

The information collection requirements contained in this document have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520) and assigned OMB control number 2577-0075. There is no personal information contained in this application. Information on activities and expenditures of grant funds is public information and is generally available for disclosure. Recipients are responsible for ensuring confidentiality when disclosure is not required. In accordance with the Paperwork Reduction Act, HUD may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a currently valid OMB control number

**Section 1: Name of Taking Body**

Name of Taking Body:

**Section 2: Agreement of Taking Body**

*Attach the Agreement between Taking Body and PHA*

**Section 3: Authority of Taking Body**

*Attach evidence that the Taking Body has the authority under applicable State laws to acquire the public housing property and has taken the first step of the taking*

**Section 4: Compensation**

1. Is the Taking Body proposing monetary compensation or replacement property?

- Monetary Compensation of \$  
 Replacement Property

*If the proposed compensation is replacement property, attach a narrative description of the property and how it meets the replacement requirements of PIH Notice 2012-8 (or any replacement notice).*

*If the proposed compensation is monetary, attach a narrative description of how the PHA will use the compensation*

2. Appraised Value:

*Attach evidence of the estimated Fair Market Value (FMV) of the property proposed for the taking (as determined by an independent appraiser).*

3. Acceptability of Proposed Compensation Amount:

*Attach a statement as to why the compensation proposed by the Taking Body is acceptable to the PHA and why the PHA believes it meets the requirements of PIH Notice 2012-8 (or any replacement notice).*

**Section 5: Resident Consultation**

*Attach evidence that the Taking Body and/or the PHA has consulted the residents who will be affected by the proposed taking been notified of the taking, as required by applicable Federal, State, and local laws.*

**Section 6: Relocation**

If the property proposed for taking includes units, are those units occupied as of the date of this application?

- Yes  No  N/A

*If no, attach an explanation of how and when the units were vacated. \*If yes, attach evidence that the Taking Body will provide relocation assistance to the residents in accordance with PIH Notice 2012-8 (or replacement notice), and all applicable Federal, State, and local laws, along with evidence that the residents have entered into an agreement with the Taking Body regarding relocation.*

## **Instructions: Eminent Domain Addendum Form HUD-52860-F**

This information is required as a supplement to the HUD-52860 for all inventory removal actions where a Taking Body is proposing to condemn property of a PHA through an eminent domain proceeding based on the federal government interest in the property under the Annual Contributions Contract (ACC) and Declaration of Trust. HUD will use this information to determine whether, and under what circumstances, to consent to an eminent domain condemnation of PHA property. Responses to this collection of information are based on HUD Policy and are required to obtain a benefit. The information requested does not lend itself to confidentiality. This HUD-52860-F (Eminent Domain Addendum) (“EDA”) is submitted by the PHA in accordance with the requirements of PIH Notice 2012-8, or any subsequent notice that HUD may issue, on the takings of public housing property by a government or quasi-government body (“Taking Body”) through an eminent domain proceeding.

Eminent domain is an exercise of the power of a government or “quasi-government” body (“Taking Body”) to take property for a public use upon just compensation to the owner. Pursuant to 24 CFR 970.3(b)(8), takings under eminent domain are exempt from HUD regulations under this section. However, HUD may consent to an agreement between a PHA and a Taking Body on a case-by-case basis if the interests of public housing residents, PHAs, and HUD are adequately protected. For additional guidance in completing the questions, refer to PIH Notice 2012-8 (or replacement notice).

**On Section 4**, note that, in accordance with PIH Notice 2012-8 (or any replacement notice) any compensation that a PHA may receive from a taking of public housing dwelling units must generally first be used by the PHA to acquire or otherwise develop replacement public housing units. Any compensation that a PHA may receive from a taking of non-dwelling public housing property (e.g. vacant land, office building) is non-rental (program) income and must be used in accordance with the requirements of Section 9(k) of the U.S. Housing Act of 1937 and applicable requirements of 2 CFR part 200.

**On Section 5**, note that although the HUD-52860 SAC application requires a PHA to complete some information on resident consultation, section 5 should be completed to describe any additional consultation that was done in accordance with PIH Notice 2012-8 (or any replacement notice).