|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Guide for Review of**  **Real Property Acquisition** | | | | |
| **Name of Program Participant:**  Click or tap here to enter text. | | | | |
| **Staff Consulted:**  Click or tap here to enter text. | | | | |
| **Program and Project No.:**  Click or tap here to enter text. | | **Parcel No.:**Click or tap here to enter text. | | |
| **Address of Acquired Property:**Click or tap here to enter text. | | |
| **Name(s) of Reviewer(s)** | Click or tap here to enter text. | | **Date** | Click or tap here to enter text. |

**NOTE:** All questions that address requirements contain the citation for the source of the requirement (statute, regulation, NOFA, or grant agreement). If the requirement is not met, HUD must make a finding of noncompliance.

**Instructions:**

Complete this Exhibit for reviewed projects that include acquisition of real property, whether or not Federal funds were used for the acquisition itself. For all projects except homebuyer assistance programs, complete a separate Exhibit 25-10 for each property acquired (100% of the acquisitions for that project should be examined). For homebuyer assistance programs, review the lesser of five or all acquisitions. The reviewer should have access to the URA regulation at 49 CFR part 24 when completing this review.

**Questions:**

|  |
| --- |
| **ACTIVITY SUMMARY:**  **Purchaser’s name:** Click or tap here to enter text.  **Seller’s name:** Click or tap here to enter text.  **Property use at acquisition:** Click or tap here to enter text.  **Purpose of acquisition:** Click or tap here to enter text.  **Application date:** Click or tap here to enter text.  **Contract execution date:** Click or tap here to enter text.  **Appraisal date & amount (or estimate of value):** Click or tap here to enter text.  **Purchase offer date and amount:** Click or tap here to enter text.  **Closing date:** Click or tap here to enter text.  **Final purchase price:** Click or tap here to enter text. |

2.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Does the acquisition meet any of the five exceptions at 49 CFR 24.101(b), often referred to as VOLUNTARY acquisitions? | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| Exception 1: ALL of the following criteria were met (primarily for agencies with eminent domain authority):   * No specific site or property needed to be acquired; * The acquired property was not part of an intended, planned, or designated project area where all or substantially all of the property within the area was to be acquired within specific time limits; * The owner was informed in writing that the Agency would not acquire the property if negotiations failed to result in an amicable agreement; and * The Agency informed the owner in writing of what it believed was the market value of the property.   [49 CFR 24.101(b)(1)] | | | |
| Exception 2: For agencies without eminent domain authority, BOTH of the following criteria were met:   * Prior to making an offer for the property, the acquiring agency clearly advised the owner that it would be unable to acquire the property if negotiations failed to result in an agreement; and * The owner was informed in writing of the estimated market value of the property.   [49 CFR 24.101(b)(2)] | | | |
| Exception 3: An agency without eminent domain authority is acquiring property from a Federal Agency, State, or State Agency.  [49 CFR 24.101(b)(3)] | | | |
| Exception 4: A cooperative is acquiring property from one of its members who, as a condition of membership, has agreed to provide without charge any real property that is needed by the cooperative.  [49 CFR 24.101(b)(4)] | | | |
| Exception 5: The acquisition is for a program or project that receives Federal financial assistance from the Tennessee Valley Authority or the Rural Utilities Services.  [49 CFR 24.101(b)(5)] | | | |
| **Describe Basis for Conclusion:**  Click or tap here to enter text. | | | |

3.

|  |  |
| --- | --- |
| For acquisitions noted as voluntary under Exception 1 or 2, above: | |
| Do program participant files document a reasonable basis for the determination of market value? (Describe any noted valuation issues below.)  [49 CFR part 24, Appendix A, Section 24.101(b)(1)(iv) and (2)(ii)] | | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | | |
| **Describe Basis for Conclusion:**  Click or tap here to enter text. | | | |

**Each acquisition must comply with 49 CFR Part 24, subpart B, unless it meets one of the five “voluntary” exceptions listed in question 2. IF THE ACQUISITION MEETS ONE OF THOSE FIVE EXCEPTIONS, SKIP TO QUESTION 17.**

4.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Was the owner provided written notice of the agency’s interest in acquiring the property and information explaining the basic URA protections? (If yes, include the notification date below.)  [49 CFR 24.102(b)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |
| Click or tap here to enter text. | |

5.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Is the property value documented under one of the following criteria?   * The property was appraised; OR * The property qualified for a waiver valuation (uncomplicated valuation and valued ≤ $10,000 (up to $25,000 with HUD approval) and the valuation was prepared by someone familiar with real estate values; OR * The owner donated the property and released the Agency from its obligation to appraise the property.   [49 CFR 24.102(c)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |
| Click or tap here to enter text. | |

6.

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Was the property appraised? If yes, complete questions 6(a) through 6(d), below. If no or N/A, skip 6(a) through 6(d) and describe whether this is a timing issue, a donation or waiver valuation situation, or an issue of noncompliance.  [49 CFR 24.102(c)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | | |
| a. Was the owner invited to accompany the appraiser on the inspection of the property?  [49 CFR 24.102(c)(1)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | | |
| b. Did the acquiring agency adequately define the appraisal problem and develop a relevant scope for the appraisal work?  [49 CFR 24.103(a)(1)] | | | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | | |
| c. Does the appraisal include a description of comparable sales, a statement of value (highest and best use), the effective date of valuation, date of appraisal, signature, and certification of the appraiser? (See Attachment 25-3, *Guidelines for HUD Monitoring Review of Appraisals*.)  [49 CFR 24.103(a)(2)] | | | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | | |
| d. Did a qualified review appraiser examine all appraisals and identify each as recommended (as the basis for the establishment of just compensation), accepted (meets all requirements, but not selected as recommended or approved), or not accepted?  [49 CFR 24.104] | | | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | | |
| **Describe Basis for Conclusion:**  Click or tap here to enter text. | | | | |

7.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Did an agency official establish an amount determined to represent just compensation for the real property in an amount no less than the approved appraisal of fair market value?  **Note:** fair market value would take into account the value of allowable damages or benefits to any remaining property.  [49 CFR 24.102(d)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:**  Click or tap here to enter text. | |

8.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Was the owner provided a written summary statement of the basis for the offer of just compensation that includes:   * The amount offered as just compensation; * A description and location of the real property and interest to be acquired; and * An identification of the buildings, structures, and other improvements (including removable building equipment and trade fixtures) included in the offer of just compensation?   [49 CFR 24.102(e)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:**  Click or tap here to enter text. | |

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| For partial acquisitions, did the acquiring agency offer to acquire any uneconomic remnant?  [49 CFR 24.102(k)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |
| Click or tap here to enter text. | |

10.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Was the owner given reasonable opportunity to consider the offer, present material believed to be relevant to determining the value of the property, and suggest modification in the proposed terms and conditions of the purchase?  [49 CFR 24.102(f)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:**  Click or tap here to enter text. | |

11.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| If the purchase price exceeded the offered just compensation amount:   * Did reasonable efforts to negotiate an agreement at the just compensation amount fail; AND * Did an authorized agency official approve the amount paid as reasonable, prudent and in the public interest?   **NOTE:** When Federal funds pay for or participate in acquisition costs, a written justification must identify available information, including trial risks, that supports such a settlement (see 49 CFR part 24, Appendix A, §24.102(i)).  [49 CFR 24.102(i)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |
| Click or tap here to enter text. | |

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Was the owner reimbursed for all reasonable expenses incidental to the title transfer and reasonable expenses incurred because of litigation?  [49 CFR 24.106 and 49 CFR 24.107] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |
| Click or tap here to enter text. | |

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Was payment made for the property before taking possession?  [49 CFR 24.102(j)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |
| Click or tap here to enter text. | |

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| If the owner was permitted to retain improvements for removal from the project site, was the offer price offset by no more than the salvage value (defined at 49 CFR 24.2(a)(24)) of the retained improvements?  [49 CFR 24.103(c)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |
| Click or tap here to enter text. | |

15.

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Are there any appeals on file? If yes, complete questions 15(a) and 15(b), below. If no, skip questions 15(a) and 15(b). | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | | |
| a. Did the program participant take required actions to address the appeals in accordance with URA requirements? Describe resolution or current status below.  **NOTE:** If full relief was not granted, consider whether the agency advised the person of the right to seek judicial review of the decision and whether the person has the right to request a HUD review of the determination under applicable program rules (see CPD Notice 06-03).  [49 CFR 24.10] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | | |
| b. Does any appeal indicate that the agency took coercive action or attempted inverse condemnation?  [49 CFR 24.102(f)-(m)] | | | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | | |
| **Describe Basis for Conclusion:**  Click or tap here to enter text. | | | | |

|  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Was the owner offered eligible relocation assistance as a displaced person? If N/A, describe basis for determining the owner did not qualify as displaced.  [49 CFR 24.2(a)(9) and 24.401] | |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | |  |  |  |  |  |  | | **Yes** | **No** | **N/A** |  |  |  | |
| **Describe Basis for Conclusion:** | |
| Click or tap here to enter text. | |

|  |  |
| --- | --- |
| Do project records provide sufficient detail to demonstrate compliance with URA acquisition requirements? If records appear to be missing or inaccurate, a record-keeping finding should be made.  [49 CFR 24.9(a) and the corresponding program regulation] | |
| a. An accurate identification of the project area? | | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | | |
| b. A list of all parcels to be acquired for the project (including those acquired with other funding sources)? | | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | | |
| c. The final settlement statement (Closing Disclosure)? | | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | | |
| d. Title documents (preliminary opinion and final opinion)? | | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | | |
| e. A copy of the recorded deed indicating book and page? | | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | | |
| f. If the property was condemned, do project files include the eminent domain filing and related court decision(s)? | | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | | |
| **Describe Basis for Conclusion:**  Click or tap here to enter text. | | | |