|  |
| --- |
| **Guide for Review of Project Occupancy**  |
| **Name of Program Participant:** 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. |
| **Project Name** | Click or tap here to enter text. | **Project Location** | 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 URA Exhibit for all reviewed projects. Where noted, utilize random sampling techniques and base conclusions on the identified sample.

**Questions:**

1.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Does the project scope include acquisition, rehabilitation and/or demolition, even if those activities are not Federally-funded? If NO, the project is not subject to the URA and a different project should be selected for review. |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| **Describe Basis for Conclusion:**Click or tap here to enter text. |

2.

|  |
| --- |
| **Activity Summary:**Application Date: Click or tap here to enter text.Date of Site Control: Click or tap here to enter text.Contract Execution Date: Click or tap here to enter text.Initiation of Negotiation (ION) Date (*see 49 CFR 24.2(a)(15), exhibit A of Handbook 1378.0 and program-specific regulations)* Click or tap here to enter text.Project Completion date (*Refer to program definition of completion and specify if not yet complete*) Click or tap here to enter text. |

3.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Is the project occurring on undeveloped land and not used for storage of personal property? If YES, the project is considered unoccupied. Describe the basis for this conclusion and STOP HERE; the Exhibit is complete. |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| **Describe Basis for Conclusion:**Click or tap here to enter text. |

4..

|  |
| --- |
| Do occupancy records identify all potentially displaced persons? If items noted below are missing or inaccurate, a record-keeping finding should be made.[49 CFR 24.9(a) and the corresponding record-keeping program regulation] |
| a. Does the project file contain an occupant list that identifies all persons residing at the property at the time of application (or site control, if later)? |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| b. Does the project file contain an occupant list current at the time of ION (as established under question 2, above)? |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| c. Does the file contain an occupant list for time of project completion? (If project is not yet complete, select N/A and obtain a current occupancy list.) |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| **Describe Basis for Conclusion:**Click or tap here to enter text. |

5.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Were more than 20% of the units/complex vacant at the time of application? If so, review occupancy 90 days prior and describe below. If such review indicates persons may have been displaced prior to the application, further review may be necessary at the discretion of the relocation specialist. |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| **Describe Basis for Conclusion:**Click or tap here to enter text. |

6.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Select a random file sample consisting of the lesser of five or all of the lawful occupants at time of application for Federal funds. Was each person issued a General Information Notice (GIN) as soon as feasible? If YES, include date of the GIN in response below.**NOTE:** For purposes of this question, do not select owner-occupant households if they participated in a voluntary acquisition, rehabilitation or demolition. An owner-occupant household includes all members of the household in lawful occupancy, unless it is determined that such individuals are members of a different household (i.e., two different families sharing the same house).[49 CFR 24.203(a)] |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| **Describe Basis for Conclusion:**Click or tap here to enter text. |

7.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| For residential CDBG and HOME rental projects, select a random file sample consisting of the lesser of five or all of the new tenants who moved into the project between application and project completion. Was each tenant provided written notice, before occupancy, of the project, its possible impact on the person, and the fact that the person would not qualify as a displaced person as a result of the project (i.e., Move-In Notice)? If YES, include move-in date and notice date in response below. If NO, establish whether procedures are in place to recognize such persons as displaced if they vacate prior to project completion. |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| **Describe Basis for Conclusion:**Click or tap here to enter text. |

8.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Does a comparison of tenant occupancy lists indicate that anyone moved from the property between application and ION? If YES, list the names below. If NO, skip to question 10. |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| **Describe Basis for Conclusion:**Click or tap here to enter text. |

9.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Randomly select a file sample consisting of the lesser of five or all of the occupants who moved out between application and ION (identified above).Was each person issued a GIN as soon as feasible and prior to move-out? If YES, include date of the GIN in response below. **NOTE:** If a GIN was not issued and project records suggest the tenant may have been asked to leave or the lease was not renewed, the program participant should be advised to search for *all* persons who moved out after application without appropriate notice and determine the eligibility or ineligibility for relocation assistance for each former occupant who is located (and assist the former occupant to access appropriate advisory services and applicable relocation payments). [49 CFR 24.203(a)] |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| **Describe Basis for Conclusion:**Click or tap here to enter text. |

10.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Does a comparison of tenant occupancy lists indicate anyone moved from the property between ION and project completion (or since ION, if project is not yet complete)? If YES, list the names below. If NO, skip to question 14. |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| **Describe Basis for Conclusion:**Click or tap here to enter text. |

11.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Randomly select a file sample consisting of the lesser of five or all of the occupants who moved out after ION (identified above) but were NOT considered displaced. Does the project file support a determination that each person was not displaced? Considerations:1. Was the person lawfully evicted? [49 CFR 24.2(a)(9)(ii)(K)]
2. Did the person move in after acquisition? [49 CFR 24.2(a)(9)(ii)(B)]
3. Did the person receive timely written notice that they would not be displaced by the project? [49 CFR 24.2(a)(9)(ii)(G)]

Items 4-6 should be considered when HOME or CDBG Assistance is part of the Project:1. *For a tenant-occupant of a dwelling*, did the tenant receive a timely offer of a reasonable opportunity to lease and occupy a suitable and affordable decent/safe/sanitary dwelling in the building/complex upon completion of the project under reasonable terms and conditions as defined in either the HOME or CDBG regulation as applicable? [CDBG - 24 CFR 570.606(b)(2)(i)(D)(1) and HOME - 24 CFR 92.353(c)(2)(i)(C)(*1*))]
2. *If the tenant-occupant was required to move temporarily but never returned to the property,* were all reasonable out-of-pocket expenses reimbursed, was the proposed duration of the temporary move 12 months or less, and were the conditions of the temporary relocation reasonable? [CDBG – 24 CFR 570.606(b)(2)(i)(D)(*2*); HOME – 24 CFR 92.353(c)(2)(i)(C)(*2*)]
3. Did the tenant move in after application and before signing a lease and commencing occupancy, the tenant was provided written notice of the project, its possible impact on the person, and the fact that the person would not qualify as a displaced person as a result of the project [CDBG – 24 CFR 570.606(b)(2)(ii)(B); HOME -24 CFR 92.353(c)(2)(ii)(B) ]

[49 CFR 24.2(a)(9)(ii), 49 CFR part 24 Appendix A and applicable program regulations] |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| **Describe Basis for Conclusion:**Click or tap here to enter text. |

12.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Is there an individual case file for each person who was displaced? Complete an individual case file review (Exhibit 25-12 for residential, or Exhibit 25-13 for non-residential) for a random file sample consisting of the lesser of five or all displaced persons. |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| **Describe Basis for Conclusion:**Click or tap here to enter text. |

13.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Do any individual case files indicate an appropriate claim was not paid? If YES, review all displaced persons to ensure appropriate benefits were paid. |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| **Describe Basis for Conclusion:**Click or tap here to enter text. |

14.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Was anyone temporarily relocated in connection with the project? If NO, skip to question 17. |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| **Describe Basis for Conclusion:**Click or tap here to enter text. |

15. Only applicable to temporary relocation.

|  |
| --- |
| Answer the following questions for a random file sample consisting of the lesser of five or all tenants who were required to relocate temporarily in connection with the project.**NOTE:** If the review sample identifies violations, review all temporary relocations for the project to ensure required benefits were paid.[49 CFR Part 24, Appendix A, Section 24.2(a)(9)(ii)(D)] |
| 1. Was the unit temporarily occupied by each residential tenantdecent, safe, and sanitary (DSS)?
 |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| 1. Was each tenant reimbursed for all actual, reasonable out-of-pocketexpenses related to the temporary relocation?
 |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| **Describe Basis for Conclusion:**Click or tap here to enter text. |

16. Only applicable to temporary relocation

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Was any residential tenant temporarily relocated for longer than 12 months? If YES, randomly select the lesser of five or all such tenants and complete an individual case file review (Exhibit 25-12). **NOTE:** If any of the individual case files indicate an eligible claim was not paid, review all such persons to ensure required benefits were paid. [49 CFR Part 24, Appendix A, Section 24.2(a)(9)(ii)(D)] |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| **Describe Basis for Conclusion:**Click or tap here to enter text. |

17.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Does the project file contain evidence that notices were hand-delivered, or served registered, or certified mail, return receipt requested?[49 CFR 24.5, 24.9(a)] |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| **Describe Basis for Conclusion:**Click or tap here to enter text. |

18.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Did the program participant comply with the prohibition against proposing or requesting a waiver of relocation assistance? [49 CFR 24.207(f)] |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| **Describe Basis for Conclusion:**Click or tap here to enter text. |

19.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Did the program participant promptly review any appeals filed by aggrieved persons; set a reasonable timeframe for persons to file an appeal; permit such persons to inspect and copy files relevant to their appeal; and, where full relief was not granted, notify such persons of their right to seek judicial review? [49 CFR 24.10] |

|  |  |  |
| --- | --- | --- |
| [ ]  | [ ]  | [ ]  |
| **Yes** | **No** | **N/A** |

 |
| **Describe Basis for Conclusion:**Click or tap here to enter text. |