.

If I Don't Receive The Required Assistance, Can I Appeal?

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 dissatisfied with the Agency's determination on your appeal, you may request administrative review of that decision (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 more questions after reading this booklet, contact the Agency and discuss your concerns.

Agency:

Address:

Office Hours:

Telephone No.:

Person to Contact:

Stage 2: Approval of Acquisition Authority

These requirements include:

- Development & Services Committee Recommendation to County Council
- County Council Approval

2.1 Development & Services Committee Recommendation to County Council

The preliminary packet of Development & Services Committee submission materials for proposed development is prepared by the LDRM for FEMA acquisition grant programs and/or the CPD Housing Program Manager for HUD acquisition grant programs and distributed to the CPD Director and the Development & Services Committee Chairperson. Materials include staff reports, maps and photos, sample minority and women-owned business enterprise (M/WBE) notification letter, resolution and public notice (if required by action). A tentative Development & Services Committee agenda is posted on the County website. The Development & Services Committee Chairperson attends briefing. A final packet of materials including postal receipts for M/WBE certified letters, letter(s) of support, letter of intent from lender, copy of Residential Developer license if for-sale project or organizational brochure and annual report is prepared and sent to Development & Services Committee members. Final Development & Services Committee agenda is posted on the First Floor of the County Administration Building next to the Planning Department's self-service counter. The LDRM for FEMA acquisition grant programs and/or the CPD Housing Program Manager for HUD acquisition grant programs make presentation at the Development & Services Committee meeting. Copy of Development & Services Committee recommendation to County Council issued.

2.2 County Council Approval

After issuance of Development & Services Committee recommendation to Council the LDRM for FEMA acquisition grant programs and/or the CPD Housing Program Manager for HUD acquisition grant programs develops an ordinance package for County legal review and approval. The County Council considers the Development & Services Committee's recommendation for final passage. The ordinance is published in the Journal of Council Proceedings.

2.2.1 Acquisition Authority

The County has authority to acquire property through the purchase of land, buildings, or existing housing units. The County must receive approval from the County Council prior to entering into any purchase agreement or contract with a real property owner. The LDRM for FEMA acquisition grant programs and/or the CPD Housing Program Manager for HUD acquisition grant programs is responsible for obtaining required authorization, including:

- ❑ Development & Services Committee Recommendation to County Council - The LDRM for FEMA acquisition grant programs and/or the CPD Housing Program Manager for HUD acquisition grant programs is required to obtain Development & Services Committee recommendation to Council, if not on acquisition map.
- ❑ County Council Approval - If acquisition approval has not been granted, the LDRM for FEMA acquisition grant programs and/or the CPD Housing Program Manager for HUD acquisition grant programs must obtain County Council approval.

2.2.2 Redevelopment Agreement

For FEMA acquisition grant programs, redevelopment of acquired land is severely restricted. Land must be returned to a naturalized state or some other very minor development as allowed by the HMGP grant.

For HUD acquisition grant programs, a Redevelopment Agreement is required if land will be redeveloped with building improvement in the County. The CPD Housing Program Manager for HUD acquisition grant programs is responsible for the completion of this process step, including:

- ❑ Development & Services Committee Recommendation to County Council - The LDRM for FEMA acquisition grant programs and/or the CPD Housing Program Manager for HUD acquisition grant programs must obtain Development & Services Committee recommendation to Council.
- ❑ County Council Approval - The LDRM for FEMA acquisition grant programs and/or the CPD Housing Program Manager for HUD acquisition grant programs must obtain County Council approval.
- ❑ Execution Redevelopment Agreement - The LDRM for FEMA acquisition grant programs and/or the CPD Housing Program Manager for HUD acquisition grant programs will execute the redevelopment agreement.

Stage 3: Preliminary Acquisition and Relocation Planning

This stage of the process undertakes the preliminary actions and steps in preparing the property(ies) for purchase, and any relocation requirements when there are occupants. These requirements include:

- Title and survey work. These are described in Section 3.1 below.
- Appraisal(s). Ordering guidelines, required content and reviewing appraisals are described in Section 3.2 below.
- Prepare Relocation Plan. Required contents of the Relocation Plan are described in Section 3.3 below.
- Prepare 104(d) One for One Replacement Plan
- Issue Move-In Notice, if applicable.

3.1 Title and Survey Work

The LDRM for FEMA acquisition grant programs and/or the CPD Housing Program Manager for HUD acquisition grant programs shall order a title search and survey of the subject property(ies) identified to be acquired.

3.2 Appraisals

The LDRM for FEMA acquisition grant programs and/or the CPD Housing Program Manager for HUD acquisition grant programs will obtain a least one appraisal of a vacant real property by a competent real property fee appraiser licensed by the State of South Carolina, and one appraisal for improved real property by a competent real property appraiser licensed by the State of South Carolina. Each fee appraiser must be certified under State law, in accordance with Title X of the Financial Institutions Reform, Recovery and Enforcement Act of 1989 (FIRREA). Qualifications of fee appraisers must be consistent with the proposed scope of work for the assignment in accordance with 49 CFR 24.103(d)(1).

The fee appraiser, prior to inspection of the subject property, will notify the property owner and provide reasonable opportunity for the owner or their representative accompany during the site visit. The appraiser will prepare an appraisal report consistent with the scope of work for the assignment that includes the current fair market value (FMV).

3.2.1 Appraisal Contents

At a minimum, all appraisals must comply with 49 CFR 24.103 and contain the following:

- The purpose and function of the appraisal
- A statement of the assumptions and limiting conditions affecting the appraisal
- An adequate description of the property, any remnants not being acquired, and the property's physical characteristics (including items identified as personal property)

- This should also include key project information such as: title information, location, zoning, present use, highest and best use, and at least five-year sales history of the property.
 - An explanation of all relevant approaches to value.
 - If more than one valuation method is used, the text should reconcile the various approaches to value and support the conclusions.
- A description of comparable sales
 - A final statement of the value of the property
 - For partial acquisitions, the appraisal should also give a statement of the value of damages and benefits to the remaining parcel.
 - The effective date of the valuation and appraisal
 - A signature and certification of the appraiser

3.2.2 Review Appraisals

The LDRM for FEMA acquisition grant programs and/or the CPD Housing Program Manager for HUD acquisition grant programs shall require that a review appraiser to examine the appraisal report(s) to assure that the estimate is fair, conforms to current professional appraisal standards, and meets the scope of work for the assignment. This review must be complete prior to the LDRM for FEMA acquisition grant programs and/or the CPD Housing Program Manager for HUD acquisition grant programs making a written offer to purchase the property from the owner.

If the appraisal report does not meet the scope of work for the assignment as required or acceptable appraisal standards, then the review appraiser can return the report for corrections, develop an independent value, or require a different fee appraiser to provide a new appraisal.

If it is not practical to do a second appraisal, the review appraiser may present and analyze market information to support a recommended (or approved) value:

- The reasons for the change and the new value should be documented in a certified document.
- The level of this explanation will vary according to the complexity of the individual project circumstances.

3.3 Prepare Relocation Plan

To meeting URA requirements using the Office of Community Planning and Development funds, the Consolidated Plan rule at 24 CFR 91 requires the Office of Community Planning

and Development grantees to develop, certify, and follow a Residential Antidisplacement Policy and Relocation Assistance Plan. The inclusion of this plan and its certification is necessary to receive funds under both HOME and CDBG Programs, including the use of Section 108 Loan Guarantee funds.

At 49 CFR 24.205, the URA has separate relocation planning, advisory service and coordination requirements. The CPD Housing Program Manager for HUD acquisition grant programs will prepare relocation plans for individual projects to the detail and scope required by the complexity and nature of the project. A relocation plan should identify, at a minimum, the following components as applicable:

- Name and contact information for the entity designated to manage the relocation and other associated activities;
- Summary or overview of the project, including properties to be acquired;
- How and when the grantee plans to conduct occupant surveys (if known – include occupant data here);
- Available housing resources, including location of potential comparable replacement dwelling units;
- Anticipated rents, changes in utility, parking or other charges and new rental policies after the rehabilitation or change in use of the property;
- Measures that will be taken to retain existing tenants;
- Information on how the relocation assistance plan will be implemented including staffing, relocation payments, advisory services and eligibility requirements;
- Project timetables, including descriptions of the scope of work to be done and its phasing;
- Advisory and community-based services available to those displaced;
- Methods to be used to communicate details of relocation plan to owners, occupants, and tenants, and if necessary, in alternative formats; and
- Measures planned to minimize proposed project's impact on occupied units.

3.4 Prepare 104(d) One for One Replacement Plan

Section 104(d) of the Housing and Community Development Act of 1974, as amended, may be triggered whenever CDBG and/or HOME funds are used in a housing development project. These requirements focus on the “loss” of a community’s low-income housing, both rental and homeownership, through demolition or conversion. It is concerned primarily with providing relocation assistance for displaced low-income families, and with replacing each individual unit of low-income housing that are demolished or converted to other use on a one-for-one basis. This plan must be made public and submitted to HUD in accordance with 24 CFR 42.

3.4.1 Affected Units

In addition to a higher level of relocation assistance, Section 104(d) requires the grantee to replace any low-income dwelling units demolished or converted using HOME or CDBG program funds. A low-income dwelling unit, either renter or owner, is based on the amount of rent charged, not the occupants' income. If the rent, including utilities, is equal to or below the Section 8 Fair Market Rent (FMR), then the unit qualifies as a low-income dwelling unit. For owner-occupied units, this is established based on what rent would be charged for comparable units in the local housing market.

One-for-one replacement requirements can be triggered when a unit is torn down (demolished) or is "converted." Converted units include units whose use changes from residential to non-residential, whose rents increase above the Fair Market Rent (FMR), or whose occupancy standards change, such as emergency shelter. Conversion does not include the reconfiguration of units, if the property would continue to serve as low-income, such as rehabilitating many studios and one-bedroom units into two- and three-bedroom units.

Once it has been established that a project will result in the demolition or conversion of low-income housing units, then there may be an obligation to replace, on a one-for-one basis if:

- Unit is low income (rents at or below FMR);
- Is occupied or is vacant occupiable;
- Converted to a housing unit renting above the FMR; and
- Converted to a non-residential use.

There is no obligation to replace the low-income housing unit if:

- Unit is substandard and not suitable for rehabilitation (as defined in Consolidated Plan); or
- Unit has been vacant over 90 days.

3.4.2 Place Public Notice (30 days)

When there is a requirement to replace units under Section 104(d), the CPD Housing Program Manager is required to develop and make available for a 30-day public comment period a One-for-One Replacement Plan. The responsibility to replace units is not project specific but is an overall responsibility of the County.

The guide on the following pages may be used for submittal to HUD along with other required documentation as listed when the County or its subrecipients will be demolishing or converting lower-income dwelling units will trigger one-for-one replacement requirements. Replacement units may be provided one year prior to and/or up to three years after the execution of a contract for demolition/conversion.

One for One Replacement Plan
Section 104(d) of the Housing and Community Development Act of 1974, as amended

County of Richland

The *[insert jurisdiction]* hereby submits a one-for-one replacement housing plan for CDBG or HOME assisted projects that involve the demolition and/or conversion of low-income dwelling units under 24 CFR 42.

Reporting and Disclosure

Before the [jurisdiction] executes a contract for demolition and/or conversion of a low-income housing unit that is subject to one-for-one replacement requirements this plan was made public by:

___ Newspaper advertisement (notice attached)

___ Public Meeting (notice attached)

___ Other (explain)

One-for-One Replacement of Low-Income Dwelling Units

The following information is submitted as required:

- Description of the proposed assisted activity;
- The location on a map and number of units (by size of bedrooms) to be demolished and/or converted;
- Schedule for commencement and completion of demolition or conversion activities;
- The location on a map and number of units (by size of bedrooms) to be provided as replacement units;
- Source(s) of funding and time schedule for the provision of the replacement units;
- Basis for determining all replacement units will remain a low-income dwelling unit for at least 10 years from initial occupancy;
- Justification for replacing larger units with smaller units (if applicable).

A. NUMBER AND SIZE OF UNITS DEMOLISHED/CONVERTED FOR THE PROJECT:

Units demolished/converted				
Unit Size	2008	2009	2010	TOTALS
1 bedroom	0	0	0	0
2 bedroom	0	0	0	0
3 bedroom	0	0	0	0
4 bedroom	0	0	0	0
5 bedroom	0	0	0	0
TOTALS				

B. NUMBER AND SIZE OF REPLACEMENT UNITS:

Units Constructed/Rehabilitated					
Unit Size	2007	2008	2009	2010	TOTALS
1 bedroom	0	0	0	0	0
2 bedroom	0	0	0	0	0
3 bedroom	0	0	0	0	0
4 bedroom	0	0	0	0	0
5 bedroom	0	0	0	0	0
TOTALS	0	0	0	0	

Exceptions to the requirement to replace units on a one-for-one basis may be granted “to the extent the HUD Field Office determines, based on objective data, that there is an adequate supply of vacant lower-income dwelling units in standard condition available on a nondiscriminatory basis within the area.” The request for an exception must be accompanied by a public notice and 30-day comment period.

The Plan may be made public by publishing it in a newspaper of general circulation. Any comments should be responded to in writing and placed in the file. Documentation of publication should be retained as part of the project records.

3.4.3 Submit to HUD

After the 30-day public comment period, the plan must be submitted to HUD. There is no formal approval of the submission. HUD will use the information in its monitoring activities. Proof of submission, such as a copy of the cover letter or acknowledgement of receipt is recommended to be obtained and kept in the file. The submission of the One-for-One Replacement plan must take place prior to the commencement of the activity or project.

3.5 Issue Move-In Notice (if required)

At this point, the CPD Housing Program Manager should provide the owner with a sample of a Move-In Notice to give to any future tenants who may move in before the acquisition closes. This Move-In Notice must be provided to tenants *before* they move in to the property. The Notice should explain that a Federally-assisted project with the County is pending and they may be displaced or sustain a rent increase because of the project. The Notice also explains that the tenants are not eligible or entitled for relocation assistance in either situation (displacement or rent increase).

If the notice is not issued to future tenants, the project may be responsible for paying for relocation costs to these tenants, which could prove costly for the project budget. Acknowledgment of receipt of providing the owner with the Move-In Notice and explanation should be obtained and placed in the project file.

Files or Attachments needed for Stage 3:

- Sample Move-In Notice

**MOVE-IN NOTICE
(GUIDEFORM NOTICE TO PROSPECTIVE TENANT)**

Grantee or Agency Letterhead

(date)

Dear _____:

On *(date)* , *(property owner)* submitted an application to the *(Grantee)* for financial assistance under a program funded by the Department of Housing and Urban Development (HUD). The proposed project involves [acquisition] [rehabilitation] [demolition] and/or [conversion] of the property located at *(address)* . Because Federal funds are planned for use in this project, the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (URA) [and/or section 104(d) of the Housing and Community Development Act of 1974, as amended] may apply to persons in occupancy at the time the application was submitted for HUD funding. However, if you choose to occupy this property subsequent to the application for federal financial assistance, as a new tenant you will not be eligible for relocation payments or assistance under the URA [and/or section 104(d)].

This notice is to inform you of the following information *before you enter into any lease agreement and/or occupy the property located at the above address:*

- ◆ You may be displaced by the project.
- ◆ You may be required to relocate temporarily.
- ◆ You may be subject to a rent increase.
- ◆ You will not be entitled to any relocation payments or assistance provided under the URA [and/or section 104(d)]. If you have to move or your rent is increased as a result of the above project, you will not be reimbursed for any such rent increase or for any costs or expenses you incur in connection with a move as a result of the project.

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

Sincerely,

 (name and title)

[01/06]

App. 29-1

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

Print Name of Tenant(s)

Signature(s)

Address and Unit Number

Date

NOTE:

This is a guideform. It should be revised to reflect the project circumstances.

Stage 4: Request for “Offer to Purchase” Approval

There are several steps that the LDRM for FEMA acquisition grant programs and/or the CPD Housing Program Manager for HUD acquisition grant programs must take before an “Offer to Purchase” is presented to the owner. This stage walks through the internal steps and approvals that must be received before moving on to Stage 5, “Offer to Purchase.”

4.1 Property Information

All the property information required under Stage 3, including but not limited to, title report, property survey and property appraisals is maintained by the LDRM for FEMA acquisition grant programs and/or the CPD Housing Program Manager for HUD acquisition grant programs .

4.2 Draft and Forward Confidential Memo

The LDRM for FEMA acquisition grant programs and/or the CPD Housing Program Manager for HUD acquisition grant programs drafts and forwards to County Legal a confidential memo requesting review of property information, and if they agree with the recommendation from the review appraiser, forward to County Administrator to sign their approval. This review usually takes about three weeks. The confidential memo contains information about the vendor and the market value.

4.3 Verify and Authorize Funding

The LDRM for FEMA acquisition grant programs and/or the CPD Housing Program Manager for HUD acquisition grant programs will send a “Notice of Project Approval” to the Finance Department to verify there that appropriate and necessary funds to pay for the acquisition of the real property are currently available. The Finance Department confirms the availability of funding and provides written notification to the LDRM for FEMA acquisition grant programs and/or the CPD Housing Program Manager for HUD acquisition grant programs.

4.4 Final Memo drafted

Upon written confirmation of funding by the Finance Department, the LDRM for FEMA acquisition grant programs and/or the CPD Housing Program Manager for HUD acquisition grant programs prepares a memo that goes to County Legal and then to County Administration requesting an offer letter be sent. The assigned attorney places the memo in file. The LDRM for FEMA acquisition grant programs and/or the CPD Housing Program Manager for HUD acquisition grant programs also keeps a copy in the project file.

Stage 5: Offer to Purchase

5.1 Offer of Just Compensation to Owner

The establishment of the Offer of Just Compensation and preparation of a Summary Statement are handled with assistance of County Legal by the LDRM for FEMA acquisition grant programs and/or the CPD Housing Program Manager for HUD acquisition grant programs. This can only occur after an appraisal, and review, is complete, the funding has been verified, and the County has established an amount for just compensation. See the sections below (5.1.1 and 5.1.2) for factors to consider when determining the amount for just compensation.

The offer letter to an owner must include the full amount as per the established just compensation. A statement must also be included that summarizes the basis for the offer. This summary statement should provide:

- A description and location of the property to be acquired.
- Identification of the buildings, structures, equipment, fixtures and other improvements included in the offer.
- If the County chooses to do so, the owner may be provided with a copy of the appraisal(s).

The LDRM for FEMA acquisition grant programs and/or the CPD Housing Program Manager for HUD acquisition grant programs should be aware that the delivery date of a written offer letter constitutes the “Initiation of Negotiations” (ION) for purposes of triggering relocation eligibility related to the acquisition. However, the “Initiation of Negotiations” date should be determined in accordance with applicable program requirements and project details, as this date could vary.

A copy of the offer letter and summary statement, as well as confirmation the notice was received, must be included in the project files.

5.1.1 Determining Just Compensation

There are several issues and concerns that the LDRM for FEMA acquisition grant programs and/or the CPD Housing Program Manager for HUD acquisition grant programs should keep in mind while determining just compensation:

- Just compensation cannot be less than the appraised fair market value (See Stage 3 for more information on appraisals).
- If the owner retains or removes any property improvements, (for example, permanent fencing) the salvage value of the improvement should be deducted from the offer of just compensation.

- ❑ If an entire parcel is not being acquired and the County determines that the owner would be left with an uneconomic remnant, the County must offer to purchase this remnant. An uneconomic remnant is a parcel of real property with little or no value to the owner.

5.1.2 Purchase Agreement

A written purchase agreement is required for all real property purchased by the County. The LDRM for FEMA acquisition grant programs and/or the CPD Housing Program Manager for HUD acquisition grant programs is responsible for the completion of this process step, including:

- ❑ Negotiating basic terms of purchase agreements. An offer should be adequately presented to an owner, and the owner should be properly informed preferably via personal, face-to-face contact when feasible. All reasonable efforts must be made to discuss the purchase offer, including the basis for just compensation and an explanation of acquisition procedures. Property owners must be given a reasonable opportunity to consider the County's offer, conduct analysis to evaluate the proposal, and to present relevant material to the County. The County must consider an owner's presentation. The LDRM for FEMA acquisition grant programs and/or the CPD Housing Program Manager for HUD acquisition grant programs has two to six months to negotiate the terms of the purchase agreement with the real property owner after the offer letter has been sent. (See 5.1)
- ❑ Creating purchase agreement or contract for purchase documents. Purchase agreements and other contractual documents must be reviewed and approved by the LDRM for FEMA acquisition grant programs and/or the CPD Housing Program Manager for HUD acquisition grant programs and County Legal. The LDRM for FEMA acquisition grant programs and/or the CPD Housing Program Manager for HUD acquisition grant programs is responsible for this step.

Executing a Purchase Agreement. The LDRM for FEMA acquisition grant programs and/or the CPD Housing Program Manager for HUD acquisition grant programs sends the Purchase Agreement to the property owner for execution, allowing no less than 30 days for a reasonable negotiation period. If the real property owner accepts the offer, LDRM for FEMA acquisition grant programs and/or the CPD Housing Program Manager for HUD acquisition grant programs will contract a legal firm to prepare and conduct the closing.

- ❑ When the property owner returns the Agreement to the LDRM for FEMA acquisition grant programs and/or the CPD Housing Program Manager for HUD acquisition grant programs, the LDRM for FEMA acquisition grant programs and/or the CPD Housing Program Manager for HUD acquisition grant programs will order the funds for the closing. Once the funds are received, the LDRM for FEMA acquisition grant programs and/or the CPD Housing Program Manager for HUD acquisition grant programs will instruct the contracted law firm to set up the closing at a time agreeable to the owner.

5.1.3 Tenant Improvement

When tenants have made improvements to the real property to be acquired, payment should be made directly to the tenant only if:

- ❑ The tenant provides the LDRM for FEMA acquisition grant programs and/or the CPD Housing Program Manager for HUD acquisition grant programs with title to the improvements.
- ❑ The real property owner disclaims all interest in the improvements. Otherwise, the grantee may use condemnation proceedings to have the court determine ownership.
- ❑ The payment does not duplicate payment made to the real property owner.
- ❑ The LDRM for FEMA acquisition grant programs and/or the CPD Housing Program Manager for HUD acquisition grant programs uses the following method to determine the value of improvements:
 - Pay the greater of: the amount the improvement contributes to the market value of the property, or the salvage value of the improvements.
 - If neither of the above methods represents fair and equitable compensation, the LDRM for FEMA acquisition grant programs and/or the CPD Housing Program Manager for HUD acquisition grant programs may determine the depreciated value in place of the improvements and offer this amount to the real property owner.

5.2 Provide Notices of Eligibility or Notices of Non-displacement

5.2.1 Notice of Non-displacement

The LDRM for FEMA acquisition grant programs and/or the CPD Housing Program Manager for HUD acquisition grant programs will issue this notice to all occupants who will be permitted to remain in the project. This notice must be issued at the time of the “Initiation of Negotiations” and must contain the offer of a suitable, affordable housing in the project upon completion, and the terms and conditions under which they may lease and occupy the housing unit.

5.2.2 Temporary Relocation Notice

The LDRM for FEMA acquisition grant programs and/or the CPD Housing Program Manager for HUD acquisition grant programs will also provide a “Notice of Non-displacement” to all residents who will not be required to move permanently from the project, but may be required to move temporarily IF all conditions of the move are "reasonable".

Temporary relocation is limited to one (1) year or less. If the term of the temporary relocation extends beyond one year, then the LDRM for FEMA acquisition grant programs and/or the CPD Housing Program Manager for HUD acquisition grant programs must contact the tenant and notify them they are eligible for relocation assistance under the URA.

This assistance is in addition to any temporary relocation assistance and may not be reduced by the amount of temporary relocation assistance already received.

Those to be temporarily relocated must receive "reasonable" advance written notice of the location, terms and conditions of the temporary move, and of their right to reimbursement of all reasonable out-of-pocket expenses (see explanation of Notice of Eligibility below and 90- and 30-Day Notices in Stage 7 for more information).

5.2.3 Notice of Eligibility for Relocation Assistance

The LDRM for FEMA acquisition grant programs and/or the CPD Housing Program Manager for HUD acquisition grant programs will issue this notice to persons who will be permanently and involuntarily displaced by the Federally-assisted project. Eligibility for relocation assistance begins on the date a "Notice of Intent to Acquire" is sent, the initiation of negotiations, or the actual acquisition, whichever occurs first. A "Notice of Eligibility" must be issued to all eligible displaced persons promptly after this triggering date and should include the applicable HUD relocation brochure.

The "Notice of Eligibility" must detail their rights, specific monetary assistance and describe available advisory services based on an occupant's eligibility for relocation assistance including the following minimum information:

- Information that the homeowner or tenant will not be required to move without a referral to at least one comparable replacement dwelling unit, and they will be provided at least 90-days advance written notice from the date of the referral.
- If feasible, addresses of three comparable replacement dwelling units will be provided,
- The estimated amount and type of moving expenses the displaced person would be eligible for, and
- A specified maximum amount of the replacement housing payment based on the comparable replacement unit.

It is important for the LDRM for FEMA acquisition grant programs and/or the CPD Housing Program Manager for HUD acquisition grant programs keep in mind that because the amounts identified by a comparable replacement dwelling unit establish an upper limit for assistance. Failure to provide information about available, comparable replacement dwelling units may result in a requirement to pay higher relocation costs than necessary under URA requirements.

Files or Attachments needed for Stage 5:

- Establishment of Just Compensation form (agency value determination)
- Offer of Just Compensation template (to owner)
- HUD Acquisition and Relocation Brochures (see Stage 1 documents)

- Notice of Non-displacement
- Notice of Eligibility for Relocation Assistance

GUIDEFORM NOTICE OF NONDISPLACEMENT
TO RESIDENTIAL TENANT

Grantee or Agency Letterhead

(date)

Dear _____:

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

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

This notice guarantees you the following:

1. Upon completion of the rehabilitation, you will be able to lease and occupy your present apartment or another suitable, decent, safe and sanitary apartment in the same building/complex under reasonable terms and conditions. *
2. If you must move temporarily so that the rehabilitation can be completed, you will be reimbursed for all of your extra expenses, including the cost of moving to and from temporary housing and any increased interim housing costs. The temporary unit will be decent, safe and sanitary, and all other conditions of the temporary move will be reasonable.

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

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

Sincerely,

(name and title)

NOTES.

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

**RICHLAND COUNTY
ADMINISTRATION**

2020 Hampton Street, Suite 4069
Columbia, SC 29204
803-576-2050



**Voluntary HMGP Residential Buyout Local Match Program
and CDBG DR Voluntary Housing Buyout Program**

NOTICE OF ELIGIBILITY FOR URA RELOCATION ASSISTANCE RESIDENTIAL TENANT

(date)

Dear _____:

On ___(date)_, Richland County, notified you of proposed plans to voluntarily acquire, the property you occupied at (address)_____ for a project which has received funding assistance from the Federal Emergency Management Agency under the Voluntary HMGP Residential Buyout Match program and the US Department of Housing and Urban Development under CDBG DR Voluntary Housing Buyout Program. On ___(date)____, the project was approved and received federal funding.

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

- **This is your Notice of Eligibility for relocation assistance**
- **The effective date of your eligibility is _____.** (*Insert date of Initiation of Negotiations, see 49 CFR 24.2(a) (15) or applicable HUD program regulations*)

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

To carry out the project, it would have been necessary for you to move from your previous residence at (address). However, **you do not need to move now because you have already vacated this residence.** You would have been provided written notice of the date by which you would have been required to move. This date would have been no less than 90 days from the date comparable replacement housing has been made available to you.

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



The relocation assistance to which you are entitled includes:

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

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

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

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

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

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

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

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

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

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

The relocation assistance to which you are entitled includes:

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

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

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

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

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

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

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

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

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

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

Stage 6: Property Acquisition

6.1 Negotiation with Property Owner

With County Attorney support, the LDRM for FEMA acquisition grant programs and/or the CPD Housing Program Manager for HUD acquisition grant programs should make all reasonable efforts to conduct negotiations face-to-face with the property owner or the property owner's representative. The property owner may present relevant information that bears on the determination of value and may suggest modifications to the proposed terms and conditions of the real property purchase. With County Attorney involvement, the LDRM for FEMA acquisition grant programs and/or the CPD Housing Program Manager for HUD acquisition grant programs must give these suggestions full consideration.

If the property owner's information or other circumstances warrant it, the LDRM for FEMA acquisition grant programs and/or the CPD Housing Program Manager for HUD acquisition grant programs may update the current appraisal or order another appraisal. If this results in a change in the offer of just compensation, the LDRM for FEMA acquisition grant programs and/or the CPD Housing Program Manager for HUD acquisition grant programs must adjust the offer. Adjustments to an offer of fair market value may impact and reduce amounts of relocation assistance determined or warrant a revision to those determinations.

The property owner must be paid for costs to transfer title to the County. These costs may be advanced instead of reimbursed and they include recording fees, legal fees, prepayment penalties, and incidental costs. The property owner is also eligible for reimbursement of legal, appraisal, and engineering cost if:

- The court determines that the County cannot acquire the property through eminent domain; or
- The condemnation action was dropped for any reason, other than a settlement; or
- The court rules in favor of the property owner in an inverse condemnation action.

Once a price has been determined based on negotiations, with County Attorney support, the LDRM for FEMA acquisition grant programs and/or the CPD Housing Program Manager for HUD acquisition grant programs will send an offer letter to the property owner within ten (10) days of said verbal negotiations.

6.1.1. Coercive Actions Not Allowed by Agencies

The County Attorney, the LDRM for FEMA acquisition grant programs and/or the CPD Housing Program Manager for HUD acquisition grant programs must not delay the purchase, advance the date of condemnation in order to obtain an agreement to sell, or otherwise coerce a property owner to accept a purchase price that property owner considers unacceptable.

6.1.2. Administrative Settlement

With the County Attorney involvement, the LDRM for FEMA acquisition grant programs and/or the CPD Housing Program Manager for HUD acquisition grant programs can determine that there may be circumstances when the County is justified in agreeing to a purchase amount greater than the established offer of just compensation. This may occur when all reasonable efforts to negotiate an agreement with the property owner have failed and the County Council approves this action.

The administrative settlement must be at a reasonable price, defensible to HUD and the public, and in the public's best interest, given the cost and time of prolonged negotiations and possible litigation. Documentation in the file, fully explaining the reasons and rationale why an administrative settlement was reached is required.

6.1.3 Closing the Sale

Before the County takes possession of the real property, the property owner must be paid the agreed-upon purchase price. A closing is scheduled with the title company on a date and time that is agreed to by the seller/seller's attorney and the County's contracted attorney handling the sale. If the County is taking the property through condemnation, the agency must deposit the full amount of just compensation with the court (See 6.2 Condemnation Process for further details).

6.1.4 Renting the Acquired Property

After acquisition, if there are occupants occupying structures on the site and the County does not intend to clear the site immediately (this is not applicable when using FEMA acquisition grant programs which require the site be immediately cleared), the CPD Housing Program Manager for HUD acquisition grant programs may rent the property on a short-term basis. The rent charged may be less than otherwise charged if a long-term lease were offered. Regardless of whether the current occupants are held over after acquisition, they are still required to receive the appropriate move notices. (See Section 7.1 – "90 – 30 Day Move Notices")

6.2 The Condemnation Process

The FEMA acquisition grant program is strictly a voluntary program for all parties. Therefore, condemnation is not allowable or applicable. The remainder of paragraph 6.2 is only applicable for HUD acquisition grant programs.

For instances where it is not possible to acquire property through reasonable negotiations, legal action must be taken. The use of HUD funds in some projects involving eminent domain is prohibited, therefore, this possibility should be considered in the planning stage to avoid use of funds eligibility conflicts. In general, some legitimate reasons for exercising the power of eminent domain include:

- Disagreements with the property owner about the fair market value of the property whereby no further discussion between the County Attorney and/or the CPD Housing Program Manager staff and the property owner will reach an agreement.
- Title problems create complexities and only the courts can resolve the issues to enable the property owner to deliver clear title.
- The property owner may disagree with the County about the need for the acquisition in general, or the piece of the property that is or is not being acquired.

The County Attorney must be involved from the beginning of the negotiations so if the case ends up in court, the County Attorney can demonstrate that it has carried out the acquisition process legally. These acquisition process steps include:

- Documentation that proper notices were sent and received, and that the property owner's rights were protected as prescribed by the URA and State law.
- Documentation of personal contacts with the property owner and sincere, business-like negotiations were attempted.

6.2.1 Initiating Condemnation – County Attorney

The CPD Housing Program Manager will forward to the County Attorney the entire parcel file and provide a summary report that includes the following:

- Documentation of all previous contacts, dates, what was done and said to negotiate in good faith. This would include a log of all contacts, letters and phone calls.
- Information about the project including the rationale and documentation addressing the “public purpose” to be served through acquisition.
- All information regarding the appraisal reports, including information about any improvements, fixtures, leases, and existing uses.
- An updated title report.

The County Attorney will file for condemnation with the court.

6.2.2 Request Check for Escrow

When the court has issued its final order regarding just compensation, or if an Administrative Settlement is negotiated and signed by all appropriate parties, the County Attorney prepares a memo to the Housing Program manager requesting a check. The Housing Program Manager thru the CPD Director orders a check from the Finance Department for the agreed upon purchase price of the real property. Obtaining approval can take up to six weeks. Once the check is issued, the Finance Department will notify the CPD Director, the Housing Program Manager and the County Attorney.

6.2.3 Deposit Check at County Treasures' Office

The County Attorney will deposit the check with the County Treasurer. The County Treasurer will provide a deposit ticket for receipt. The County Attorney will give the CPD Housing Program Manager the deposit ticket. This deposit ticket is proof of ownership and is to be retained in the parcel file.

6.2.4 Litigation

The owner's attorney may ask for a legal settlement prior to going to trial. If this occurs and a financial settlement is reached, the condemnation action may cease and a closing can be held.

- If no settlement is reached, litigation will proceed and there will be judicial review of the merits of the case. In some jurisdictions, a Board of Valuers or Court-Appointed Commissioners will be appointed.
- Depending on State law and the nature of the case, a jury trial may or may not be held.
- The decision of the courts may be appealed. Depending on the court's ruling, the County may be required to pay additional costs incurred by the property owner. Once the Housing Program Manager has title to the property, a "Notice to Vacate" can be sent to the occupants (See Stage 7 for more information).

Stage 7: Issuing Move Notices

7.1 90- and 30-Day Notice to Vacate

The FEMA acquisition grant program is strictly a voluntary program for the County and the property owner(s). Therefore, forced eviction is not allowable or applicable of the property owner(s). Stage 7 is only applicable for HUD acquisition grant programs and tenants of FEMA acquisition grant programs.

The LDRM for FEMA acquisition grant programs and/or the CPD Housing Program Manager for HUD acquisition grant programs is responsible for issuing the appropriate 90-day or 30-day “Notice to Vacate”. Each lawful occupant to be permanently and involuntarily displaced must receive at least 90 days advance written notice before being required to move. The “Notice to Vacate” cannot be given before the person is issued a “Notice of Eligibility” for relocation assistance and is notified of the availability of at least one available, comparable replacement dwelling.

The “Notice to Vacate” must specify the date by which the property must be vacated or, if the date is unknown, indicate the earliest date that the occupant may be required to move. If no date is specified in the 90-day “Notice to Vacate”, the occupants must be informed they will receive at least 30-days advance written notice of the specific date of the move.

Occupants may be required to move on less than 90-days’ notice if the CPD Housing Program Manager determines that the dwelling unit is a health or safety hazard. However, the needs of the County or the project developer do not represent sufficient reason to issue a “Notice to Vacate” before providing an occupant with 90-days prior written notice to move.

If the LDRM for FEMA acquisition grant programs and/or the CPD Housing Program Manager for HUD acquisition grant programs knows the actual date that occupants will be required to move, then it is permissible to combine both the “Notice of Eligibility” and a 90-day “Notice to Vacate” to provide them at the same time. If the exact date that an occupant will be required to move is not known, then it will be necessary to provide two separate notices; a 90-day “Notice to Vacate”, and a date-specific 30-day “Notice to Vacate.”

Files or Attachments needed for Stage 7:

- 90-day Notice to Vacate
- 30-day Notice to Vacate
- Combined Notice of Eligibility and 90-day Notice to Vacate

Stage 8: Execute Relocation

These requirements include:

- Provision of Comparable Units for Residential Properties
- Replacement Housing Assistance for Residential Properties
- Assistance with New Locations for Commercial Properties
- Advisory Services for Residential and Commercial Properties
- Moving Expenses for Residential and Commercial Properties
- Reestablishment Expenses for Commercial Properties
- An Appeals Process for Residential and Commercial Properties

8.1 Residential Relocation

Homeowners or tenants who are permanently and involuntarily displaced and who are determined to be eligible for relocation benefits must be provided the following:

- Referrals to available comparable dwellings
- Replacement housing assistance payments
- Advisory services
- Moving expenses

The FEMA acquisition grant program is strictly a voluntary program for the County and the homeowner(s). Involuntary displacement is not allowable or applicable for the homeowner(s), therefore, the County does not have to provide the homeowner(s) the above relocation benefits nor does the FEMA acquisition grant program pay for any of these benefits. For FEMA acquisition grant programs, the following stage is only applicable to the tenants of the homeowner(s) participating in the FEMA acquisition grant program.

8.1.1 Provision of Comparable Units

The LDRM for FEMA acquisition grant programs and/or the CPD Housing Program Manager for HUD acquisition grant programs will be responsible for identifying comparable replacement units for all households who are permanently, involuntarily displaced by a Federally-assisted project. All occupants who are to be involuntarily displaced must be provided at least one (preferably three) comparable replacement dwelling unit that will accommodate their housing needs and is currently available to occupy in their written "Notice of Eligibility". The URA defines a comparable replacement dwelling as one which is:

- Decent, safe and sanitary;
- Functionally equivalent to the displacement dwelling;

- Adequate in size to accommodate the occupants;
- In an area not subject to unreasonable adverse environmental conditions;
- On a site of typical size for residential development;
- Currently available to the displaced person; and
- Within the financial means of the displaced person.

The LDRM for FEMA acquisition grant programs and/or the CPD Housing Program Manager for HUD acquisition grant programs must identify and establish the comparable replacement dwelling unit to establish the upper limit of the replacement housing assistance that will be provided to a displaced household. A displaced occupant may relocate to a housing unit of their choice, but if that choice is higher in cost, through the establishment of the comparable unit, the price differential or rental assistance payment is generally capped at that level.

The LDRM for FEMA acquisition grant programs and/or the CPD Housing Program Manager for HUD acquisition grant programs will include the cost of the comparable replacement unit in the “Notice of Eligibility” as an estimate of the potential relocation benefits a household may be eligible to receive. While the final benefit amount will reflect actual cost of the unit ultimately occupied by the household, a preliminary estimate will be provided to the household to assist in making appropriate housing choices. Failure to provide complete information regarding comparable replacement dwellings may result in any benefit paid being deemed not “cost reasonable” and are not eligible under the FEMA, HOME, CDBG and CDBG-DR programs.

8.1.2 Advisory Services

The LDRM for FEMA acquisition grant programs and/or the CPD Housing Program Manager for HUD acquisition grant programs will provide all necessary and appropriate advisory services, in accordance with the requirements established under the URA to all affected occupants or households. The Relocation Plan for each project must outline these services and identify specifically who will provide them. This includes:

- Assistance with obtaining and securing alternative comparable replacement dwelling units;
- Provision of information about housing choices;
- Assistance with credit and mortgage applications; and
- Provision of necessary transportation to potential housing units (referral units) in neighborhoods and areas outside those identified and offered as comparable.

If the affected households want assistance from someone other than the LDRM for FEMA acquisition grant programs and/or the CPD Housing Program Manager for HUD acquisition grant programs or other County agency, such assistance, to the extent feasible will be provided, including assistance with language translation. The LDRM for FEMA acquisition grant programs and/or the CPD Housing Program Manager for HUD acquisition grant

programs will also be responsible for ensuring that the following services are provided as necessary:

- Health services;
- Child care;
- Employment training;
- Assistance with credit counseling.

These additional needs should be determined during the either initial site visit or as part of household surveys or individual interview process.

8.1.3 Moving Expenses

The URA also requires that all reasonable and appropriate moving expenses be provided to both owners and renters who are involuntarily and permanently displaced from their housing units. A displaced household has the option of receiving reimbursement for actual and reasonable moving expenses, accepting a moving expense and dislocation allowance based on the current Department of Transportation (DOT) schedule, or a combination of both options.

The LDRM for FEMA acquisition grant programs and/or the CPD Housing Program Manager for HUD acquisition grant programs is responsible that all costs reimbursed for moving expenses must be disbursed upon execution of the HUD form 40054 – “Residential Claim for Moving and Related Expenses.” Supporting documentation must be retained to justify all claims paid. Eligible moving costs include:

- Transportation of personal property up to 50 miles;
- Packing and unpacking;
- Storage of property for up to 12 months, as determined to be reasonable and necessary;
- Disconnecting, removing, and reconnecting appliances;
- Insurance for the replacement value of personal property;
- Credit checks; and
- Utility hook-ups, including telephone and cable (but not deposits).

For occupants who will be temporary relocated, the URA requires that all reasonable and appropriate out of pocket expenses and increased monthly housing costs must be paid. The LDRM for FEMA acquisition grant programs and/or the CPD Housing Program Manager for HUD acquisition grant programs shall determine whether the occupant may hire a contract mover and reimburse the cost, or if the LDRM for FEMA acquisition grant programs and/or the CPD Housing Program Manager for HUD acquisition grant programs will hire moving services for all households. The temporary relocation plan must identify how the moves will be carried out and the LDRM for FEMA acquisition grant programs and/or the

CPD Housing Program Manager for HUD acquisition grant programs will be responsible for informing all affected households.

If there is a need to stage the project work and require residents to move around the project, the LDRM for FEMA acquisition grant programs and/or the CPD Housing Program Manager for HUD acquisition grant programs will provide reasonable advance written notice of the planned move date. The date of an actual move may depend on factors such as progress on the work on the project or the availability of temporary housing units. The LDRM for FEMA acquisition grant programs and/or the CPD Housing Program Manager for HUD acquisition grant programs will provide households that will be temporarily relocated reasonable notice of their move date and the address of a decent, safe and sanitary available temporary unit. The LDRM for FEMA acquisition grant programs and/or the CPD Housing Program Manager for HUD acquisition grant programs will take all necessary steps to satisfy the requirement that all terms and conditions of the temporary move are reasonable, and not cause a current occupant to become “displaced” and eligible for relocation assistance under the URA due to failure to provide appropriate notices, terms or conditions.

Upon completion of the project, the LDRM for FEMA acquisition grant programs and/or the CPD Housing Program Manager for HUD acquisition grant programs will ensure that residents are offered the opportunity to reoccupy a dwelling unit that is decent, safe and sanitary, under reasonable terms and conditions. It is not required that households return to the original unit that they occupied prior to the temporary relocation and project rehabilitation.

8.1.4 Replacement Housing Assistance

To ensure that occupants, both owners and renters, are not unduly harmed as the result of a Federally assisted housing development project, the URA requires that eligible households receive assistance if, as the result of being permanently and involuntarily displaced, they will incur a greater cost for housing. This assistance is called a replacement housing payment (RHP). The LDRM for FEMA acquisition grant programs and/or the CPD Housing Program Manager for HUD acquisition grant programs is responsible for assessing occupant eligibility under the URA and/or Section 104(d), replacement housing needs, coordinating advisory services, and computing various relocation assistance payments.

The tenure and length of occupancy and the way the assistance is provided determines the type and level of assistance. A displaced residential occupant’s eligibility for replacement housing payments cannot be guaranteed until such time a residential occupant either purchases or leases and occupies a decent, safe and sanitary dwelling within the appropriate timeframe. The condition and cost of a potential replacement dwelling may be evaluated by County staff prior to entering into a written binding agreement as part of advisory service provision to provide conditional approval. This guide contains basic replacement housing payment guidance, and is subject to requirements of Subpart E of the

URA. HUD Handbook 1378 also provides additional policy, program requirements, and project templates.

Assistance for 180-Day Homeowner-Occupants

Homeowner-occupants of a property to be acquired involuntarily, who have been in residence for at least 180 days prior to the initiation of negotiations, are eligible for assistance to relocate to a comparable replacement dwelling, in addition to just compensation for the property and moving expense payments. This RHP includes a price differential for the housing unit, compensation for the loss of favorable mortgage financing, and payment of reasonable expenses related to the purchase of the dwelling unit.

49 CFR 24.401(b) authorizes the provision of this type of RHP in amount up to \$22,500. However, this statutory limit may be exceeded under Housing of Last Resort provisions at 49 CFR 24.404. In practice, there is no monetary cap on the RHP as the URA requires that additional assistance must be provided when comparable replacement dwellings are not available within the monetary limits for owners, or tenants (\$5,250).

The following is an example of a 180-day homeowner-occupant RHP calculation.

A. Acquisition Price	\$65,000
Comparable Unit Price	\$80,000
Replacement Unit Price	\$87,000
B. Lesser of comparable or actual unit	\$80,000
Difference between A and B (\$80,000 - \$65,000)	\$15,000
Increased interest costs	\$ 1,000
Incidental costs	\$ 2,700
Replacement Housing Payment (\$15,000 + \$1,000 + \$2,700)	<u>\$18,700</u>

For assistance to be provided, the displaced household must submit their request to the LDRM for FEMA acquisition grant programs and/or the CPD Housing Program Manager for HUD acquisition grant programs on the HUD claim form 40057 – “Claim for Replacement Housing Payment for 180-Day Homeowner-Occupant” and document the eligible amounts and items.

A RHP for homeowner-occupants who have been in residence less than 180 days is calculated in the same manner as if the occupant were a tenant, under 49 CFR 24.402. Assistance is available to 180-day homeowner-occupants who elect to rent a replacement dwelling, and a specific determination of this payment must be made upon request.

Assistance for 90-day Occupants

This assistance is intended to assist a tenant, or less than 180-day homeowner-occupant, to pay increased housing costs and not incur undue hardship as the result of the project. The RHP is calculated to provide a rental subsidy for a 42-month period and must be provided in installments (except in the case of down payment conversion).

49 CFR 24.402 authorizes the provision of a RHP in amount up to \$5,250. As mentioned previously, the URA requires that if a comparable replacement dwelling is not available within the displaced household’s financial means the payment may exceed the \$5,250 amount under Housing of Last Resort guidelines at 49 CFR 24.404. Other options besides monetary increases should also be considered. Occupants who do not meet the 90-day eligibility requirement who cannot obtain replacement housing within their financial means are also eligible under this provision. The RHP calculation for 90-day occupants is as follows:

- ❑ RHP makes up the difference between:
 - The **lesser** of rent and estimated utility costs for the actual replacement unit **OR** the comparable unit; and
 - The **lesser** of the monthly rent and estimated average utility costs for the displacement dwelling **OR** 30 percent of the tenant’s average monthly gross household income (only if the household is classified as low-income according to HUD’s Annual Survey of Income Limits for the Public Housing and Section 8 Programs).

The following is an example of a rental assistance calculation where the tenant is classified as a low-income household:

A. Rent and utilities of comparable unit	\$850
Rent and utilities of replacement unit	\$910
B. Rent and utilities of displacement unit	\$725
30% of household gross monthly income	\$690
Lesser of A – Lesser of B (\$850 - \$690)	\$160
Monthly differential X 42 months (\$160 x 42)	<u>\$6,720</u>

Renter occupied households have the option of using their rental assistance payment as a down payment to purchase a decent, safe, and sanitary home. If they choose to pursue homeownership, the relocation benefit can be provided in a lump sum to the extent it is paid towards the actual down payment and closing costs.

For assistance to be provided, the displaced household must submit their request to the LDRM for FEMA acquisition grant programs and/or the CPD Housing Program Manager for HUD acquisition grant programs on the HUD claim form 40058 – “Claim for Rental Assistance or Down Payment Assistance” and document the eligible costs.

Section 104(d) Relocation Assistance

Low-income occupants who are displaced from their homes to be demolished, or converted from a lower-income dwelling, as part of projects funded in whole or in part by certain HUD sources, such as CDBG and HOME, are also eligible for relocation assistance under Section 104(d). A 104(d) rental assistance payment is computed under the same principal as the URA but has variations as to how household income is computed and the monthly housing differential is multiplied over 60 months as opposed to 42 months. This effectively results in two different payment computations. Eligible occupants must be presented with both the URA and Section 104(d) options to select as their choice to receive payment.

Down payment assistance for a Section 104(d) replacement housing payment is limited to the purchase of an interest in a housing cooperative or mutual housing association. For persons eligible for 104(d) replacement housing assistance, the reasonable and necessary cost of any security deposit and credit checks required to rent or purchase the replacement dwelling are eligible expenses. Expanded advisory services may be required, however, moving expenses are paid in accordance with the URA.

For assistance to be provided, the displaced household must submit their request to the LDRM for FEMA acquisition grant programs and/or the CPD Housing Program Manager for HUD acquisition grant programs on the HUD claim form 40072 – “Claim for Rental Assistance or Purchase Assistance” and document the eligible costs.

8.2 Commercial

Under the URA, displaced businesses are entitled to relocation benefits and advisory services to assist with displacement. Businesses under the URA are defined as:

- A for-profit enterprise engaged in a lawful activity;
- A non-profit organization (church or social service agency); and
- A farm.

When dealing with a business that will be displaced as the direct result of a federally financed activity, there are differences and similarities between residential displacements. While businesses are entitled to moving expenses and advisory services, they do not qualify for a “replacement occupancy payment” like the RHP. Instead, they are eligible for reestablishment payment.

8.2.1 Assistance with New Locations

If the site a business relocates to is more expensive than the business’ current location, there is no obligation to provide assistance to address the difference, as required in residential displacement. In addition, there is no requirement for the County to provide a comparable site; however, advisory services must include help locating alternative locations and include for some search expenses. The LDRM for FEMA acquisition grant programs and/or the CPD Housing Program Manager for HUD acquisition grant programs will be responsible for the coordination and provision of appropriate advisory services to all displaced non-residential occupants.

8.2.2 Advisory Services

The LDRM for FEMA acquisition grant programs and/or the CPD Housing Program Manager for HUD acquisition grant programs is responsible for providing and/or coordinating all eligible displaced businesses with advisory services. The following is a list of the minimum advisory services required for businesses. To achieve successful relocation of a business, the County advisory services may need to go above and beyond these minimum requirements:

- ❑ Determine the relocation needs and preferences of each business to be displaced and explain the relocation payments and other assistance for which the business may be eligible, the related eligibility requirements, and the procedures for obtaining such assistance. This will include a personal interview with each business. At a minimum, interviews with displaced business owners and operators should include the following items:
 - The business’s replacement site requirements, current lease terms and other contractual obligations, and the financial capacity of the business to accomplish the move.
 - Determination of the need for outside specialists in accordance with 49 CFR 24.301(g)(12) that will be required to assist in planning the move, assistance in the actual move, and in the reinstallation of machinery and/or other items determined to be personal property.
 - An identification and resolution of personality/realty issues. Every effort must be made to identify and resolve realty/personality issues prior to, or at the time of, the appraisal of the property. These activities will be coordinated between the property owner, business operator, appraisal staff, and County staff providing relocation assistance,
 - An estimate of the time required for the business to vacate the site.
 - An estimate of the anticipated difficulty in locating a replacement property.
 - An identification of any advance relocation payments required for the move, and the County’s capacity to provide them.
- ❑ Provide current and continuing information on the availability, purchase prices, and rental costs of suitable commercial and farm properties and locations. Assist any person displaced from a business to obtain and become established in a suitable replacement location.
- ❑ Minimize hardships to persons in adjusting to relocation by providing advice as to other sources of assistance that may be available, and such other help as may be appropriate.
- ❑ Supply persons to be displaced with appropriate information concerning Federal and state economic development programs, disaster loan and other programs administered by the Small Business Administration, and other Federal and State programs offering assistance to displaced persons, and technical help to persons applying for such assistance.

8.2.3 Moving Expenses

The LDRM for FEMA acquisition grant programs and/or the CPD Housing Program Manager for HUD acquisition grant programs is responsible for providing all eligible displaced businesses with moving expenses. The displaced business may choose one of two basic moving options:

- ❑ Fixed Payment (“In Lieu Of” Payment). As an alternative to documenting incurred expenses and receiving payment for actual, reasonable and related moving and reestablishment

expenses, certain businesses may be eligible to choose a fixed payment in the amount of not less than \$1,000 and no more than \$20,000 as based on documented income records; or

- Payment for Actual, Reasonable Moving and Related Expenses. If this option is selected, a displaced “small business” may also be eligible for a Reestablishment Payment, up to \$10,000, in addition to actual, reasonable and necessary moving expenses.

Displaced businesses have a variety of moving options available, if the Moving and Reestablishment choice is determined to be most appropriate. The LDRM for FEMA acquisition grant programs and/or the CPD Housing Program Manager for HUD acquisition grant programs shall provide detailed information on eligibility criteria for each moving option and provide guidance on which option(s) may be most advantageous for the displaced business. The business may choose to use a professional mover or perform a self-move; however, in neither case may the cost exceed that of the lowest acceptable bid from a moving company.

- Commercial move. Based on the lower of two bids or estimates prepared by a commercial mover or contractors. At the County’s discretion, payment for a low cost or uncomplicated move may be based on a single bid or estimate.
- Self-move. A self-move payment may be based on one or a combination of the following:
 - The lower of two bids or estimates prepared by a commercial mover or qualified County staff person. At the discretion of the LDRM for FEMA acquisition grant programs and/or the CPD Housing Program Manager for HUD acquisition grant programs , payment for a low cost or uncomplicated move may be based on a single bid or estimate; or
 - Supported by receipted bills for labor and equipment. Hourly labor rates should not exceed the rates paid by a commercial mover to employees performing the same activity and, equipment rental fees should be based on the actual rental cost of the equipment but not to exceed the cost paid by a commercial mover.

Depending on the nature and complexity of the business, moves may require special handling, equipment or technicians, and may have to be based on actual cost, on a time and material basis. If a business chooses a Payment for Actual, Reasonable Moving and Related Expenses, it may claim the actual, reasonable and necessary cost of:

- Transportation of the displaced person and personal property. Transportation costs beyond 50 miles are ineligible, unless the LDRM for FEMA acquisition grant programs and/or the CPD Housing Program Manager for HUD acquisition grant programs determines that relocation beyond 50 miles is justified.
- Packing, crating, unpacking, and uncrating personal property.
- Disconnecting, dismantling, removing, reassembling, and reinstalling relocated personal property including machinery, equipment, substitute personal property, and connections to utilities available within the building; it also includes modifications to the personal property,

including those mandated by Federal, State or local law, code or ordinance, necessary to adapt it to the replacement structure, the replacement site, or the utilities at the replacement site, and modifications necessary to adapt the utilities at the replacement site to the personal property.

- Storage of the personal property for a period not to exceed 12 months, unless the LDRM for FEMA acquisition grant programs and/or the CPD Housing Program Manager for HUD acquisition grant programs determines that a longer period is necessary and reasonable.
- Insurance for the replacement value of the property in connection with the move and necessary storage.
- The replacement value of property lost, stolen, or damaged in the process of moving where insurance covering such loss, theft, or damage is not reasonably available.
- Any license, permit, fees or certification required at the replacement location. However, the payment may be based on the remaining useful life of the existing license, permit, fees or certification.
- Professional services as the LDRM for FEMA acquisition grant programs and/or the CPD Housing Program Manager for HUD acquisition grant programs determines to be actual, reasonable and necessary for: planning the move of the personal property; moving the personal property; and installing the relocated personal property at the replacement location.
- Re-lettering signs and replacing stationery on hand at the time of displacement that is made obsolete because of the move.
- Actual direct loss of tangible personal property incurred because of moving or discontinuing the business or farm operation. The payment shall consist of the lesser of:
 - The fair market value in place of the item, as is for continued use, less the proceeds from its sale; or
 - The estimated cost of moving the item as is, but not including any allowance for storage or for reconnecting a piece of equipment, if the equipment is in storage or not being used at the acquired site. If the business or farm operation is discontinued, the estimated cost of moving the item shall be based on a moving distance of 50 miles.
- Re-lettering signs and replacing stationery made obsolete as part of the move.
- The reasonable cost incurred in attempting to sell an item that is not to be relocated.
- Purchase of substitute personal property. If an item of personal property, (which is used as part of a business or farm operation), is not moved but is promptly replaced with a substitute item that performs a comparable function at the replacement site, the displaced person is entitled to payment of the lesser of: (1) The cost of the substitute item, including installation costs at the replacement site, minus any proceeds from the sale or trade-in of the replaced item; or (2) The estimated cost of moving and reinstalling the replaced item but with no allowance for storage.

- ❑ Searching for a replacement location [49 CFR 24.301(g)(17)]. A business or farm operation is entitled to reimbursement for actual, reasonable expenses, not to exceed \$2,500, which are incurred in searching for a replacement location, including: transportation; meals and lodging away from home; time spent searching, obtaining permits, attending zoning hearings and negotiating the purchase or lease of a replacement site (based on reasonable salary or earnings); fees paid to a real estate agent or broker to locate a replacement site (exclusive of any fees or commissions related to the purchase of such sites).
- ❑ Low value/high bulk [49 CFR 24.301(g)(18)]. When the personal property to be moved is of low value and high bulk, and the cost of moving the property would be disproportionate to its value in the judgment of the LDRM for FEMA acquisition grant programs and/or the CPD Housing Program Manager for HUD acquisition grant programs, the allowable moving cost payment shall not exceed the lesser of: (1) the amount which would be received if the property were sold at the site or (2) the replacement cost of a comparable quantity delivered to the new business location. Examples include, but are not limited to, stockpiled sand, gravel, minerals, metals and other similar items of personal property as determined by the LDRM for FEMA acquisition grant programs and/or the CPD Housing Program Manager for HUD acquisition grant programs.
- ❑ Other moving-related expenses that the LDRM for FEMA acquisition grant programs and/or the CPD Housing Program Manager for HUD acquisition grant programs determines are reasonable and necessary.

In addition to the expenses for moving personal property listed above, the following items may also be related nonresidential eligible expenses if the LDRM for FEMA acquisition grant programs and/or the CPD Housing Program Manager for HUD acquisition grant programs determines they are actual, reasonable and necessary as per 49 CFR 24.303.

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

A displaced person or business is not entitled to payment for the following ineligible moving and related expenses:

- The cost of moving any structure or other real property improvement in which the displaced person reserved ownership. (However, this part does not preclude the computation under 49 CFR 24.401(c)(2)(iii));
- Interest on a loan to cover moving expenses;
- Loss of goodwill;
- Loss of profits;
- Loss of trained employees;
- Any additional operating expenses of a business or farm operation incurred because of operating in a new location except as provided in § 24.304(a)(6);
- Personal injury;
- Any legal fee or other cost for preparing a claim for a relocation payment or for representing the claimant before the LDRM for FEMA acquisition grant programs and/or the CPD Housing Program Manager for HUD acquisition grant programs;
- Expenses for searching for a replacement dwelling;
- Physical changes to the real property at the replacement location of a business or farm operation except as provided in 49 CFR 24.301(g)(3) and 24.304(a);
- Costs for storage of personal property on real property already owned or leased by the displaced person; and
- Refundable security and utility deposits.

Additional benefits that may be provided to businesses, depending on the circumstances, are a “direct loss” payment and a “substitute equipment” payment. A direct loss payment is reimbursement for loss of personal property, after a good faith effort to liquidate inventory, due to closing or moving the business. A substitute equipment payment is made when personal property is left in place and promptly replaced at the new site.

Business moves can be complex, and it may require the assistance of a knowledgeable relocation professional to properly advise the business owner and provide adequate advisory services. In many cases, the owner of the real property to be acquired for a project and the business owner are separate parties, and both have specific rights that must be protected.

A representative of the LDRM for FEMA acquisition grant programs and/or the CPD Housing Program Manager for HUD acquisition grant programs will be present at the time of the move to ensure that it occurs as planned, done at reasonable cost, secure a detailed pre- and post-move inventory of personal property relocated, and to provide any other technical assistance necessary.

8.2.4 Reestablishment Costs

In addition to a business' actual, reasonable and necessary moving payments (49 CFR 24.301 and 24.303), a small business (generally a business with no more than 500 employees on site), may be eligible to receive a payment, not to exceed \$10,000, for expenses incurred in relocating and reestablishing the business at a replacement site.

Eligible reestablishment expenses must be reasonable and necessary, as determined by the LDRM for FEMA acquisition grant programs and/or the CPD Housing Program Manager for HUD acquisition grant programs and include, but are not limited to the following:

- Repairs or improvements to the replacement real property as required by Federal, State or local law, code or ordinance.
- Modifications to the replacement property to accommodate the business operation or make replacement structures suitable for conducting the business.
- Construction and installation costs for exterior signing to advertise the business.
- Redecoration or replacement of soiled or worn surfaces at the replacement site, such as paint, paneling, or carpeting.
- Advertisement of replacement location.
- Estimated increased costs of operation during the first two years at the replacement site for such items as: lease or rental charges; personal or real property taxes; insurance premiums; and utility charges, excluding impact fees.
- Other items that the LDRM for FEMA acquisition grant programs and/or the CPD Housing Program Manager for HUD acquisition grant programs considers essential to the reestablishment of the business.

It is important for the LDRM for FEMA acquisition grant programs and/or the CPD Housing Program Manager for HUD acquisition grant programs to properly document all costs related to reestablishment payments and moving expenses to ensure that they are reasonable and appropriate. The following is a nonexclusive list of expenses not considered to be reasonable, necessary, or otherwise eligible under the URA:

- Purchase of capital assets, such as, office furniture, filing cabinets, machinery, or trade fixtures.
- Purchase of manufacturing materials, production supplies, product inventory, or other items used in the normal course of the business operation.
- Interest on money borrowed to make the move or purchase the replacement property.
- Payment to a part-time business in the home which does not contribute materially to the household income.

8.3 Appeals

If a person, household or business feels that they have not been accorded all protected rights and protections under the URA, they are eligible to appeal and seek review of how their case was handled. The County will establish an appeal process, to be described in the formal relocation plan for a project, in addition to being made public, and being provided in writing to each affected household, person or business as part of advisory services.

An appeal must be in writing and filed with the Director, ESD for FEMA acquisition grant programs and/or the Director, CPD for HUD acquisition grant programs within a 60-day period from the action subject to the appeal. The appeal process establishes the opportunity for the affected household, person or business to be heard by a person other than the one who made the decision or determination being appealed. The appeal process has been established in accordance with local standards and state law pertaining to administrative hearing procedures.

Actions that may be appealed include:

- Determination as a “displaced person;”
- The amount of relocation benefit provided;
- Comparable housing unit offered;
- Failure to inspect replacement unit in a timely manner; and
- Failure to meet time deadlines for filing a claim for relocation benefits.

A person, household or business shall have the right to be represented, to review pertinent records, and to receive a prompt, written decision on the matter appealed. A person, household or business that is dissatisfied may also submit a written request for the Regional Relocation Specialist in the HUD Columbia Regional Office for review of the County determination. Notwithstanding the appeal process, a person, household, or business is not precluded nor limited in seeking judicial review, once all administrative remedies have been exhausted.

Files or Attachments needed for Stage 8:

- HUD Form 40054, “Claim for Moving and Related Expenses – Families and Individuals”
- HUD Form 40055, “Actual Reasonable Moving and Related Expenses – Businesses, Non-profit Organizations, and Farm Operations”
- HUD Form 40056, “Fixed Payment in Lieu of Payment for Actual Reasonable Moving and Related Expenses”

- HUD Form 40057, "Claim for Replacement Housing Payment for 90-Day Homeowner-Occupant"
- HUD Form 40058, "Replacement Housing Payments Rental Assistance or Down Payment Assistance"
- HUD Form 40072, "Claim for Rental Assistance or Purchase Assistance"

Residential Claim for Moving and Related Expenses

(49 CFR 24.301 and 24.302)

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

OMB Approval No. 2506-0016
(exp. 4/30/2018)

See page 3 for Public Reporting Burden and Privacy Act Statements before completing this form

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

1. Your Name(s) (You are the Claimant(s) and Present Mailing Address)	1a. Telephone Number(s)
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2. Have All Members of the Household Moved to the Same Dwelling? Yes No
(If "No," list the names of all members and the addresses to which they moved in the Remarks Section.)

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

5. Is This a Final Claim? Yes No

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

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

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

RESIDENTIAL HOUSEHOLDS

(1) Individual. I certify that I am: (check one)
 a citizen or national of the United States
 an alien lawfully present in the United States.

(2) Family. I certify that there are _____ persons in my household and that _____ are citizens or nationals of the United States and _____ are aliens lawfully present in the United States.

7. Computation of Payment (See 49 CFR 24.301 and 24.302)

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

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

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

Previous versions obsolete.

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

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

X

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

To Be Completed by the Agency

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

Remarks (Attach additional sheets, if necessary)

Additional sheets attached? Yes No

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

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

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

Privacy Act Notice: This information is being used by an agency administering program services on behalf of HUD for certain HUD programs to determine whether you are eligible to receive a payment for moving and related expenses and the amount of any payment. Periodically, HUD reviews a random sample of the agency files to ensure compliance with statutory and regulatory requirements. The information requested is voluntary, 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 Housing and Community Development Act of 1987, 42 U.S.C. 3543, the U.S. Housing Act of 1937, as amended, 42 U.S.C. 1437 et seq., and the Housing and Community Development Act of 1981, P.L. 97-35, 85 stat., 34,408. This information may be shared with Federal agencies and other agencies approved by HUD to administer or assist with services for Uniform Relocation Assistance and Real Property Acquisition Policies Act obligations.

Claim for Actual Reasonable Moving and Related Expenses - Nonresidential (49 CFR 24 Subpart D)

U.S. Department of Housing and Urban Development

OMB Approval No. 2506-0016 (exp. 4/30/2018)

(Form has been revised. See last page.)

For Agency Use Only	Name of Agency	Project Name or Number	Case Number
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Instructions: This claim form is for the use of displaced businesses, nonprofit organizations, and farms that wish to claim a payment for **Actual Reasonable Moving and Related Expenses, including Reestablishment Expenses**, rather than claim a **Fixed Payment**, under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA). The Agency will explain the difference between the two payments and will help you complete this form. HUD provides information on these requirements and other guidance materials on its website at www.hud.gov/relocation. If you are eligible for either payment, the Agency will help you to determine which is most advantageous. If the full amount of your claim is not approved, the Agency will provide you with a written explanation of the reason. If you are not satisfied with the Agency's determination, you may appeal the determination. The Agency will explain how to make an appeal. **All claims for payments must be filed no later than 18 months from the date of displacement (see 24.207(d)).**

Attach supplemental pages as necessary. All expenses must be thoroughly identified and be accompanied by receipts or other appropriate documentation to be eligible for payment. Professional services and other claims for time expended based on salaries, earnings or fees related to 49 CFR 24.301(g)(12), 24.301(g)(17)(iii)-(vi), and 24.303(b), must be actual, reasonable, necessary, and should be preapproved by the Agency.

(Eligible Moving Expenses: See 24.301(g)(1)-(7); 24.301(g)(11)-(18) & 24.303; **Ineligible Moving Expenses:** See 24.301(h))

(Eligible Reestablishment Expenses: See 24.304(a); **Ineligible Reestablishment Expenses:** See 24.304(b))

Section A. General

<p>1. Name of Business, Farm or Nonprofit Organization</p> <hr/> <p>3. Address from which Business, Farm or Nonprofit Organization moved</p> <hr/> <p>4a. Address to which Business, Farm or Nonprofit Organization moved</p> <hr/> <p>5. Type of Operation (Check One)</p> <p><input type="checkbox"/> Business <input type="checkbox"/> Farm Operation</p> <p><input type="checkbox"/> Nonprofit Organization</p>	<p>2. Name, Title, Address and Telephone Number of Claimant or Claimant's Authorized Agent</p> <hr/> <p>4b. Date Move Started (mm/dd/yyyy)</p> <hr/> <p>4c. Date Move Completed (mm/dd/yyyy)</p> <hr/> <p>6. Type of Ownership (Check One)</p> <p><input type="checkbox"/> Sole Proprietorship <input type="checkbox"/> Corporation</p> <p><input type="checkbox"/> Partnership <input type="checkbox"/> Nonprofit Organization</p> <p>7. Is this a Final Claim?</p> <p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No (If "No," attach an explanation)</p>
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8. Certification of Legal Residency in the United States (Please read instructions below before completing this section.)

Instructions: To qualify for relocation advisory services or relocation payments authorized by the Uniform Relocation Assistance and Real Property Acquisition Policies Act, a "displaced person" must be a United States citizen or national, or an alien lawfully present in the United States. **The certification below must be completed in order to receive any relocation benefits.** (This certification may not have any standing with regard to applicable State laws providing relocation benefits.) Please address only the category that describes your citizenship status. For item (2), please fill in the correct number of partners. The certification for a nonresidential displaced person may be signed by an owner or other person authorized to sign on its behalf. **Your signature on this claim form constitutes certification.** See 49 CFR 24.208(g) & (h) for hardship exceptions.

NONRESIDENTIAL DISPLACEMENTS

(1) Sole Proprietorship.
I certify that I am: (check one)
_____ a citizen or national of the United States
_____ an alien lawfully present in the United States.

(2) Partnership.
I certify that there are _____ partners in the partnership and that _____ are citizens or nationals of the United States and _____ are aliens lawfully present in the United States.

(3) Corporation. (Name of Corporation)
I certify that _____ is established pursuant to State law and is authorized to conduct business in the United States.

Section B. Supporting Data for Moving Expenses (Not identified in Sections C, D, E, F or G) (49 CFR 24.301(d) & 24.301(e)) (Attach supplemental page if additional space is needed and attached receipts for costs incurred.) (Identify if move is commercial move self move , or combination move ; if combination move, identify each expense as commercial or self move.)

Expense Identification	Amount Claimed	For Agency Use Only
(1)	\$	\$
(2)		
(3)		
(4)		
(5) Total Costs (Include this amount in line (1) of Item 9, Total)	\$	\$

Section C. Supporting Data for Storage Costs (49 CFR 24.301(g)(4))		Name and Address of Storage Company
Is This a Final Claim for Storage? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Date Moved to Storage (mm/dd/yyyy)	Date Moved From Storage (mm/dd/yyyy)	

Computation of Storage Costs		
Item	Amount	For Agency Use Only
Monthly Rate for Storage	\$	\$
Number of Months in Storage		
Total Storage Costs (Include this amount in line (1) of Item 9, Total)	\$	\$
Description of Property Stored (List may be attached)		

Section D. Supporting Data for Searching Expenses (49 CFR 24.301(g)(17))		Amount Claimed	For Agency Use Only
(1) Searching Time	Number of Hours () x Hourly Rate of Earnings () =	\$	\$
(2) Time Spent Obtaining Permits, Attending Zoning Hearings	Number of Hours () x Hourly Rate of Earnings () =	\$	\$
(3) Time Spent Negotiating Purchase/Lease of Replacement Site	Number of Hours () x Hourly Rate of Earnings () =	\$	\$
(4) Transportation (Consult with Agency on allowable rate per mile of personal vehicle)		\$	\$
(5) Lodging (Dates: Attach receipts)		\$	\$
(6) Fees Paid to Real Estate Broker or Agent, (Excluding fees or commissions related to site purchase) (Attach contract or other evidence)		\$	\$
(7) Cost of Meals		\$	\$
(8) Other Expenses (Specify and attach receipts)		\$	\$
(9) Total Searching Expenses		\$	\$
(Add lines (1) thru (9). Include this amount, or \$2,500, whichever is less, in line (1) of Item 9 Total.)		\$	\$

Section E. Supporting Data for Payment for Actual Direct Loss of Personal Property (List separately each item for which amount claimed in Column (f) is more than \$500. Other items may be grouped together. The Agency will advise on acceptable method for listing items. Attach additional sheets, as needed.) (49 CFR 24.301(g)(14))

(a) Identify Personal Property for Which Payment for Actual Direct Loss is Requested	(b) Fair Market Value As Is For Continued Use At Present Location (Attach appraisals or other evidence)	(c) Proceeds From Sale	(d) Value Not Recovered By Sale (Column (b) minus Column (c))	(e) Estimated Cost of Moving Old Property As Is (To be entered by Agency) (see 24.301(g)(14)(ii))	(f) Amount Claimed (Lesser of Column (d) or (e))	(g) For Agency Use Only
	\$	\$	\$	\$	\$	\$

Claimant's Release of Personal Property		(1) Total (Add all entries in column (f) above)	(2) Cost of Effort to Sell Property (e.g., advertising) (49 CFR 24.301(g)(15))	(3) Total Amount Claimed (Add lines (1) and (2). Include this amount in line (1) of Item 9 Total)
I/We release to the Agency ownership of all personal property remaining on the real property.		\$	\$	\$
Signature(s) of Claimant(s) or Agent	Date (mm/dd/yyyy)			

Section F. Supporting Data for Substitute Personal Property. List separately each item for which amount claimed in column (f) is more than \$500. Other items may be grouped together. The agency will advise on acceptable method of listing items. Attach additional sheets, as needed. (49 CFR 24.301(g)(16))

(a) Identify Substitute Personal Property for which Payment is Requested	(b) Actual Cost of Substitute Property Delivered and Installed at New Location (Attach documentation)	(c) Proceeds From Sale or Trade-in of Property That Was Replaced	(d) Net Cost of Substitute Personal Property (Column (b) minus Column (c))	(e) Estimated Cost of Moving and Reinstalling Replaced Item (To be entered by agency) (see 24.301(g)(16)(ii))	(f) Amount Claimed (Lesser of column (d) or (e))	(g) For Agency Use Only
	\$	\$	\$	\$	\$	\$
Claimant's Release Of Personal Property I/We release to the Agency ownership of all personal property remaining on the real property. Signature(s) of Claimant(s) or Agent Date (mm/dd/yyyy)	(1) Total (Add all entries in column (f) above)				\$	\$
	(2) Cost of Effort to Sell Property (e.g., advertising) (49 CFR 24.301(g)(15))				\$	\$
	(3) Total Amount Claimed (Add lines (1) and (2). Include this amount in line (1) of Item 9 Total)				\$	\$

Section G. Supporting Data for Related Nonresidential Expenses (49 CFR 24.303)
 Only if applicable and Determined Actual, Reasonable and Necessary. (Attach supplemental page, if needed)

Expense Identification	Amount Claimed	For Agency Use Only
(1) Utility Connections from Right-of-Way to Improvements at Replacement Site.		
(2) Professional Services for Site Suitability Determination (Based on Agency pre-approved reasonable hourly rates) Number of Hours () X Hourly Rate of Earnings (\$) =		
(3) Impact Fees or One Time Assessments for Utility Usage.		
Total Related Nonresidential Expenses: (Add lines (1) through (3))		
(Include this amount in line (1) of Item 9 Total)		

Section H. Supporting Data for Reestablishment Expenses. (49 CFR 24.304) (Attach supplemental page if additional space is needed.)

Expense Identification	Amount Claimed	For Agency Use Only
(1)		
(2)		
(3)		
(4)		
(5) Total Costs (Enter this amount, or \$25,000, whichever is less, on line (2) of Item 9)	\$	\$

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

Signature(s) of Claimant(s) or Claimant's Authorized Agent	Title (Type or Print)	Date
X		

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

9. Computation of Payment

Item	Amount	For Agency Use Only
(1) Moving Expenses (From Section B, C, D, E, F, G)	\$	\$
(2) Reestablishment Expenses (From Section H)	\$	\$
(3) Other (Attach explanation)	\$	\$
(4) Total Amount Claimed (Add lines (1) thru (3))	\$	\$
(5) Amount Previously Received, if any	\$	\$
(6) Amount Requested (Subtract line (5) from line (4))	\$	\$

To Be Completed by Agency

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

Public reporting burden for this collection of information is estimated to average 1.5 hours per response. This includes the time for collecting, reviewing, and reporting the data. The information is being collected under the authority of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, and implementing regulations at 49 CFR 24 and will be used for determining whether you are eligible to receive a payment for moving and related expenses and the amount of any payment. Response to this request for information is required in order to receive the benefits to be derived. This agency may not collect this information, and you are not required to complete this form unless it displays a currently valid OMB control number.

Privacy Act Notice. This information is being used by an agency administering program services on behalf of HUD for certain HUD programs for displaced businesses, nonprofit organizations, and farm operators that wish to apply for a Payment for Actual Reasonable Moving and Related Expenses, including Reestablishment Expenses, rather than apply for a Fixed Payment. (The maximum Fixed Payment is \$40,000). Periodically, HUD reviews a random sample of the agency files to ensure compliance with statutory and regulatory requirements. The information requested is voluntary, 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. The Agency will explain the difference between the two types of payments. If you are eligible to choose either payment, the Agency will help you to determine which is most advantageous. If the full amount of your claim is not approved, the Agency will provide you with a written explanation of the reason. If you are not satisfied with the Agency's determination, you may appeal the determination. The Agency will explain how to make an appeal. This information is being collected under the authority of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended. The information may be made available to a Federal Agency and other agencies approved by HUD to administer or assist with Uniform Relocation Assistance and Real Property Acquisition Policies Act obligations.

(NOTE: Updated to incorporate MAP-21 statutory changes to the URA effective on 10/01/2014. Please note the current URA regulations of 49 CFR part 24 will be revised in a future URA rule making to reflect MAP-21 changes. For additional information on MAP-21 changes to the URA for HUD programs and projects, refer to HUD Notice CPD-14-09 at the following website: <http://portal.hud.gov/hudportal/documents/huddoc?id=14-09cpdn.pdf>.)

**Claim for Fixed Payment
in Lieu of Payment for Actual Nonresidential
Moving and Related Expenses**

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

OMB Approval No. 2506-0016
(exp. 04/30/2018)

(49 CFR 24.305)

(Form has been revised. See last page)

For Agency Use Only Name of Agency	Project Name or Number	Case Number
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Instructions: This claim form is for the use of displaced businesses, nonprofit organizations, and farm operators that wish to claim a **Fixed Payment**, rather than claim a **Payment for Actual Reasonable Moving and Related Expenses, including Reestablishment Expenses** under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA). **The minimum fixed payment is \$1,000; the maximum is \$40,000.** This payment is based on the average net annual earnings of an eligible business or farm operation before income taxes during the 2 tax years prior to the tax year in which it was displaced (see 49 CFR 24.305(e)); or for a nonprofit organization, based on the average of 2 years gross annual revenues less administrative expenses for the two 12 month periods prior to the acquisition (see 49 CFR 24.305(d)). The Agency will explain the difference between the two payments and will help you complete this form. HUD provides information on these requirements and other guidance materials on its website at www.hud.gov/relocation. If you are eligible for either payment, the Agency will help you to determine which is most advantageous. If the full amount of your claim is not approved, the Agency will provide you with a written explanation of the reason. If you are not satisfied with the Agency's determination, you may appeal the determination. The Agency will explain how to make an appeal.
All claims for payments must be filed no later than 18 months from the date of displacement (see 24.207(d)).

Fixed Payment Eligibility: 1. Business: (see 49 CFR 24.305(a)), **2. Nonprofit Organization:** (see 49 CFR 24.305(d)) & **3. Farm Operation:** (see 49 CFR 24.305(c))

Section A. General 1. Name of Business, Farm or Nonprofit Organization	2. Name, Title, Address & Telephone Number of Claimant or Claimant's Authorized Agent
3. Address from which Business, Farm or Nonprofit Organization Moved	
4a. Date Move Started (mm/dd/yyyy)	4b. Date Move Completed (mm/dd/yyyy)
4c. Address to which Business, Farm or Nonprofit Organization Moved (If Business, Farm or Nonprofit Organization went out of business, check here <input type="checkbox"/>)	

5. Type of Operation (check one) <input type="checkbox"/> Business <input type="checkbox"/> Farm Operation <input type="checkbox"/> Nonprofit Organization	6. Type of Ownership <input type="checkbox"/> Sole Proprietorship <input type="checkbox"/> Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Nonprofit Organization	7. Is This a Final Claim? <input type="checkbox"/> Yes <input type="checkbox"/> No (If "No", attach explanation)
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Certification of Legal Residency in the United States (Please read instructions below before completing this section.)

Instructions: To qualify for relocation advisory services or relocation payments authorized by the Uniform Relocation Assistance and Real Property Acquisition Policies Act, a "displaced person" must be a United States citizen or national, or an alien lawfully present in the United States. **The certification below must be completed in order to receive any relocation benefits.** (This certification may not have any standing with regard to applicable State laws providing relocation benefits.) Please address only the category that describes your citizenship status. For item (2), please fill in the correct number of partners. The certification for a nonresidential displaced person may be signed by an owner or other person authorized to sign on its behalf.
Your signature on this claim form constitutes certification. See 49 CFR 24.208(g) & (h) for hardship exceptions.

NONRESIDENTIAL DISPLACEMENTS

(1) Sole Proprietorship. I certify that I am: (check one) _____ a citizen or national of the United States _____ an alien lawfully present in the United States.	(2) Partnership. I certify that there are _____ partners in the partnership and that _____ are citizens or nationals of the United States and _____ are aliens lawfully present in the United States.	(3) Corporation. (Name of Corporation) I certify that _____ is established pursuant to State law and is authorized to conduct business in the United States.
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Section B. Computation of Average Net Earnings or Net Revenues for Base Period ^{1/}	Item	Base Period			For Agency Use Only
		Year (yyyy)	Year (yyyy)	Average	
Table I. Individual or Sole Proprietor (Relates to IRS Form 1040)					
(1) Net Profit (Or loss) Before Taxes from IRS Form 1040		\$	\$	\$	\$
(2) Adjustments (Attach statement) ^{2/}					
(3) Compensation Paid to Owner, Owner's Spouse, and Dependents (List names and amounts to each on a separate page)					
(4) Net Earnings (Add lines (1), (2) and (3))		\$	\$	\$	\$
Table II. Corporation (Relates to IRS Form 1120 and 1120-S)					
(5) Taxable Income from IRS Form 1120 (Or ordinary income from IRS Form 1120-S)		\$	\$	\$	\$
(6) Adjustments (Attach statement) ^{2/}					
(7) Compensation Paid to Principal Stockholders, their Spouses, and Dependents (List names and amounts to each on a separate page)					
(8) Net Earnings (Add lines (5), (6) and (7))		\$	\$	\$	\$
Table III. Partnership (Relates to IRS Form 1065)					
(9) Ordinary Income (Or loss) Before Taxes (From IRS Form 1065)		\$	\$	\$	\$
(10) Adjustments (Attach statement) ^{2/}					
(11) Compensation Paid to Principal Partners, their Spouses, and Dependents (List names and amounts to each on a separate page)					
(12) Net Earnings (Add lines (9), (10), and (11))		\$	\$	\$	\$
Table IV. Nonprofit Organization					
(13) Annual Gross Revenues ^{5/}		\$	\$	\$	\$
(14) Administrative Expenses ^{6/}					
(15) Net Revenues (Subtract line (14) from line (13))		\$	\$	\$	\$

^{1/} This is usually the two tax years prior to your displacement. Please consult the Agency.

^{2/} To the extent that the profit/income entry in Section B, line (1), (5) or (9) has been reduced by an expense that was not incurred in the base period (e.g., a loss carry forward from a previous year, loss carry back from a later year or declared depreciation in excess of actual depreciation) such expense must be added back on line (2), (6) or (10). To the extent that the entry on line (1), (5) or (9) is inflated by an amount not actually earned in the base period (e.g., refund of State or local income taxes or income included under the tax benefit rule because a deduction taken in a previous year was disallowed), it should be entered on line (2), (6) or (10) as a subtraction.

^{3/} Principal stockholder is one who owns 15% or more of the corporation.

^{4/} A principal partner is one with a proprietary interest of 15% or more in the concern.

^{5/} Gross revenues may include membership fees, class fees, cash donations and other fund collections.

^{6/} Administrative expenses include rent, utilities, salaries and fund raising costs.

Section C. Computation of Payment	Item	Amount Claimed	For Agency Use Only
(1) Amount from line (4), (8), (12) or (15) of Section B (If less than \$1,000, enter \$1,000. If more than \$40,000, enter \$40,000)		\$	\$
(2) Amount Previously Received (if any)			
(3) Amount Requested (Subtract line (2) from line (1))		\$	\$

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

Signature(s) of Claimant(s) or Claimant's Authorized Agent	Title (Type or Print)	Date
X		

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

To Be Completed by Agency

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

Remarks

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

Privacy Act Notice: This form is for the use of displaced businesses, nonprofit organizations, and farm operators that wish to apply to a Fixed Payment rather than a Payment for Actual Reasonable Moving and Related Expenses, including Reestablishment Expenses. (The maximum Fixed Payment is \$40,000.) The Agency will explain the difference between the two types of payments. If you are eligible to choose either payment, the Agency will help you determine which is most advantageous. If the full amount of your claim is not approved, the Agency will provide you with a written explanation of the reason. If you are not satisfied with the Agency's determination, you may appeal the determination. The Agency will explain how to make an appeal. This information is being collected under the authority of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970. The information may be made available to a Federal Agency for review.

NOTE: (Updated to incorporate MAP-21 statutory changes to the URA effective on 10/01/2014. Please note the current URA regulations of 49 CFR part 24 will be revised in a future URA rule making to reflect MAP-21 changes. For additional information on MAP-21 changes to the URA for HUD programs and projects, refer to HUD Notice CPD-14-09 at the following website: <http://portal.hud.gov/hudportal/documents/huddoc?id=14-09cpdn.pdf>)

Claim for Replacement Housing Payment for 90-Day Homeowner-Occupant (49 CFR 24.401)

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

OMB Approval No. 2506-0016
(exp. 04/30/2018)

(Form has been revised. See last page)

For Agency Use Only	Name of Agency	Project Name or Number	Case Number
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Instructions. This form is for the use of families and individuals applying for a replacement housing payment under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA) for a 90-day homeowner occupant who elects to buy a replacement home. A homeowner-occupant who decides to rent rather than buy should also use form HUD-40058. The Agency will help you complete this form. HUD also provides information on these requirements and other guidance materials on its website at: www.hud.gov/relocation. If the full amount of your claim is not approved, the Agency will provide you with a written explanation of the reason. If you are not satisfied with the Agency's determination, you may appeal that determination. The Agency will explain how to make an appeal.

All claims for payment by a homeowner-occupant must be filed within 18 months after the latest of: a) the date of displacement or b) the date of final payment for the acquisition of the real property. Displaced 90-day homeowner occupants must purchase and occupy a decent, safe and sanitary replacement dwelling within 1 year after the later of: a) the date of final payment for the displaced dwelling (for condemnation, use the date just compensation deposited in court) or b) the date a comparable replacement dwelling is made available by the agency (see 24.204).

1. Your Name(s) (You are the Claimant(s)) and present Mailing Address	1a. Your Telephone Number(s)
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2. Have all members of the household moved to the same dwelling? Yes No (If "no", attach a list of the names of all members and the addresses to which they moved.)

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

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

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

RESIDENTIAL HOUSEHOLDS

(1) Individual. I certify that I am: (check one)
 a citizen or national of the United States
 an alien lawfully present in the United States.

(2) Family. I certify that there are _____ persons in my household and that
 are citizens or nationals of the United States and _____ are aliens lawfully present in the United States.

6. Computation of Replacement Housing Payment (A homeowner-occupant who elects to rent should complete only items 1, 3, 4 & 5)	To Be Completed By Claimant	For Agency Use Only
(1) Purchase Price of Comparable Replacement Dwelling (To be provided by the Agency)		
(2) Purchase Price of the Dwelling You Moved To (Not applicable for owner-occupant who elects to rent)		
(3) Lesser of line 6(1) or 6(2)		
(4) Price Paid by Agency for Dwelling That You Moved From		
(5) Price Differential Amount (Subtract line 6(4) from line 6(3). If amount on line 6(4) exceeds amount on line 6(3), enter 0) This is the maximum amount for a homeowner occupant who elects to rent.		
(6) Incidental Expenses (From line 7(10))		
(7) Mortgage Buydown Payment and Other Debt Service Costs (To be determined by Agency. See instructions in Item 8)		
(8) Total Amount of Replacement Housing Payment Claim (Add lines 6(5), 6(6), and 6(7))		
(9) Amount Previously Received, if any		
(10) Amount Requested (Subtract line 6(9) from line 6(8))		

Previous editions are obsolete

7. Incidental Expenses in Connection With Purchase of Replacement Dwelling (24.401 (e))		
Instructions: Enter expenses incidental to the purchase of your new home. Do not include prepaid costs such as real estate taxes. Attach a copy of the closing statement and other receipts. * Not to exceed the costs for a comparable replacement dwelling.		
	(a) Claimant	(b) For Agency Use Only
(1) Legal, closing and related costs, including title search, preparing conveyance instruments, notary fees, preparing surveys and plats, and recording fees	\$	\$
(2) Lender, FHA or VA Application and Appraisal Fees	\$	\$
(3) Loan Origination or Assumption Fees (Not Prepaid Interest).	\$	\$
(4) Professional Home Inspection, Certification of Structural Soundness, and Termite Inspection	\$	\$
(5) Credit Report	\$	\$
(6) Owner's and mortgagee's evidence of title, e.g. title insurance *	\$	\$
(7) Escrow Agent's Fee	\$	\$
(8) State Revenue or Documentary Stamps, Sales or Transfer Taxes *	\$	\$
(9) Other Costs (specify)	\$	\$
(10) Total Incidental Expenses (Add lines 7(1) through 7(9). Enter this amount on line 6(6)).	\$	\$

8. Mortgage Buydown Payment and Other Debt Service Costs (24.401(d))
Instructions: You are entitled to compensation to cover the additional costs you must pay to finance the purchase of a replacement dwelling. The "buydown" payment covers those costs that result because the interest rate you must pay for a new mortgage is higher than the interest rate on your old mortgage. The maximum buydown payment for which you can qualify is the amount needed to reduce your new mortgage balance to the amount which can be amortized with the same periodic payments for principal and interest as those for your old mortgage. (The Agency is required to advise you of its estimate of the maximum buydown payment and the interest rate, term and amount on which it was computed. You will need to borrow that amount over that term to qualify for the full payment.) If you have more than one mortgage on either your old or new home, complete a separate Item 8(13) for each computation and include the total amount of all such computations on line 6(7). Note: A mortgage on your old home that was in effect for less than 180 days before the Agency's initial written offer of just compensation for the property cannot be used as a basis for payment. Also, if the combination of interest and points for the new mortgage exceeds the current prevailing fixed interest rate and points for conventional mortgages and there is no justification for the excessive rate, then the current prevailing fixed interest rate and points shall be used in the computations.

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

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

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

X

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

Previous editions are obsolete

To Be Completed by Agency				
10. Effective Date of Eligibility for Relocation Assistance (mm/dd/yyyy)		11. Date of Referral to Comparable Replacement Dwelling (mm/dd/yyyy)	12. Date Replacement Dwelling Inspected and Found Decent, Safe and Sanitary (mm/dd/yyyy)	
Payment Action	Amount of Payment	Signature	Name (Type or Print)	Date (mm/dd/yyyy)
13. Recommended	\$			
14. Approved	\$			

Remarks

Public reporting burden for this collection of information is estimated to average 1.0 hour per response. This includes the time for collecting, reviewing, and reporting the data. The information is being collected under the authority of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, and implementing regulations at 49 CFR Part 24 and will be used for determining whether you are eligible to receive a replacement housing payment for a 90-day homeowner and the amount of any payment. Response to this request for information is required in order to receive the benefits to be derived. This agency may not collect this information, and you are not required to complete this form unless it displays a currently valid OMB control number.

Privacy Act Notice: This information is being used by an agency administering program services on behalf of HUD for certain HUD programs to determine whether you are eligible to receive a replacement housing payment for a 90-day homeowner and the amount of any payment. Periodically, HUD reviews a random sample of the agency files to ensure compliance with statutory and regulatory requirements. The information requested is voluntary, 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 Housing and Community Development Act of 1987, 42 U.S.C. 3543, the U.S. Housing Act of 1937, as amended, 42 U.S.C., et.seq., and the Housing and Community Development Act of 1981, P.L. 97-35, 85 Stat., 34, 408. This information may be shared with Federal agencies and other agencies approved by HUD to administer or assist with services for Uniform Relocation Assistance and Real Property Acquisition obligations.

(NOTE: Updated to incorporate MAP-21 statutory changes to the URA effective on 10/01/2014. Please note the current URA regulations of 49 CFR part 24 will be revised in a future URA rule making to reflect MAP-21 changes. For additional information on MAP-21 changes to the URA for HUD programs and projects, refer to HUD Notice CPD-14-09 at the following website: <http://portal.hud.gov/hudportal/documents/huddoc?id=14-09cpdn.pdf>.)

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

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

OMB Approval No. 2506-0016
(exp. 04/30/2018)

See page 3 for Public Reporting Burden and
Privacy Act Statements before completing this form

(Form has been revised. See last page.)

For Agency Use Only	Name of Agency	Project Name or Number	Case Number
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Instructions: This claim form is for the use of families and individuals applying for rental or down payment assistance under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA) and may also be used by a 90-day homeowner-occupant who chooses to rent rather than buy a replacement home. The Agency will help you complete the form. HUD also provides information on these requirements and other guidance materials on its website at www.hud.gov/relocation. If the full amount of your claim is not approved, the Agency will provide you with a written explanation of the reason. If you are not satisfied with the Agency's determination, you may appeal that determination. The Agency will explain how to make an appeal.

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

1a. Your Name(s) (You are the Claimant(s)) and Present Mailing Address	1b. Telephone Number(s)
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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
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Dwelling	Address	When Did You Rent/Buy This Unit?	When Did You Move To This Unit?	When Did You Move Out of This Unit?
3. Unit That You Moved From				
4. Unit That You Moved To				

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

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

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

RESIDENTIAL HOUSEHOLDS

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

6. Determination of Person's Financial Means (Not applicable to 90-day homeowner-occupants who choose to rent. Enter NA in Item 6(6).)	Household Income	
	Claimant (a)	For Agency Use Only (b)
(1) Total number of persons in the household (See item 5(1) or (2))		
(2) Annual Gross Household Income. (49 CFR 24.2(a)(14)). Enter name of each household member with income (include the income of persons not lawfully present in the U.S.)	\$	\$
(3) Total Gross Annual Income (Sum of entries in item 6(2))	\$	\$
(4) URA low income limit for number of persons in item 6(1). If item 6(3) is greater than item 6(4) - Family is not low-income. See 49 CFR 24.402 (b)(2)(ii)		\$
(5) Gross Monthly Income (Divide item 6(3) by 12)	\$	\$
(6) 30% of item 6(5) or "NA". (If gross annual income item 6(3) is greater than URA low income limit in item 6(4), enter "NA".)	\$	\$

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

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

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

8. Computation of Payment: If you are filing for down payment assistance, check this box and skip item 8(1).

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

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

Signature(s) of Claimant(s) & Date

X

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

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

Remarks

Remarks continued on a separate page? Yes No

(NOTE: Updated to incorporate MAP-21 statutory changes to the URA effective on 10/01/2014. Please note the current URA regulations of 49 CFR part 24 will be revised in a future URA rule making to reflect MAP-21 changes. For additional information on MAP-21 changes to the URA for HUD programs and projects, refer to HUD Notice CPD-14-09 at the following website: <http://portal.hud.gov/hudportal/documents/huddoc?id=14-09pdn.pdf>.)

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

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

OMB Approval No. 2506-0016
(exp. 4/30/2018)

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

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

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

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

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

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

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

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

Signature(s) of Claimant(s) & Date

X

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

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

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

13. Determination of Rent and Average Monthly Utility Costs

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

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

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

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

Remarks:

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