

## **Non Payment of Relocation Assistance Due to Eviction**

Name of Grantee and Sponsor

Name and Address of Project:

Circle Funding: HOME, CDBG, HOPWA, SHP, NSP, CDBG-R, Public Housing, Sec 202/811

Issue Being Determined: Whether a tenant was properly evicted and ineligible for URA relocation?

Name and Address of Person

Criteria Being Applied: 49 CFR 240.206; 49 CFR 24.2(a)(12) and Preamble to same section: HUD Handbook 1378 (1-4)(J)(1)

Take the following actions and review supporting documents in making your final determination

1. Review timing of the eviction to see if the eviction before or after ION date. If after the ION date, was a modified Notice of Eligibility sent to the persons explaining the consequences of the non- payment of relocation on relocation assistance? With person's permission, deduct owed rent from relocation assistance due.
2. Review notices of non-payment of rent to determine whether they were worded properly and, if eviction is based on non-payment of rent, were there two periods of nonpayment.
3. Review documentation of any other lease violations for eviction acceptability.
4. Determine whether the state or local eviction process was properly followed.
5. Review any file documents showing the final disposition of the case and status of the tenant. (Was eviction dismissed or upheld? Did tenant move, was he/she locked out or still on site?)
6. Review any local legal opinion on the legality of the eviction.
7. Determine if there was an out of court settlement or whether relocation payments waived. (If so, investigate and use "Non Payment Relocation Assistance Due to Waiver" template.

Determination and Rationale for Not Paying Relocation Benefits Due to Eviction

\_\_\_\_\_  
Authorized Officials Signature

\_\_\_\_\_  
AUTHORIZED OFFICIAL's NAME AND TITLE

\_\_\_\_\_  
Date of Determination

List of Supporting Documents attached to support conclusion: Lease, eviction law, Notice to Pay or Quit, correspondence, court decree, statement from local attorney regarding eviction under state/local law, out of court settlements (if applicable), record of rent payments (if eviction for nonpayment of rent), documents supporting other lease violations, log of contacts with tenant).