

Implementation And Recordkeeping Suggestions

Tenant Relocation in Demolition and
Disposition Projects Subject to Section 18 of
the Quality Housing and Work Responsibility
Act of 1998

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**TENANT RELOCATION
DEMOLITION AND DISPOSITION PROJECTS**

Subject: RELOCATION RECORDKEEPING AND IMPLEMENTATION SUGGESTIONS FOR
PROJECTS SUBJECT TO THE QUALITY HOUSING AND WORK RESPONSIBILITY
ACT (QHWRA) OF 1998

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I. PURPOSE

The purpose of this material is to suggest implementation guidance and offer a recordkeeping guide to help ensure compliance with the relocation requirements of Section 18. This Act, as amended by Section 531 of the Public Housing Reform Act of 1998, is referred to by the Department as the Public Housing Reform Act of 1988 to refer to the public housing provisions of the Quality Housing and Work Responsibility Act (QHWRA) of 1998.

Section 18 reference data; recent changes related to Section 18 requirements; applicability criteria for both the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (Uniform Act or URA), and Section 18; and a chart comparing the relocation requirements of Section 18 to those of the Uniform Act are found at **Appendix A** of this document. For informational purposes, a brief overview of the Uniform Act regarding notices, advisory services, and moving and replacement housing assistance required under the Uniform Act is discussed in **Section VII**.

The guidance and recordkeeping policy outlined in this document, including some of the specific instructions listed, are not currently required by the demolition or disposition program rules, or by HUD policy. Even so, an authority that must displace residents for a demolition or disposition project may wish to consider and use the suggested relocation instructions and recordkeeping procedures outlined in this material to help ensure that relocation activities under Section 18 are successful. Authorities should also review the guidance found in 24 CFR 970.5, which is included in this document at **Appendix G** when designing a relocation policy.

While PIH Notice 2003-9 excluded certain sections of the CFR, the sections listed below are still applicable to Section 18 projects.

24 CFR 970.1	Purpose
24 CFR 970.2	Applicability
24 CFR 970.3	Definitions
24 CFR 970.4(a)(c)(e)	General Requirements for HUD Approval
24 CFR 970.8(a).b).(c) (e).(g).(k)(l).(m).(n). (p)	PHA Application for HUD Approval
24 CFR 970.9(a)	Method of Sale
24 CFR 970.10	Costs of Demolition & Relocation
24 CFR 970.12	Required & Permitted Actions Prior to Approval
24 CFR 970.13 (See Appendix I)	Resident Organization Opportunity to Purchase
24 CFR 970.14 (a) and (b)	Reports & Records

II. RELOCATION REQUIREMENTS – SECTION 18

- A. To ensure that relocation activities for public housing tenants displaced under Section 18 are successful, an authority should follow the relocation guidance found in Notice PIH 2003-9. A summary of this guidance is included here:

“PHAs must comply with certain actions where demolition or disposition is proposed including: 90-day advance notice of move, provision of comparable housing which meets the HQS, payment of actual and reasonable relocation expenses for each resident to be displaced; provision of any necessary counseling to include Mobility Counseling, and assurance that the demolition or disposition will not begin until relocation is completed. Statements that these actions are to be taken is included among the certifications PHA Directors must make in Section 2 on form HUD 52860. Section 8 assistance is available from the Department to assist in the relocation of residents, depending on funding availability.”

- B. It should also be noted that the certifications listed in the Demolition/Disposition Application (form HUD 52860), includes the following.

As it relates to this application for demolition/disposition, I certify to the following:

- That all information contained in the application is true as of the date of this application.
- That the proposed demolition or disposition is specifically authorized in the PHA plan; and the actions contemplated in the PHA Plan comply with Section 531, which amends Section 18 of the United States Housing Act of 1937.
- That this Agency will carry out its plan in conformity with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d-2000d-4), the Fair Housing Act (42 U.S.C. 3601-19), Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), and Title II of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), and also certifies that it will affirmatively further fair housing.
- **That this Agency will notify each family residing in the development of the proposed demolition or disposition 90 days prior to the displacement date, except in cases of imminent threat to health and safety;**
 - **Notification will be made that the development or portion of the development will be demolished or disposed of;**

- **Each family displaced by such action will be provided comparable housing that meets HQS and that is located in an area that is generally not less desirable than the location of the displaced person's housing. This comparable housing may include: (a) actual relocation into tenant-based Section 8 housing, (b) housing with project-based assistance, or (c) other PHA properties;**
- **Actual and reasonable moving costs will be paid by this Agency;**
- **Any necessary counseling will be provided by this Agency, and;**
- **Demolition or complete disposition will not commence until all residents residing in the building are relocated.**
(Emphasis added)

III. SECTION 18 RELOCATION RECORDKEEPING

- A. As with any HUD-funded project, the recipient agency should be careful to document and maintain records sufficient to demonstrate compliance with all program and regulatory requirements. These records are to be maintained throughout the life of the project, and for a period of 7 years following the date of project completion.
- B. The PHA administering the project is encouraged to establish separate case files for each person to be displaced from the project, and to retain in those files sufficient evidence to document that certain required information, assistance, and services, as outlined here, were, in fact, provided to each tenant occupant.
- 90-day advance notice of move
 - A comparable replacement housing unit that meets HUD's HQS
 - Payment of actual and reasonable relocation expenses for each resident to be displaced
 - Any necessary counseling including Mobility Counseling
 - Assurance that demolition or disposition will not begin until relocation is completed
- C. General Transfers. A PHA is not required to use its project funds to pay for move costs for general transfers within or between projects. Therefore, this guidance may not be applicable to the move of a tenant who is on a PHA's transfer list and is moved from an overcrowded or under-occupied unit to one of an appropriate size.

IV. ACTIVITIES, ACTIONS, AND ISSUES

- A. While the requirements and recordkeeping instructions for projects subject to Section 18 are not complicated or extensive, adequate documentation is necessary to provide evidence of compliance. The issues that most often arise are related to early moves, evictions, and the specific records that should be maintained to document compliance with the relocation requirements of Section 18 once the PHA initiates its relocation program.

Following is a list of early stage activities and actions that seem common in many HOPE VI demolition- and disposition-only projects.

- ❑ A PHA was awarded a HOPE VI grant for a demolition-only project in which the majority of the units to be demolished are occupied.
- ❑ The PHA's records support its effort to inform the resident advisory board of the PHA's plans to demolish the units, and also provide a copy of the media notice used to inform the public of the PHA's demolition plan.
- ❑ The demolition application stated that relocation would be necessary for all the residents.
- ❑ At this time, the PHA has not procured any services, and the PHA has not initiated its relocation program.
- ❑ Because the PHA's relocation activities have not been initiated, the PHA has not issued a 90-Day Notice to any of the project's residents.
- ❑ Even though the PHA has not initiated its relocation program, some residents have been evicted for cause, and others have voluntarily moved out of public housing into private sector, unassisted housing.
- ❑ Some of the residents are electing to voluntarily relocate into other dwelling units within the PHA's inventory. These moves are being carried out under the following policy:
 - Maintenance staff is providing moving assistance to residents who relocate into other public housing units.
 - The PHA is paying for cable and phone reconnections, if applicable.
 - The PHA is paying for the reconnection of utility services for all residents who relocate into other public housing units.
- ❑ Even though the PHA's relocation program has not been initiated, the residents who have moved are being tracked using the 50058 data in HUD's PIC system.

- B. As outlined here, residents may begin vacating a property long before the PHA begins its relocation program. This causes questions to arise regarding what recordkeeping should be maintained early on in a project in order to limit liability to the agency regarding tenants who are moving either voluntarily or involuntarily, but not as a result of a 90-Day Notice to Vacate. An effort to address and document the relocation issues that occur prior to the agency's relocation program being implemented may help avoid claims for relocation assistance.

V. TENANT NOTICES – SUGGESTED AND REQUIRED

To provide evidence of compliance with the notice requirement of Section 18, the authority must issue a vacate notice at least 90 days prior to the planned demolition or disposition date. An example of a 90-Day Notice to Vacate is found at **Appendix E**. As stated in this guidance, however, some residents may begin vacating a property long before the PHA begins its relocation program. To avoid unwarranted and unnecessary claims for relocation assistance, three additional notices are included in this section that are not required under Section 18, but if issued, may help support and document an authority's opinion that:

- ❑ All residents were fully informed early on of the project's purpose and goals – **Appendix B**
- ❑ Residents who were evicted for lease violation(s) were advised that the eviction action caused them to not be eligible for relocation assistance – **Appendix C**
- ❑ Evidence that the moving assistance and advisory services provided to residents who voluntarily moved to other assisted housing, but before the authority's relocation program was initiated, was provided in a consistent and equitable manner to all such persons – **Appendix D**

Following is a more detailed discussion of the three suggested notices and the required 90-Day Notice to Vacate. Authorities are reminded that while the requirements of Section 18 do not require an authority to provide evidence of delivery of the 90-day Notice to Vacate, it is suggested that, at a minimum, the 90-Day Notice to Vacate be delivered by either certified mail, receipt required, or by hand delivery with the delivery documented by a signed receipt.

- A. To support an authority's effort to maintain records sufficient to document the relocation requirements of Section 18, an authority may also wish to issue a **General Information Notice** to each resident at the beginning of the project. An example General Information Notice (GIN) is found in this guidance material at **Appendix B**. Even though this notice is not required under Section 18, such a notice will help ensure that each resident is fully informed of the moving assistance and advisory services that will be available at the time the authority's relocation program is initiated. A GIN can be used to remind residents that if they are evicted for cause, they will not be entitled to relocation assistance or other assisted housing. To summarize, the issuance of a GIN will serve a number of purposes:

- (1) Inform the residents of the project's goals and activities.
- (2) Describe the moving assistance and advisory services that will be available once the authority's relocation program is underway.
- (3) It will help encourage all residents to remain in a "good standing" status to avoid eviction which can cause a resident to lose their right to moving assistance; an opportunity to move to other comparable, assisted housing; and counseling and other advisory services.

To fully inform each resident of the manner and level in which assistance can be available, the authority may wish to clarify that either:

- ❑ Any resident who moves prior to being issued a 90-Day Notice to Vacate will not be entitled to moving or replacement housing assistance, or to advisory services; or,
- ❑ The authority does have available an early move option. Any resident who elects to move early may receive the assistance required under Section 18, in whole or in part*, and as described in this notice.

* Since this assistance is not required, it is recommended that an authority that does elect to approve and provide assistance for such moves identify the extent and level of the assistance that will be available.

- B. Even if a GIN is issued to each resident, any resident who violates the conditions of their lease prior to the issuance of their 90-Day Notice can be evicted for cause, and upon such eviction, can lose their right to receive the relocation assistance required under Section 18. An authority may wish to issue a **Notice of Ineligibility Due to Eviction for Cause** so as to document that a resident who is evicted for a serious or repeated lease violation(s) was advised that the eviction action caused them to not be eligible for relocation assistance. Even though this notice is not required under Section 18, an authority that elects to issue such a notice can find an example of an eviction notice at **Appendix C**. This notice is provided as a guideform only, and its content must be revised to document compliance with state or local eviction laws governing eviction for cause. It is also noted that an eviction for cause for a serious or repeated lease violation that occurs *after* a resident receives a 90-day Notice may result in that resident not being provided the relocation assistance, counseling, and other services required under Section 18.
- C. As the project is being carried out, some residents may elect to voluntarily move from the project. Even though residents of demolition- and disposition-only projects who move prior to the issuance of the 90-Day Notice to Vacate are not eligible for the moving assistance and counseling services required under Section 18, an authority may elect to provide assistance at or near the level required under Section 18.

An authority that elects to provide assistance to residents who wish to move early may choose to issue an **Early Move Notice** such as the example notice found at **Appendix D**. This notice is not required under Section 18. Users of this guidance material are reminded that this example notice is provided as a guideform only, and that its content must be revised to reflect the assistance actually offered by the authority to residents who elect to move early.

- D. **Section 18 Required Notice** – The relocation program stage of a demolition or disposition project is initiated by the authority’s issuance of a notice to vacate 90 days prior to the date of demolition or disposition. This 90-Day Notice to Vacate is to be issued to each resident who must move from the project. An example of a **90-Day Notice to Vacate** is found at **Appendix E**. This notice is provided as a guideform only, and its content must be revised to reflect the particulars of the specific demolition or disposition project. Residents of demolition- and disposition-only projects who move prior to the issuance of the 90-Day Notice to Vacate may not be eligible for the moving assistance and counseling services required under Section 18. For that reason, an authority may determine that only those residents who remain in the project and receive this Notice are eligible to receive moving assistance and counseling services required under Section 18.

VI. SUGGESTED RECORDKEEPING POLICY

To help address concerns related to adequate recordkeeping, an example Recordkeeping Policy is outlined below that might help ensure compliance with the relocation requirements associated with projects subject to Section 18. Even though this policy may use the term “shall” or “must,” this recordkeeping policy is, in fact, a suggested policy only.

A. Basic Recordkeeping.

1. PHA Responsibility. Good recordkeeping, including a record of contacts with affected persons, is necessary to ensure compliance with applicable law, regulations, and HUD policy regardless of any third party's contractual obligation to the grantee to carry out such policies and requirements. The PHA must keep records in sufficient detail to demonstrate such compliance. The failure to document such compliance may lead HUD to assume that such compliance did not take place.
2. Retention Period. All pertinent records related to relocation must be retained until at least seven years after the project completion date.
3. Confidentiality of Records. Records maintained by the PHA to demonstrate compliance with the relocation requirements of Section 18 are confidential. They shall not be made available as public information, unless required by applicable law. Only authorized staff of the grantee/Agency or HUD shall have access to them.

However, upon the written request of an affected person, the grantee/Agency shall give the person, or his designated representative, the opportunity to inspect and copy all pertinent records during normal business hours, except material which the grantee/Agency determines should not be disclosed to the person for reasons of confidentiality.

B. Relocation/Tenant Assistance Recordkeeping Requirements.

1. General Relocation File Requirements. For each project, the PHA's general relocation file shall include the following data:

- (a) Evidence that the demolition or disposition did not begin until all residents were displaced;
- (b) A list of names and addresses of all persons occupying the property at the beginning of the project. Generally, this is the date of the initial submission of the application to HUD's Special Application Center; and
- (c) A list of names and addresses of all persons moving into the property after the application submission date.

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

2. Tenants Not Displaced. (Generally in partial demolition or disposition projects only.) Documentation on tenants not displaced shall include:

- (a) Evidence that a GIN was issued to such tenants that explained the project's purpose and goals, and the expectation that they would be allowed to remain in the project during the demolition and/or disposition phase, and after the project is complete.
- (b) For each resident who will not be required to move permanently, but who must relocate temporarily (e.g., to permit property repairs):
 - (1) Reimbursement for all reasonable out-of-pocket expenses incurred in connection with the temporary relocation, including the cost of moving to and from the temporary housing, any increase in monthly rent/utility costs, and the cost of reinstalling telephone and cable TV service.
 - (2) Appropriate advisory services, including reasonable advance written notice of:

- (i) The date and approximate duration of the temporary relocation;
 - (ii) The suitable, decent, safe and sanitary housing to be made available for the temporary period;
 - (iii) The terms and conditions under which the tenant may lease and occupy a suitable, decent, safe and sanitary dwelling in the same building/complex following completion of the repairs; and
 - (iv) The provision for reimbursement of out-of-pocket expenses (see paragraph (1)).
- (c) For each tenant who is not displaced, but elects to permanently move out of public housing, an indication of the reason for the move and any personal contact to explain available alternatives.
 - (d) For each resident who is evicted for cause, evidence sufficient to ensure compliance with local law and HUD policy.
 - (e) A copy of any appeal or complaint filed, and the PHA's response.

3. Tenants That Move Early. For tenants who elect to move before they were issued their 90-Day Notice to Vacate, and are moved under an early move program, there shall be separate case files that include:

- (a) Evidence that the tenant received a GIN to explain the project's purpose and goals, and the assistance that will be available if the tenant is displaced for the project.
- (b) An explanation of why the person elected to move early.
- (c) In projects where the housing authority elects to carry out an early move program:
 - (1) Evidence that an Early Move Notice was issued to each tenant to ensure that all tenants were offered early move assistance in a fair and equitable manner.
 - (2) Evidence that those residents who were moved into other assisted housing units were provided moving assistance and services in a fair and equitable manner.
 - (3) Copy of an inspection report or other evidence to document that the replacement dwelling meets HUD's Housing Quality Standards (HQS).

- (4) Even though the assistance provided to a person who moves early may be at a level less than that required under Section 18, evidence in the residents' files to demonstrate that all such persons were offered the same level of assistance, and then document that such assistance was provided when applicable.

4. Displaced Tenants. For tenants displaced, there shall be separate case files that include:

- (a) Evidence that the tenant received a GIN to explain the project's purpose and goals, and the assistance that will be available if the tenant is displaced for the project.
- (b) Evidence that an Early Move Notice was issued to each tenant to ensure that all tenants were offered early move assistance in a fair and equitable manner.
- (c) Evidence that the tenant received a written notice 90 days in advance of the required move, and a general description of the relocation payments and advisory services for which the person may be eligible, basic eligibility conditions, and the procedures for obtaining payments.
- (d) A copy of the 90-day notice that was issued to the resident.
- (e) Evidence that the tenant was offered a comparable replacement unit, that when possible, is not located in an area of minority concentration.
- (f) Copy of an inspection report or other evidence to document that the replacement dwelling meets HUD's HQS.
- (g) Identification of relocation needs, comparable housing preferences, dates of personal contacts, and any necessary counseling including Mobility Counseling services provided.
- (h) Evidence of payment for all actual and reasonable moving expenses, as determined by the authority.
- (i) A copy of each approved claim for moving assistance and related documentation.
- (j) Evidence that the tenant received a comparable replacement unit in either another public housing complex, a complex participating in HUD's Project-Based Section 8 assistance program, or a unit

whose landlord is participating in HUD's Section 8 Housing Choice Voucher program.

- (k) For disposition projects, how the net proceeds will be used, and evidence to verify that the housing authority has complied with the requirements offering the residents an opportunity to purchase the project.
- (l) Copy of any appeal or complaint filed and grantee response.

C. Reporting Requirements.

For each project, the authority must maintain, as required, all 50058 data in HUD's PIC system related to tenant relocation.

VII. APPLICABILITY OF THE URA AND SECTION 104(d)

If a housing authority has questions regarding the applicability of the URA or section 104(d), the housing authority may wish to contact a Regional Relocation Specialist. These specialists are located in the Office of Community Planning and Development in each HUD regional office. The regional relocation specialists can provide guidance regarding compliance with the Uniform Act, and any corrective actions that should be taken regarding relocations that have already occurred.

A. Federal financial assistance. A PHA that proposes to apply for other HUD funding, such as HUD's HOPE VI Revitalization or Capital Fund programs, is reminded that the use of such funds may change the project's activity from a "demolition-only" project. Because funds from these programs can be considered federal financial assistance, the use of such funds can cause the project to be subject to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (URA).

B. Program or project. For clarification in considering whether or not the URA is applicable, the definition of what constitutes a project is found at 49 CFR 24.2:

The phrase "program or project" means any activity or series of activities undertaken by a Federal agency or with Federal financial assistance received or anticipated in any phase of an undertaking in accordance with the Federal funding agency guidelines.

C. Notices. In the event the Uniform Act is triggered, the applicability of these regulations will apply to all aspects of the project, and will be applicable from the date the project began. Application of the URA is significant since the notices required by the URA and/or HUD include:

1. A General Information Notice, along with an advisory information booklet, is to be issued to all residents at the beginning of the project to advise the tenants not to move, in order to obtain assistance as a displaced person.

2. A Notice of Eligibility for Relocation Assistance must be issued on or near a specific date, defined under the URA as the initiation of negotiations date, that identifies at least one comparable decent, safe, and sanitary (DS&S) replacement dwelling unit.
 3. A 90-Day Vacate Notice may be necessary to guarantee that all residents are given at least 90 days to vacate their displacement units.
- D. Moving and replacement housing assistance.** Because the moving assistance required under the Uniform Act is somewhat different than that required under Section 18, housing authorities are reminded to review and follow HUD's URA implementing instructions found in HUD Handbook 1378. Following is a general summary of the assistance required:
1. A replacement housing payment, if necessary, to ensure that the replacement dwelling is affordable for a 42-month period following the date of displacement.
 2. The right of a displaced tenant to select either a payment for all actual, reasonable, and necessary move costs, or choose a fixed move payment based on the Federal Highway Administration's Moving Expense and Dislocation Allowance Schedule. **(See Appendix E.)**
 3. Advisory services including additional referrals to other comparable, DS&S units.
- E. Section 104(d).** In addition to the URA, projects that have HOME or CDBG funding may also be subject to section 104(d) of the Housing and Community Development Act of 1974 (section 104(d)). While similar to the relocation provisions of the URA, low-income persons displaced from projects subject to section 104(d) are entitled to select an affordable housing payment calculated on a 60-month period instead of that offered under the URA.
- F. One-for-One Replacement of Demolished Public Housing Units.** Also applicable in HOME- or CDBG-funded projects subject to section 104(d) is a requirement to replace, one-for-one, certain low-income units which are demolished, or that are converted to a use other than low-income housing. This can be a significant issue in projects that are exempt from the requirement to replace, one-for-one, the public housing units approved for demolition, but due to the infusion of such funding, must now replace the demolished units "one-for-one."
- G. Residential Anti-displacement and Relocation Assistance Plan.** A PHA that receives HOME or CDBG funds is reminded that the agency providing such funding must approve and make public a Residential Anti-displacement and Relocation Assistance Plan, and in support of this plan, the PHA should provide information in sufficient detail to enable the funding agency to comply with 24 CFR 42.375.

APPENDIX A

Changes in Public Housing Demolition/Disposition Relocation Requirements under Section 18 of the United States Housing Act of 1937 as amended by the Quality Housing Work Responsibility Act of 1998 (QHWRA)

References: Notice PIH 2003-9 (HA), Notice CPD 02-8, Handbook 1378

Key change to relocation requirements in QHWRA: The URA is not applicable to the relocation of residents based on an approved application for demolition or disposition of public housing units under Section 18 (with or without HUD financial assistance) after October 21, 1998 (the effective date for QHWRA). Section 18 includes relocation provisions for covered projects which are similar to, but not identical to, the URA.

Section 18 relocation provisions apply to displacement which is the result of a PIH project approved under:

- Section 18 demolition or disposition only (with or without HUD financial assistance),
- Consolidation of occupancy (Section 18(e)), and
- De Minimus demolition (Section 18(f))
- HOPE VI disposition pursuant to a revitalization plan and public housing developed in lieu of the disposed units (Section 24(g))
- HOPE VI demolition grants without a revitalization plan (Section 24(g))

URA relocation provisions apply to PIH programs involving displacement which is the direct result of acquisition, rehabilitation, or demolition (whether or not these activities are directly assisted, if they are integrally related to assisted project activities under):

- HOPE VI projects not excluded under Section 24(g) (see above),
- Capital Fund acquisition, rehabilitation (modernization or conversion), or demolition,
- Conversion (mandatory, voluntary and required)¹, and
- Section 32 Homeownership (non-public housing residents only)²

¹ Conversions under Section 202 of the HUD Appropriations Act of 1996, Section 533 or 537 of QHWRA

² Only non-public housing residents who are displaced by a homeownership program are covered under the URA. Public housing residents who do not exercise the right of first refusal to purchase a unit are covered under separate protections provided under section 536 (e) of QHWRA and are considered as tenants subject to a transfer.

Relocation Assistance for Public Housing Tenants URA vs. Section 18

	URA Requirements	Section 18 Requirements
Moving & Related Expenses (PHA unit move to a PHA unit)	<p style="text-align: center;">PHA choice!</p> <ul style="list-style-type: none"> • PHA move resident with force account staff or contractor (\$100 allowance to resident), or allow resident to choose: <ul style="list-style-type: none"> ○ Self-move and be reimbursed for actual costs, or ○ Self-move and accept DOT payment schedule amount 	<ul style="list-style-type: none"> • Actual and reasonable relocation expenses
Moving & Related Expenses (PHA unit move to private market—with or without Voucher assistance)	<p style="text-align: center;">Resident's choice!</p> <ul style="list-style-type: none"> • Self-move and be reimbursed for actual costs, or • Self-move and accept DOT payment schedule amount • (Optional) PHA may offer to move resident with force account staff or contractor (\$100 allowance to resident) 	<ul style="list-style-type: none"> • Actual and reasonable relocation expenses
Replacement Housing Payment	<ul style="list-style-type: none"> • Computed on 42-month period • Amount needed to reduce new rent/utility costs to the lower of old rent/utility costs or 30% of gross monthly income • “Gap” payments may be necessary even between PHA rent and Voucher subsidies 	<ul style="list-style-type: none"> • Provide comparable housing which may be: <ul style="list-style-type: none"> ○ Tenant based assistance (Voucher) ○ Project-based assistance ○ Public housing unit ○ No provisions for “gap” payments
Notices	<ul style="list-style-type: none"> • General Information Notice (GIN) (at application for the project) • Notice of Eligibility or Non-displacement at ION • 90 day notice to vacate 	<ul style="list-style-type: none"> • 90 day notice to move

	URA Requirements	Section 18 Requirements
Services	<ul style="list-style-type: none"> • Advisory services <ul style="list-style-type: none"> ○ Determine resident needs and preferences ○ Explain payments and assistance ○ Current and continuing information on comparable housing ○ Inspection of replacement housing ○ Set upper limit of replacement housing ○ Mobility counseling ○ Transportation to inspect housing ○ Advice on other assistance sources ○ Information on federal and state housing programs 	<ul style="list-style-type: none"> • Necessary counseling • Mobility counseling

APPENDIX B

General Information Notice

Projects Subject to Section 18

(Guideform Only)

(agency letterhead)

(date)

(tenant's name and address)

RE: General Information Notice
Residential Tenant To Be Displaced
Project Number: _____

Dear _____:
(tenant's name)

On or about _____, the Housing Authority will submit a demolition or disposition proposal to the United States Department of Housing and Urban Development to demolish or dispose of the units located at _____. This notice is to inform you of the assistance that will be available to you if the United States Department of Housing and Urban Development elects to fund this project, and you are forced to move for the project.

The assistance available to residents who must move for such projects is found in Section 18 of the United States Housing Act of 1937. This Act, as amended by Section 531 of the Public Housing Reform Act of 1998, is referred to by the Department as the Public Housing Reform Act of 1988, to refer to the public housing provisions of the Quality Housing and Work Responsibility Act (QHWRA) of 1998. In general, this assistance will be provided in accordance with the following:

- ❑ The Agency will notify each family residing in the development of the proposed demolition or disposition 90 days prior to the displacement date, except in cases of imminent threat to health and safety.
- ❑ Notification will be made that the development or portion of the development will be demolished or disposed of.
- ❑ Each family displaced by such action will be provided comparable housing that meets Housing Quality Standards and that is located in an area that is generally not less desirable than the location of the displaced person's housing. This comparable housing may include: (a) actual relocation into tenant-based Section 8 housing, (b) housing with project-based assistance, or (c) other PHA properties.

- ❑ Actual and reasonable moving costs will be paid by the Agency.
- ❑ Counseling that is determined to be necessary by the Authority will be provided by the Authority.
- ❑ Demolition or complete disposition will not commence until all residents residing in the building are relocated.

In addition to providing relocation assistance, the Authority will carry out its plan in conformity with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d-2000d-4), the Fair Housing Act (42 U.S.C. 3601-19), Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), and Title II of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.). The Authority also certifies that it will affirmatively further fair housing opportunities when carrying out this project.

If this is a disposition project, the Authority makes assurance that it has complied with the requirements offering the residents an opportunity to purchase the project, and if applicable, will use the net proceeds for the disposition of the project in the following manner:

Please note that this is not a notice to vacate the premises. Therefore, do not move now. You should continue to pay your monthly rent to the Authority because a failure to pay rent and meet your other obligations as a tenant may be cause for eviction and loss of relocation assistance.

Keep in mind that if our proposed project is approved and you are required to move for the project, you will be given at least 90 days advance written notice of the date by which you must vacate your unit. You are urged not to move or sign any agreement to purchase or lease a new unit before receiving your 90-Day Notice to Vacate. If you move or are evicted before receiving such notice, you may not receive any moving assistance. Please contact us before you make any moving plans.

If for any reason any other persons move into this unit with you after you receive this notice, your assistance may be reduced. If you have any questions, please contact the following representative of the Housing Authority during regular business hours:

(Name of Representative)

(Phone Number)

Sincerely,

Executive Director

NOTES to Appendix B.

1. To document that all residents are fully informed of the project's purpose and goals, the case files **should** indicate the manner in which this notice was delivered (e.g., personally served or certified mail, return receipt requested), and the date of delivery.
2. This is a sample. It should be revised to reflect the circumstances.
3. If a resident moves before the Authority's relocation program begins, but before this notice is issued, the resident's file should include sufficient evidence to document that the tenant was not forced to move for the project.
4. Content of Notice. The contents of this Notice should include adequate information to explain the purpose and activities of the proposed project, and outline the relocation assistance and services that will be available if the project is approved and a resident is later required to move for the project.

APPENDIX C

Notice of Ineligibility Due to Eviction for Cause (Guideform Only)

(agency letterhead)

(date)

(tenant's name and address)

RE: Notice of Ineligibility Due to Eviction for Cause
Project Number: _____

Dear _____:
(tenant's name)

Even though you occupied a unit at the time the Housing Authority's project was submitted for funding, you have not remained in compliance with the conditions or requirements of your lease agreement. Therefore, pursuant to the Court Ordered Warrant of Eviction that was issued by Judge _____ on _____, you are required to move for noncompliance with your lease agreement. Because you are not being forced to move for the Authority's demolition or disposition project, you are not eligible for relocation assistance required for persons displaced under Section 18 of the Quality Housing and Work Responsibility Act (QHWRA) of 1998.

If you have any questions, please contact the following representative of the Housing Authority during regular business hours:

(Name of Representative)

(Phone Number)

Sincerely,

Executive Director

NOTES to Appendix C.

1. The resident's case file **should** indicate the manner in which this notice was delivered (e.g., personally served or certified mail, return receipt requested), and the date of delivery.
2. This is a sample. It should be revised to reflect the circumstances.
3. The resident's file should include sufficient evidence to document the tenant was not forced to move for the project, but was made to move as a result of an eviction for cause.
4. Content of Notice. The contents of this Notice should include all information required under the state and local law regarding eviction for cause.

APPENDIX D

Early Move Notice (Guideform Only)

(agency letterhead)

(date)

(tenant's name and address)

RE: Invitation to Move Early
Project Number: _____

Dear _____:
(tenant's name)

We previously notified you of proposed plans to demolish or dispose of the property you now occupy. At that time, you were advised that if the proposed project was approved, you would have to move from your unit, and you would be offered moving assistance in accordance with the requirements of Section 18 of the Quality Housing and Work Responsibility Act (QHWRA) of 1998.

As you are aware, the Authority's application to HUD was approved. Even so, the Authority is NOT ready at this time to implement its relocation program that will be necessary, at a later date, in order to proceed with the HUD-approved demolition or disposition project.

In accordance with the Section 18 regulations, a resident who must move from a demolition or disposition project must be given a vacate notice 90 days prior to the date that their unit must be vacated. **Since you are not required to move at this time, we wish to stress that this notice is not your 90-Day Notice to Vacate.** However, because some residents may wish to move early, the Authority will attempt to assist those residents who express such an interest.

If you are interested in moving at this time, the Housing Authority will assist you with the relocation process if the Authority determines that other affordable housing units are available. In order to be eligible for the early move program, you must contact the following person to discuss your relocation options, the moving assistance available, and to determine if a suitable replacement housing unit that meets HUD's Housing Quality Standards (HQS) is available at this time, and will meet your replacement housing needs. If the Authority determines that you are eligible for early move assistance, you will be provided an Early Notice of Eligibility for Relocation Assistance. Eligible persons will receive moving assistance along with any applicable counseling and advisory services.

Housing Assistance Applicable to the Comparable Unit

The type of assistance that might be available to you is listed below:

Section 8 Housing Choice Voucher

Unit is located in a Section 8 Project-based assistance unit

Unit is a public housing unit located at _____
(name of PHA property)

Moving Assistance Available

Under Section 18, the Authority is required to pay for all actual and reasonable moving costs associated with your move. Even though not required for early moves that are considered to be voluntary moves, an Authority may elect to offer a fixed move payment in accordance with the Moving Expense and Dislocation Allowance Schedule published by the Federal Highway Administration and/or a payment for all reasonable and necessary actual move costs.

If available in this project, one or more of these options will be checked. If both of these moves are checked, you must select either the actual move assistance or the fixed schedule payment. You cannot receive both.

___ Actual and reasonable moving costs associated with your move.*

___ A fixed move payment of \$___ for ___ rooms of furniture.*

*Available only if checked and completed.

Counseling and Other Advisory Services

As part of the Authority's early move assistance, the Authority has counseling and advisory resources that are available to you and/or your family. To discuss and access these counseling/advisory resources, please contact _____, the Authority's designated representative, at _____ to arrange for any necessary counseling and/or services.

Residents are assured that demolition or complete disposition will not commence until all the residents residing at this project are relocated. If you do not move early, you will be issued a 90-Day Notice to Vacate at the appropriate time. Once you receive your 90-Day Notice, the Authority will help you relocate, and you will be provided all the relocation assistance required under Section 18. This assistance will include moving assistance, a referral to a comparable unit that meets HQS, and the offer of counseling and other services to you and your family.

Again, you do not need to move now. This is not a notice to vacate the premises. You should continue to pay your monthly rent to the Housing Authority because a failure to pay rent and meet your other obligations as a tenant may be cause for eviction, and, as a consequence, loss of relocation assistance. You are urged not to move or sign any agreement to purchase or lease a new unit before receiving formal notice of your eligibility for relocation assistance. You will not be required to move without at least 90 days advance written notice of the date by which you must vacate. Please contact us before you make any moving plans.

If you have any questions, please contact _____ at _____ . He/she is the Authority's representative responsible for your move and relocation assistance.

This letter is important to you and should be retained.

Sincerely,

Executive Director

NOTES to Appendix D.

1. To document fair and equitable treatment of all residents, the case files **should** indicate the manner in which this notice was delivered (e.g., personally served or certified mail, return receipt requested), and the date of delivery.
2. This is a sample. It should be revised to reflect the circumstances.

APPENDIX E

90-Day Notice to Vacate (Guideform Only)

(agency letterhead)

(date)

(tenant's name and address)

RE: Notice to Vacate Property
Project Number: _____

DELIVERY METHOD: Received Delivery Suggested [Certified Mail or Hand Delivery]

Dear _____:
(tenant's name)

We previously notified you of proposed plans to demolish or dispose of the property you now occupy. At that time, you were advised that if the proposed project was approved, you would have to move from your unit, and you would be offered moving assistance in accordance with the requirements of Section 18 of the Quality Housing and Work Responsibility Act (QHWRA) of 1998.

As you are aware, the Authority's application to HUD was approved, and the Authority is now ready to implement its relocation program in order to proceed with the planned demolition or disposition project. In accordance with the Section 18 regulations, a resident who must move from a demolition or disposition project must be given a vacate notice 90 days prior to the date that their unit must be vacated.

This is your 90-Day Notice to Vacate. You are now required to move from the project within the next 90 days, but no later than _____, which is 90 days from the effective date of this notice. You are now eligible for relocation assistance to assist you in moving to another assisted housing unit.

Replacement Housing Unit

The unit located at _____ is available to you as your replacement housing unit. The Authority believes the unit is comparable to the unit you now occupy, meets HUD's housing quality standards (HQS), and is located in an area that is generally not less desirable than the location of the unit you now occupy. Contact us immediately if you do not agree that this unit is comparable to your home. We will explain the basis for our selecting this unit.

Housing Assistance Applicable to the Comparable Unit

The type of assistance available to you for the comparable unit indicated as your replacement housing unit is checked below:

- Section 8 Housing Choice Voucher
- Unit is located in a Section 8 Project-based assistance unit
- Unit is a public housing unit located at _____
(*name of PHA property*)

Moving Assistance Available

Under Section 18, the Authority is required to pay for all actual and reasonable moving costs associated with your move. Even though not required, an authority may also elect to offer the option to select a fixed move payment in accordance with the Moving Expense and Dislocation Allowance Schedule published by the Federal Highway Administration. If available in this project, this option will also be checked and will include the amount available to you based on the number of rooms of furniture you have. If this additional move option is offered, you must select either the actual move assistance or the fixed payment. You cannot receive both.

- Actual and reasonable moving costs associated with your move.
- A fixed move payment of \$ _____ for _____ rooms of furniture.*

*Available only if checked and completed.

Counseling and Other Advisory Services

As part of your relocation assistance, the Authority has counseling and advisory resources that are available to you and/or your family. To discuss and access these counseling/advisory resources, please contact _____, the Authority's designated representative, at _____ to arrange for necessary counseling and services.

If this is a disposition project, the Authority makes assurance that it has complied with the requirements offering the residents an opportunity to purchase the project, and if applicable, will use the net proceeds for the disposition of the project in the following manner:

Residents are assured that demolition or complete disposition will not commence until all the residents residing at this project are relocated. As stated herein, the effective date of this notice is _____. I want to make it clear that you are eligible for assistance to help you relocate, and that this assistance includes moving assistance, referral to a comparable unit that meets HQS, and the offer of counseling and other services to you and your family.

A representative of this office will soon contact you to ensure that your move into a comparable unit will occur in a timely manner. He/She will also help explain further the assistance to which you are eligible, and help you obtain the relocation assistance and counseling/advisory services available.

If you have any questions, please contact _____ at _____. He/she is the Authority's representative responsible for your move and relocation assistance.

Remember, you have until _____, which is 90 days from _____, to vacate your unit. This letter is important to you and should be retained.

Sincerely,

Executive Director

NOTES to Appendix E.

1. Authorities are advised to document the manner in which this notice was delivered (e.g., personally served or certified mail, return receipt requested), and the date of the delivery.
2. This is a sample. It should be revised to reflect the circumstances.
3. Timing of Notice. This notice shall be given at least 90 days before the tenant is required to vacate his/her unit. A person to be displaced from a dwelling must be offered a comparable replacement dwelling that meets HUD's Housing Quality Standards.
4. Content of Notice. The 90-Day Notice to Vacate should specify the date by which the property must be vacated.

APPENDIX F

Uniform Relocation Assistance and Real Property Acquisition Policies Act, Residential Moving Expense and Dislocation Allowance Payment Schedule

25876

Federal Register / Vol. 70, No. 93 / Monday, May 16, 2005 / Notices

Uniform Relocation Assistance and Real Property Acquisition Policies Act, as amended, Fixed Residential Moving Cost Schedule (2005)												
The payments listed in the table below apply on a State-by-State basis. Two exceptions and limitations apply to all States and Territories. Payment is limited to \$100.00 if either of the following conditions apply: (a) A person has minimal possessions and occupies a dormitory style room, or (b) A person's residential move is performed by an agency at no cost to the person.												
State	Occupant Owns Furniture									Occupant does not own furniture		
	Number of Rooms of Furniture									Add'l room	1 room/ no furn.	Add'l room/ no furn.
	1 room	2 rooms	3 rooms	4 rooms	5 rooms	6 rooms	7 rooms	8 rooms	Add'l room			
Alabama	\$450	\$600	\$750	\$900	\$1050	\$1200	\$1350	\$1500	\$150	\$300	\$50	
Alaska	600	800	1025	1250	1450	1625	1800	1975	200	400	100	
American Samoa	282	395	508	621	706	790	875	960	85	226	28	
Arizona	650	750	850	950	1050	1150	1250	1350	100	345	60	
Arkansas	450	675	900	1100	1300	1475	1650	1800	150	250	50	
California	625	800	1000	1175	1425	1650	1900	2150	225	400	65	
Colorado	400	550	700	850	1000	1150	1300	1450	150	300	50	
Connecticut	575	750	925	1100	1325	1550	1775	2000	150	225	60	
Delaware	450	630	810	990	1125	1260	1395	1530	135	360	45	
District of Columbia	250	400	550	650	750	850	950	1050	100	225	35	
Florida	550	700	875	1050	1200	1350	1500	1650	200	450	125	
Georgia	495	715	935	1100	1320	1485	1650	1760	140	275	40	
Guam	282	395	508	621	706	790	875	960	85	226	28	
Hawaii	550	900	1250	1550	1850	2100	2350	2600	200	300	100	
Idaho	400	550	700	850	950	1050	1150	1250	100	300	50	
Illinois	550	700	850	950	1050	1150	1250	1350	100	475	50	
Indiana	425	625	825	900	1025	1150	1300	1400	200	375	100	
Iowa	550	700	800	900	1000	1100	1225	1350	125	400	50	
Kansas	400	600	800	1000	1200	1400	1600	1800	200	250	50	
Kentucky	450	620	790	960	1130	1300	1470	1640	170	350	50	
Louisiana	500	700	900	1100	1300	1500	1700	1900	200	375	60	
Maine	500	700	900	1100	1300	1500	1650	1800	150	300	75	
Maryland	350	500	650	800	925	1050	1175	1300	100	225	35	
Massachusetts	400	550	700	850	1000	1150	1300	1450	150	250	50	

Michigan	550	800	1050	1150	1300	1450	1625	1750	250	475	150
Minnesota	400	550	700	850	1000	1150	1300	1400	100	275	50
Mississippi	550	650	750	850	950	1050	1150	1250	100	300	50
Missouri	600	700	800	900	1000	1100	1200	1300	200	400	100
Montana	500	700	750	875	1000	1125	1250	1375	150	350	50
Nebraska	360	505	645	790	900	1005	1115	1225	110	285	37
Nevada	500	700	900	1100	1300	1500	1700	1900	200	350	60
New Hampshire	450	600	750	900	1050	1200	1350	1500	150	200	150
New Jersey	500	500	700	850	1000	1150	1250	1400	250	225	35
New Mexico	400	650	880	1040	1200	1360	1520	1680	160	360	55
New York	550	700	850	1000	1150	1300	1450	1600	150	350	100
North Carolina	500	700	900	1100	1300	1500	1650	1800	150	350	50
North Dakota	400	575	725	875	1025	1150	1225	1375	150	350	50
N. Mariana Is.	282	395	508	621	706	790	875	960	85	226	28
Ohio	400	600	800	950	1100	1250	1400	1550	150	250	50
Oklahoma	450	600	750	900	1025	1150	1275	1400	100	300	50
Oregon	400	550	750	950	1125	1300	1475	1650	175	350	100
Pennsylvania	420	680	940	1110	1280	1450	1620	1790	170	380	60
Puerto Rico	280	370	460	550	640	730	820	910	75	200	25
Rhode Island	400	500	600	700	800	1000	1100	1200	100	300	25
South Carolina	600	675	925	1100	1350	1500	1625	1800	175	450	50
South Dakota	350	500	650	800	900	1200	1400	1600	200	300	40
Tennessee	500	700	900	1100	1300	1500	1700	1900	200	300	50
Texas	400	550	700	850	1000	1100	1200	1300	100	300	50
Utah	460	585	720	845	970	1120	1245	1370	125	300	50
Vermont	400	550	650	850	1000	1100	1200	1300	150	300	75
Virgin Islands	250	350	450	550	625	700	775	850	75	200	25
Virginia	450	650	800	950	1100	1250	1400	1550	150	300	50
Washington	600	800	1000	1200	1400	1600	1800	2000	200	300	50
West Virginia	600	750	900	1050	1200	1350	1500	1650	200	300	50
Wisconsin	450	600	750	900	1050	1200	1350	1500	150	350	50
Wyoming	410	550	685	820	960	1095	1235	1370	135	275	50

APPENDIX G
24 CFR 970.5
Displacement and Relocation

(a) Relocation of displaced tenants on a nondiscriminatory basis.

Tenants who are to be displaced as a result of demolition or disposition must be offered opportunities to relocate to other comparable/suitable (see HUD Handbook 1378, Tenant Assistance, Relocation and Real Property Acquisition) decent, safe, sanitary, and affordable housing (at rents no higher than permitted under the Act,) which is, to the maximum extent practicable, housing of their choice, on a nondiscriminatory basis, without regard to race, color, religion (creed), national origin, handicap, age, familial status, or sex, in compliance with applicable Federal and State laws.

(b) Relocation resources. Relocation may be to other publicly assisted housing. Housing assisted under Section 8 of the Act, including housing available for lease under the Section 8 Housing Voucher Program, may also be used for relocation, provided the PHA ensures that displaced tenants are provided referrals to comparable/suitable relocation dwelling units where the family's share of the rent to owner following relocation will not exceed the total tenant payment, as calculated in accordance with Sec. 813.107 of this title. If the PHA provides referrals to suitable/comparable relocation housing (comparable housing if the displacement is subject to the URA) and a tenant with a rental voucher elects to lease a housing unit where the family's share of rent to owner exceeds the amount calculated in accordance with Sec. 813.107 of this title, the tenant will be responsible for the difference between the voucher payment standard and the rent to owner. If there are no units with rents at or below the voucher payment standard to which the PHA may refer families, then the PHA cannot use vouchers as a relocation housing source.

(c) Applicability of URA rules. (1) The displacement of any person (household, business or nonprofit organization) as a direct result of acquisition, rehabilitation, or demolition for a Federal or federally assisted project (defined in paragraph (j) of this section) is subject to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, (URA) (42 U.S.C. 4601-4655) and implementing regulations at 49 CFR part 24. Therefore, if the PHA demolishes the property, or disposes of it to a Federal agency or to a person or entity that is acquiring the property for a federally assisted project, the demolition or acquisition is subject to the URA, and any person displaced (as described in paragraph (i) of this section) as a result of such action is eligible for relocation assistance at the levels described in, and in accordance with the requirements of 49 CFR part 24.

(2) As described in Sec. 970.11, public housing units that are demolished must be replaced. Any person displaced (see paragraph (i) of this section) as a direct result of acquisition, demolition or rehabilitation for a project receiving Federal financial assistance (e.g., ACC) that provides the required replacement housing, must be

provided relocation assistance at the levels described in, and in accordance with the requirements of 49 CFR part 24.

- (d) **Applicability of antidisplacement plan.** If CDBG funds (part 570 of this title), or HOME funds (part 91 of this title) are used to pay any part of the cost of the demolition or the cost of a project (defined in paragraph (j) of this section) for which the property is acquired, the transaction is subject to the Residential Antidisplacement and Relocation Assistance Plan, as described in the cited regulations.
- (e) **Relocation assistance for other displaced persons.** Whenever the displacement of a residential tenant (family, individual or other household) occurs in connection with the disposition of the real property, but the conveyance is not for a Federal or federally assisted project (and is, therefore, not covered by the URA), the displaced tenant shall be eligible for the following relocation assistance:
- (1) **Advance written notice of the expected displacement.** The notice shall be provided as soon as feasible, describe the assistance to be provided and the procedures for obtaining the assistance; and contain the name, address and phone number of an official responsible for providing the assistance;
 - (2) Other advisory services, as appropriate, including counseling and referrals to suitable, decent, safe, and sanitary replacement housing. Minority persons also shall be given, if possible, referrals to suitable decent, safe and sanitary replacement dwellings that are not located in an area of minority concentration;
 - (3) Payment for actual reasonable moving expenses, as determined by the PHA;
 - (4) The opportunity to relocate to a suitable, decent, safe and sanitary dwelling unit at a rent that does not exceed that permitted under section 3(a) of the 1937 Act. All or a portion of the assistance may be provided under section 8 of the 1937 Act; and
 - (5) Such other Federal, State or local assistance as may be available.
- (f) **Temporary relocation.** Residential tenants who will not be required to move permanently, but who must relocate temporarily (e.g., to permit property repairs), shall be provided:
- (1) Reimbursement for all reasonable out-of-pocket expenses incurred in connection with the temporary relocation, including the cost of moving to and from the temporary housing, any increase in monthly rent/utility costs, and the cost of reinstalling telephone and cable TV service.
 - (2) Appropriate advisory services, including reasonable advance written notice of:

(i) The date and approximate duration of the temporary relocation;

(ii) The suitable, decent, safe and sanitary housing to be made available for the temporary period;

(iii) The terms and conditions under which the tenant may lease and occupy a suitable, decent, safe and sanitary dwelling in the building/complex following completion of the repairs; and

(iv) The provision for reimbursement of out-of-pocket expenses (see paragraph (f)(1) of this section).

(g) **Appeals.** A person who disagrees with the PHA's determination concerning whether the person qualifies as a "displaced person" or the amount of the relocation assistance for which the person is eligible, may file a written appeal of that determination with the PHA. A person who is dissatisfied with the PHA's determination on his or her appeal may submit a written request for review of the PHA's determination to the HUD Field Office.

(h) **Responsibility of PHA.** (1) The PHA shall certify that it will comply with the URA, implementing regulations at 49 CFR part 24, and the requirements of this section, and shall ensure such compliance, notwithstanding any third party's contractual obligation to the PHA to comply with these provisions.

(2) The cost of required relocation assistance is an eligible project cost in the same manner and to the same extent as other project costs. (See definition of "project" in paragraph (j) of this section.) Such costs may also be paid for with funds available from other sources.

(3) The PHA shall maintain records in detail sufficient to demonstrate such compliance. The PHA shall maintain data on the race, ethnic, gender, and handicap status of displaced persons.

(i) **Definition of displaced person.** (1) **General definition.** For purposes of this section, the term "displaced person" means any person (household, business, nonprofit organization, or farm) that moves from real property, or moves personal property from real property, permanently, as a direct result of acquisition, rehabilitation, or demolition for a Federal or federally assisted project.

(2) **Persons who qualify.** The term "displaced person" includes, but may not be limited to:

(i) A person who moves permanently from the real property after the PHA, or the person acquiring the property, issues a vacate notice to the person, or refuses to renew an expiring lease in order to evade the responsibility to provide relocation assistance, if the move occurs on or after the date of HUD approval of the demolition or disposition;

(ii) Any person who moves permanently, including a person who moves before the date of HUD approval of the demolition or disposition, if HUD or the PHA determines that the displacement resulted from the demolition or disposition of the property and is subject to the provisions of this section; or

(iii) A tenant-occupant of a dwelling who moves permanently from the building/complex on or after the date HUD approves the demolition or disposition, if the move occurs before the tenant is provided written notice offering him or her the opportunity to lease and occupy a suitable, decent, safe, and sanitary dwelling in the same building/complex, under reasonable terms and conditions, upon completion of the project. Such reasonable terms and conditions shall include a monthly rent and estimated average monthly utility costs that do not exceed that permitted under section 3(a) of the 1937 Act.

(iv) A tenant-occupant of a dwelling who is required to relocate temporarily and does not return to the building/complex, if either:

(A) The tenant is not offered payment for all reasonable out-of-pocket expenses incurred in connection with such temporary relocation (including the cost of moving to and from the temporarily occupied unit, any increase in rent/utility costs, and the cost of reinstalling telephone and cable TV service).

(B) Other conditions of the temporary relocation are not reasonable.

(v) A tenant-occupant of a dwelling who moves from the building/complex permanently after he or she has been required to move to another unit in the same building/complex if either:

(A) The tenant is not offered reimbursement for all reasonable out-of-pocket expenses incurred in connection with the move; or

(B) Other conditions of the move are not reasonable.

(3) Persons not eligible. Notwithstanding the provisions of paragraphs (i)(1) and (i)(2) of this section, a person does not qualify as a "displaced person" (and is not eligible for relocation assistance under this section), if:

(i) The person has been evicted for serious or repeated violation of the terms and conditions of the lease or occupancy agreement, violation of applicable Federal, State or local law, or other good cause, and the PHA determines that the eviction was not undertaken for the purpose of evading the obligation to provide relocation assistance;

(ii) The person moved into the property after the submission of the application for the demolition or disposition and, before commencing occupancy, received written notice of the project, its possible impact on the person (e.g., the person may be displaced, temporarily relocated, or suffer a rent increase) and the fact that he or she would not qualify as

a "displaced person" (or for assistance under this section) as a result of the project;

(iii) The person is ineligible under 49 CFR 24.2(g)(2); or

(iv) HUD determines that the person was not displaced as a direct result of an action covered by this section.

(j) **Definition of project.** For purposes of this section, the term "project" means one or more activities (e.g., real property acquisition, demolition or construction) paid for in whole or in part with Federal financial assistance. Two or more activities that are integrally related, each essential to the other(s), are considered one project, whether or not all of the component activities are federally assisted.

(k) **Definition of initiation of negotiations.** For purposes of providing the appropriate notices and determining the formula for computing a replacement housing payment under the URA to a tenant displaced from a dwelling as a direct result of demolition or private owner acquisition, the term "initiation of negotiations" means HUD approval of the demolition or disposition under this part.