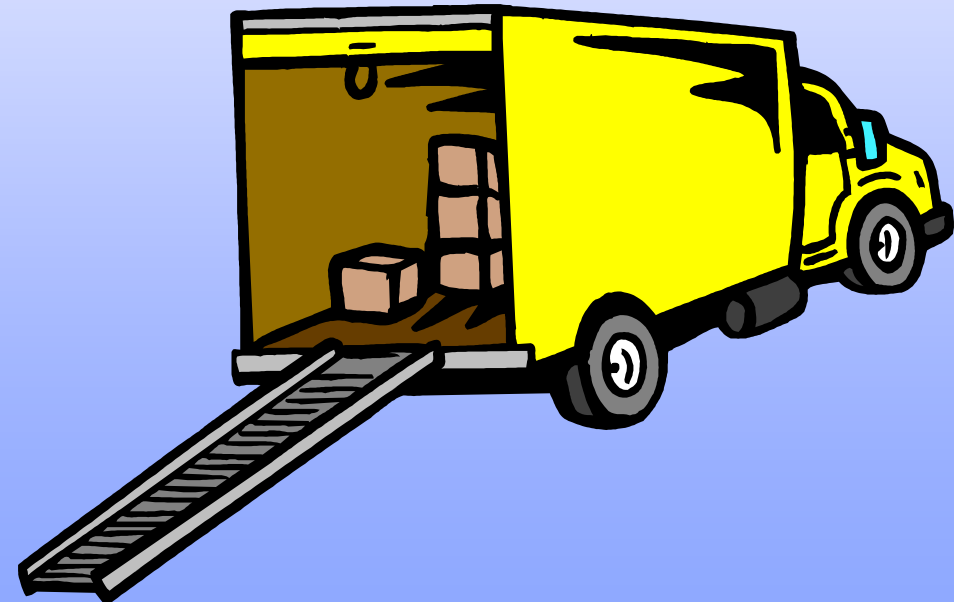


URA OVERVIEW



WHO ARE WE?



WHO ARE WE?

- HUD's Office of Community Planning & Development (CPD)

WHAT DO WE DO?

- Provide grants, training, program monitoring and technical assistance to state, local governments, nonprofits and contractors as well as private sponsors/developers.
- Major Programs we administer through CPD
 - Community Development Block Grant (CDBG)
 - HOME Investment Partnerships Program (HOME)
 - McKinney Act Programs (ESG, SHP, HOPWA...)
 - Continuum of Care Initiatives
 - Technical Assistance Grants



WHAT IS THE URA?

*Uniform Relocation
Assistance and Real
Property Acquisition
Policies Act of 1970.*

URA Triggers

URA regulations at **49 CFR Part 24** apply to any federally-assisted project involving

- ACQUISITION
- DEMOLITION
- REHABILITATION

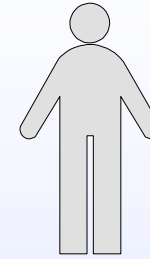
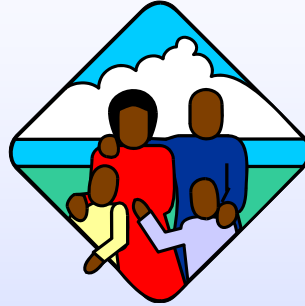


*Related guidance can be found in HUD Handbook 1378.

ACTIVITIES THAT MIGHT TRIGGER

- Acquisition
- Disposition, Leasing in some cases
- Public Facilities and Improvements
- Clearance Activities
- Interim and Homeownership Assistance
- Urban Renewal Completion
- Construction of Housing
- Rehabilitation and Preservation
- CDBG - renovations of business/nonprofit
- Lead Based Paint

WHO IS A DISPLACED PERSON?



- Family
- Individual
- Business, Farm, or Nonprofit that Moves:
 - Permanently as a direct result of a Federally-assisted acquisition, demolition, or rehabilitation project



WHAT IS A DIRECT RESULT?

- Required to move
- Not offered a DSS, affordable unit
- Unreasonable temporary relocation
- Unreasonable permanent move within project
- Many reasons when proper notices not given
- Anyone grantee determines was a direct result
- Non-residential occupant who has unreasonable terms (businesses/nonprofits)
- HUD program change in residential character or use of structure



ILLEGAL RESIDENTS

- **No Federal Funds to pay URA benefits to Illegal Residents**
 - Agencies must ask all persons seeking benefits to certify as to residency status
 - Must deny payments if refusal to certify or make the case for hardship.
 - Use judgement in accepting certification - FH/EO...

ILLEGAL RESIDENTS - II

- **Households with Combination of Illegal/Legal Residents**
 - Regs allow for some payments
 - Must establish “**exceptional and extremely unusual hardship**” to legal members if assistance withheld
 - Regs deny hardship on economic basis only
 - Agency must document decision to pay
- **Moving Expenses**
 - Prorate based on number of lawful/unlawful members
 - Example: 4 of 5 are lawful, pay 80%
- **Replacement Housing Payments**
 - Use comparable necessary to accommodate the lawful members
 - Include the income of the unlawful members if they will remain with the household

6

THINGS YOU SHOULD KNOW



- HUD cares about displacement or inadequate relocation
- Relocation rules are not one-sided, they serve to protect all
- Mistakes can be costly and have far reaching consequences
- Planning is critical, early planning is more critical
- Cooperation is essential - internally...externally
- Three basic requirements for tenants in rental rehab projects
 - All tenants get timely advisory services
 - Displaced tenants offered comparables, moving expenses
 - Stayers offered suitable, affordable, DSS unit

The Uniform Act Covers:

- ❖ The **acquisition** of Real Property (with or without existing structures)
- ❖ The **displacement** of persons from their homes, businesses, non-profits & farms (temporary & permanent)

ACQUISITION

- Vacant land
- Empty buildings
- Occupied buildings
- Down payment assistance
- Leases/options of 50+ years*
- Temporary & permanent easements

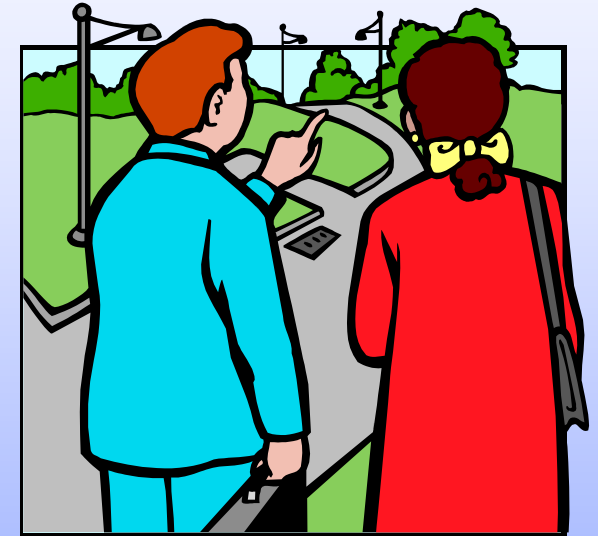
* CDBG leases of 15+ years



URA BASIC ACQUISITION POLICIES

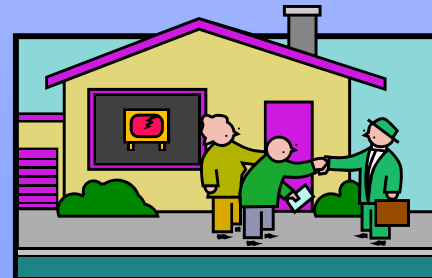
(Do not apply to “voluntary” sales)

- A property appraisal
- Invite owner to accompany the appraiser
- A review appraisal
- An offer of just compensation (FMV)
- A summary statement



VOLUNTARY ACQUISITIONS

- 3 Different Types:
 - Grantee has eminent domain powers but makes it clear the power won't be use
 - Grantee doesn't have eminent domain powers and makes that clear.
 - Purchases from government agency where buyer does not have eminent domain powers over that agency

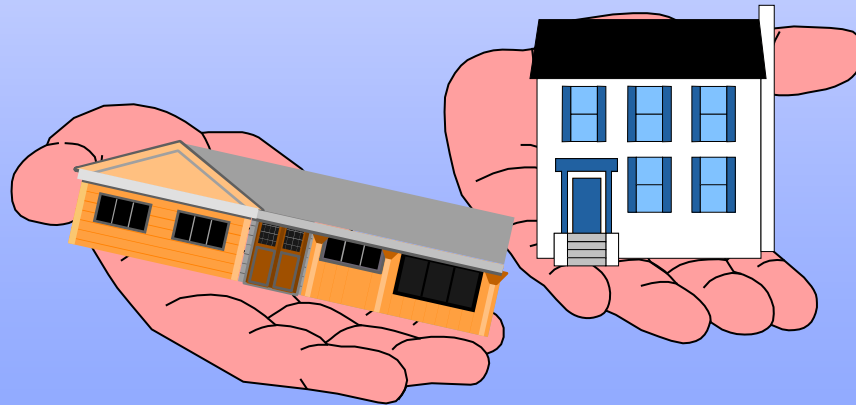


VOLUNTARY ACQUISITIONS...

- Property cannot be:
 - Specifically required
 - Part of a planned or designated area in which all or substantially all property will be purchased

DONATIONS

- Owners may voluntarily donate but...
 - Must be fully informed of rights
 - Must waive URA rights
- Get it in writing!



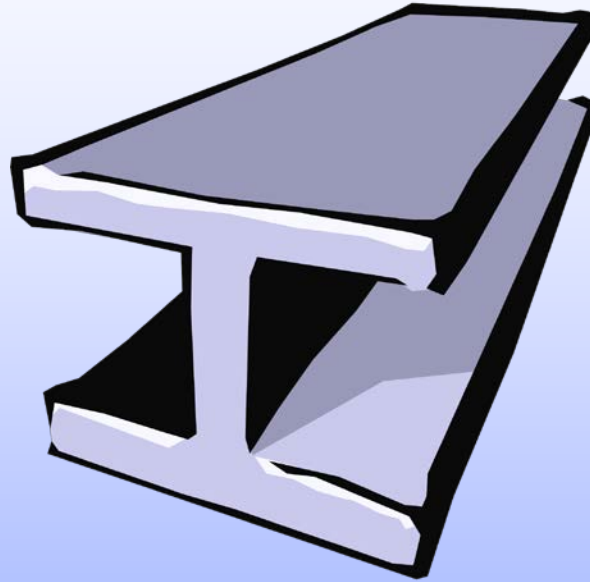
Documenting Acquisitions

- Voluntary Acquisition Notice*
- Offer Letter(s)
- Appraisal, Review Appraisal, Waiver Valuation*
- Eminent Domain Records*
- HUD-1 final Closing Statement
- Title Documents
- Copy of Recorded Deed

* As applicable.



CDBG AND HOME



ADMINISTRATIVE REQUIREMENTS

- ❖ Anti-displacement Plan
- ❖ Certifications
- ❖ No lump sum - Installment Policy
- ❖ Records demonstrate compliance
- ❖ Process for low-income family appeal



Relocation Notices

- The **General Information Notice (GIN)**
 - issued at application
 - describes project
 - tells the occupant not to move
- The **Move-In Notice**
 - to all new tenants between application & completion
 - you will not be entitled to benefits



Sample notices found as Appendices 2, 3 and 29 of HUD Handbook 1378

Relocation Notices (cont...)

At Initiation of Negotiations (typically contract execution):

- **Notice of Non-displacement**
 - Terms of continued occupancy
 - Temporary relocation terms
 - Determination of ineligibility
- **Notice of Eligibility for Relocation Benefits**
 - Estimated amount of assistance
 - Procedures for obtaining assistance
 - Address of comparable unit



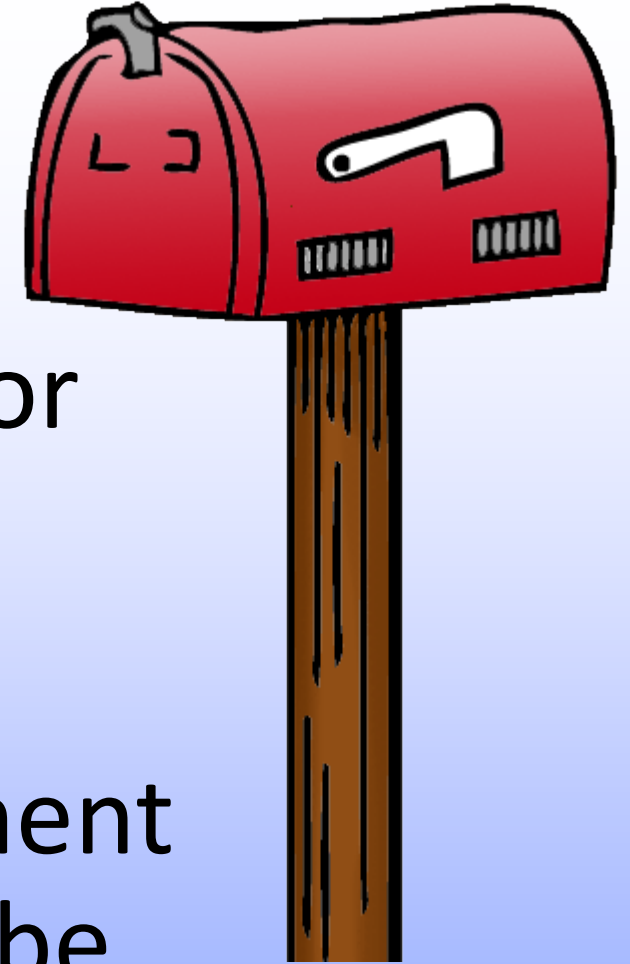
Ninety-Day Notice

- No person may be required to move without at least 90 days' advance written notice
- May be combined with the Notice of Eligibility.
- Residential occupants entitled to a comparable replacement dwelling



Manner of Notices

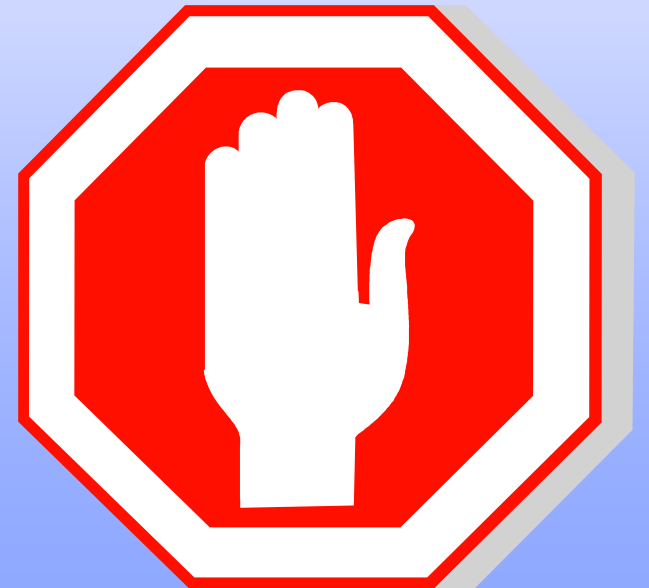
- Personally served (get signature) or sent certified mail, return receipt requested.
- If no rent increase and no permanent or temporary relocation, GIN can be posted.



NOTE: Project sponsors should require tenant access in the purchase agreement.

WAIVERS (49 cfr 24.207(f))

- Displacing agency **may not propose or request** a waiver of relocation assistance or benefits.
- Written statement allowed, with clarifying documentation



RELOCATION - The Big Picture

RESIDENTIAL - Generally covers moving expenses & increased housing costs for 42 months

NON-RESIDENTIAL – Designed to help companies move and re-establish

INFORMATION & COUNSELING

- Provided information on:
 - Project and scheduling
 - Referrals
 - Federal, state and local housing programs
 - Fair housing rights
 - Moves outside areas of racial concentration OR other impacted areas



Comparable Unit REQUIREMENTS

- Comparable Units are:
 - Decent, safe and sanitary (DSS)
 - Similar in size and function
 - Accessible to employment
 - Equal or better location
 - Currently available
 - No unreasonable environmental conditions
 - Affordable

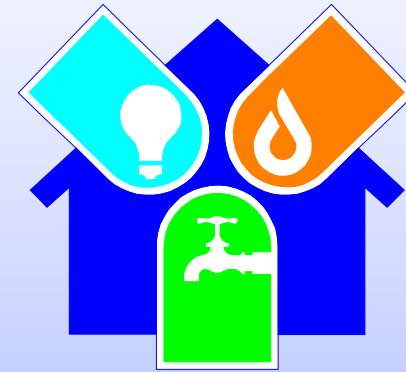


COMPARABLE UNITS

- TYPES OF UNITS
 - Public Housing for Public Housing Only
 - Project Based for Project Based and Public Housing
 - Privately Owned, OK for All

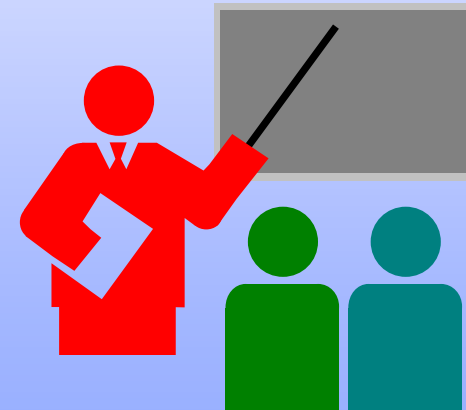
DECENT, SAFE AND SANITARY (DSS) INSPECTION

- Sound
- Safe heat/electricity
- Adequate for household
- Barrier free, if needed
- Comply with lead-based paint rules
- Minimum of Section 8 HQS. **Local code** applies in most cases.



EDUCATING OTHERS

- Why is this important?
 - Grantees are responsible for compliance
- Who?
 - Internal coordination, compliance
 - Sub-grantees, sub-recipients
 - non-profits, developers
- What?
 - Triggers
 - Notice requirements
 - Consequences for not identifying URA
 -
 -



CORRECTIVE ACTION

FAILURE TO PROVIDE REQUIRED NOTICES

- Initiate all reasonable procedures to locate former occupants
- Post notice at project
- Check with post office, employer, school, church, etc.
- Hire a “finding service”
- Advertise for at least 30 days in a local newspaper

RECORDKEEPING



- Grantee is always responsible!
- Maintain records for 3 years, latest of:
 - Final payments made,
 - Date project was completed, or
 - Date issues (audit, litigation, condemnation) complete, resolved
- See Appendices 8, 9 in Handbook 1378

PERSONS IN OCCUPANCY

- For all displaced persons, evidence of:
 - Contacts, services
 - Explanation of benefits, comparables
 - Dates
 - Notices received
 - Inspections
 - Claims--accurate, complete
 - Payment calculations, issued and required
 - Verifications as needed
 - Appeals on complaints

MONITORING

- Covers:
 - All activities triggering workload
 - Persons displaced, not displaced
 - Temporary moves
 - Replacement housing
 - Calculations
 - Services
 - Complaints, appeals



Regulatory Oversight

- URA - 49 CFR Part 24
- HUD Acquisition/Relocation Guide - Handbook 1378
- Program regulations
 - Section 104(d) - 24 CFR Part 42
- Any Applicable State Law(s).



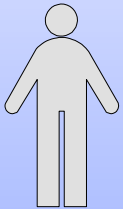
USING CDBG OR HOME FOR PROJECTS

SECTION 104(d) REQUIREMENTS



SECTION 104(d)

- ❖ Triggered only when CDBG or HOME funds are used for the project
- ❖ 104(d) addresses:



- ❖ **People**: Tenant assistance and relocation assistance is specified for LOW-INCOME residents



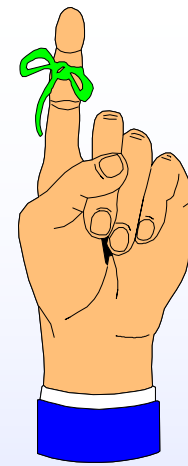
- ❖ **Units**: One-for-one replacement is required when the stock of low/moderate housing is decreased

❖ **KEY TRIGGERS for 104(d)**

- ❖ The demolition (with HOME/CDBG funds) of any unit occupied by a Low-Income person triggers 104(d) relocation assistance
- ❖ When a low/moderate unit is converted
 - ❖ Low-Income persons displaced as a result are eligible for 104(d) relocation assistance

NOTE: Residents not low-income still protected by URA!

ATTENTION!



Section 104(d) may not apply to all households in a project

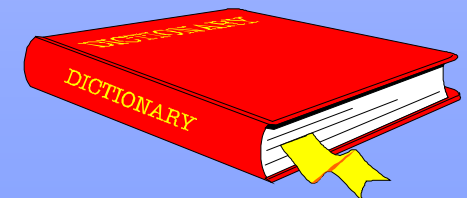
- Residents above the Low-Income Limit are not covered by 104(d)--but retain the URA rights
- Residents are only covered if their unit was converted or demolished

104(d) SIMILARITIES TO URA

- Minimize displacement
- Notice requirements
- Relocation assistance and procedures
 - Replacement Housing Payments
 - Moving expenses
 - Advisory services
 - DSS, Comparable Dwelling

ONE-FOR-ONE REPLACEMENT

- ❖ Grantees may not use HOME/CDBG funds to reduce the supply of low/moderate housing...
- ❖ DEFINITION
 - ❖ Low/moderate Income Unit - market rent less than FMR
 - ❖ Vacant, Occupiable:
 - (1) Unit is standard, or
 - (2) Vacant unit is suitable for rehab, or
 - (3) Dilapidated unit has been occupied within 3 months



GRANTEES NEED NOT REPLACE

- ❖ Units that are not low/moderate
- ❖ Substandard units, not suitable for rehab that have been vacant for at least 3 months

NOTE: Income of the resident is irrelevant

REPLACEMENT UNITS

- Replacement units count if provided:
 - Up to one year before grantee's submission
 - Within three years from the beginning of demolition or rehabilitation
- Rehabilitated units count if:
 - Not owner-occupied unit
 - No person was displaced
 - Unit was vacant for at least three months
 - Unit was sub-standard before rehab and is standard after rehab

QUESTIONS?

www.hud.gov/relocation (join mailing list)

http://www.fhwa.dot.gov/real_estate/uniform_act/relocation/

Nancy Scoppa
Regional Relocation Specialist
10 Causeway Street
Boston, MA, 02222
(617) 994-8357

Nancy.a.scoppa@hud.gov

PLEASE COMPLETE YOUR EVALUATION