|  |  |  |  |
| --- | --- | --- | --- |
| **Guide for Review of Section 104(d) Relocation Assistance**  **and One-for-One Replacement** | | | |
| **Name of Program Participant:** Click or tap here to enter text. | | | |
| **Staff Consulted:** 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 one Exhibit for each reviewed project. Section 104(d) applies to projects funded under the CDBG and HOME Programs only. If the answer to either question 1 or 2 is NO, the Exhibit is complete, and you do not need to answer the remaining questions. Continue answering questions in order. If the answer to question 3 is NO, skip to question 9 (questions 4-8 are not applicable). Continue answering questions in order. If the answer to question 10 is NO, the review is complete. Otherwise, answer the remaining questions. When making findings, the reviewer should cite not only the Section 104(d) regulation, but also the appropriate CDBG or HOME regulation.

**Questions:**

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Does the project include any activity funded from the CDBG (including Section 108) or HOME programs?  IF NO, THIS EXHIBIT IS COMPLETE. STOP HERE. | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:**  Click or tap here to enter text. | |

2.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Does the project include demolition of housing units or conversion of lower-income dwellings to something other than lower-income housing?  IF NO, THIS EXHIBIT IS COMPLETE. STOP HERE. | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:**  Click or tap here to enter text. | |

3.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Did any lower-income person move permanently from the project site?  IF NO, SKIP TO QUESTION 9. | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:**  Click or tap here to enter text. | |

4.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Do project files document whether lower-income persons who moved permanently from the property were displaced by the project (see definition of displaced person at 24 CFR 42.305)?  [CDBG: 24 CFR 570.506; HOME: 24 CFR 92.508] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:**  Click or tap here to enter text. | |

5.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Was each displaced person provided advisory services that included an explanation of relocation payments for which the person may be eligible under Section 104(d) and the procedures for obtaining such assistance?  [24 CFR 42.350(a)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:**  Click or tap here to enter text. | |

6.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Was the explanation of Section 104(d) payments provided to displaced persons sufficient (e.g., includes moving expenses, reimbursement of security deposits and credit checks, interim living costs, if applicable)?  [24 CFR 42.350] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:**  Click or tap here to enter text. | |

7.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Were Section 104(d) claims and replacement housing assistance as identified at 24 CFR 42.350(e) properly calculated?  [24 CFR 42.350] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:**  Click or tap here to enter text. | |

8.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Were tenants apprised of their right to appeal the program participant’s determination concerning eligibility as a displaced person and/or the amount of relocation assistance?  [24 CFR 42.390] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:**  Click or tap here to enter text. | |

9.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Did the program participant review appeals filed by aggrieved persons, inform the person(s) of the right to request HUD review of the recipient’s determination and, if full relief was not granted, inform the person(s) of the right to seek a judicial review?  [24 CFR 42.390] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:**  Click or tap here to enter text. | |

10.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Was each occupied and vacant occupiable lower-income dwelling unit that was demolished or converted replaced with an acceptable replacement unit?  **NOTE:** *Vacant occupiable dwelling unit* includes units in standard condition; substandard units suitable for rehabilitation according to the recipient’s HUD-approved Consolidated Plan definition, or in the case of a unit of general local government funded by a State, either the State’s HUD-approved Consolidated Plan definition or the definition adopted by the unit of general local government; and units lawfully occupied during the 3-month period prior to the date of execution of the agreement by recipient covering demolition or conversion.  [24 CFR 42.305; 42.375(a) and (b)]  IF NO UNITS WERE OCCUPIED OR VACANT OCCUPIABLE, THE REVIEW IS COMPLETE. STOP HERE. | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:**  Click or tap here to enter text. | |

11.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Was the one-for-one replacement preliminary information made public before the recipient committed the funds?  [24 CFR 42.375(c)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:**  Click or tap here to enter text. | |

12.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Was the preliminary one-for-one replacement information submitted in writing to the HUD field office (or State, in the case of a unit of general local government funded by the State)?  [24 CFR 42.375(c)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:**  Click or tap here to enter text. | |

13.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| If any occupied or vacant occupiable units were not replaced, did HUD determine that there is an adequate supply of vacant lower-income dwelling units in standard condition available on a nondiscriminatory basis within the area?  [24 CFR 42.375(d)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:**  Click or tap here to enter text. | |