

U.S. Department of Housing and Urban Development
Community Planning and Development

Special Attention of:

Transmittal for Handbook No.: 1378 Chg 11
Issued: 9/1/2011

Regional Directors
Field Office Directors
CPD Directors
Housing Directors
Public Housing Division Directors
CPD Division Directors
HOME Program Coordinators
CDBG Grantees
HOME Participating Jurisdictions
HOPWA, Supportive Housing, Shelter Plus Care, and Youthbuild Grantees
Multifamily HUB Directors
Multifamily Program Center Directors
Multifamily Project Managers
Homeownership Center Directors
Public Housing Agency Directors
HUB Directors of Public Housing
PIH Program Center Coordinators
Tribes
Tribally Designated Housing Entities
ONAP Administrators
FHEO HUB Directors
FHEO Program Center Directors
Staff, Departmental Enforcement Center

1. This Transmits:

Chg-11 (Change 11) of Handbook 1378, Tenant Assistance, Relocation and Real Property Acquisition, dated September 1, 2011.

2. Background:

This change represents the eleventh in a series of Handbook changes and is a complete revision of Chapter 7, which covers relocation requirements established under section 104(d) of the Housing and Community Development Act of 1974, as amended. Section 104(d) is applicable to projects funded under the CDBG Programs, the Section 108 Loan Guarantee Program, the UDAG Program, and HOME.

Prior to Change 5 (issued January 2006), Change 6 (issued October 2006), Change 7 (issued January 2007), Change 8 (issued March 2007), Change 9 (issued April 2008), Change 10 (issued October 2008), the existing Handbook was last updated in 1997. Regulations covering the Uniform Relocation Assistance and Real Property Acquisition Act of 1970, as amended (URA), were revised in 1999 and 2005. In addition, the Quality Housing and Work Responsibility Act of 1998 (QHWRA) revised the relocation requirements for programs under the United States Housing Act of 1937, as amended, and exempted some public housing programs from the URA while imposing new relocation requirements under section 18 of QHWRA.

3. Significant Changes:

An update has been added to Exhibit A to add: 1) Under A, a new (j) for the new Neighborhood Stabilization Program provided under Public Law 110-289 and any amendments; and 2) items Q and R which are the regulatory citations for the date of Initiation of Negotiations (ION) for Public Housing Development and Modernization Projects which were not included in the original Exhibit which follows Chapter 1. Chapter 7 has been revised in its entirety.

Because these changes consolidate some of the guidance previously contained in separate program sections (which are also being rewritten), we are removing Chapter 8 entirely and will reserve this Chapter for guidance on fair housing. Program-specific guidance for new and currently active HUD programs may be moved to a new Chapter 9 in future revisions. In the interim, grantees are urged to use existing program regulations and seek assistance from the Regional Relocation Specialists, if questions arise. Their contact information is available at: www.HUD.gov/Relocation under Contacts.

In Appendix 3b, Guideform General Information Notice Residential Tenant to be Displaced, we are correcting the NOTE referencing Public Law 105-117 to conform to the language in the statute which references “exceptional and extremely unusual hardship.” This correction has been included in the revised Appendix 25 and 26 included with this release and will be made to other HUD relocation guideforms in the near future. In the interim, the following language should be substituted in other existing guideforms, where appropriate:

(NOTE: Pursuant to Public Law 105-117, aliens not lawfully present in the United States are not eligible for relocation assistance, unless such ineligibility would result in exceptional and extremely unusual hardship to a qualifying spouse, parent, or child. All persons seeking URA relocation assistance will be required to certify that they are a United States citizen or national, or an alien lawfully present in the United States.)

New language has been included in Appendices 3b, 25, and 26 to address the needs of persons who might need reasonable accommodations due to disabilities or limited English proficiency. Key references are included in the Notes section to provide guidance for displacing agencies. This addition will be made to other HUD relocation guideforms in the near future. In the interim, the following language should be added to

other existing guideforms, where appropriate:

“In order to help you fully participate in the relocation process, reasonable accommodations will be made for persons with disabilities and language assistance will be made available for persons with limited English proficiency. Please let our representative know if you need auxiliary aides, written translation, oral interpretation, or other assistance in order to fully participate in the relocation process.”

4. Effective Date: 9/1/2011

5. Filing Instructions:

REMOVE

Table of Contents, Pages iii thru xii
List of Appendices, Pages xiii and xiv
Exhibit A, pages Ex. A-1 thru A-3
Chapter 7, pages 7-1 thru 7-18 (dated 7/92)
Exhibit 7-1 (dated 7/92)

Appendix 25 (dated 9/90)
Appendix 26 (dated 9/90)

Chapter 8, pages 8-1 thru 8-112 (various dates)

INSERT

Table of Contents, Pages iii and iv
List of Appendices, Pages v and vi
Exhibit A, pages Ex. A-1 thru A-3
Chapter 7, pages 7-1 thru 7-9
Exhibit 7-1
Exhibit 7-2
Exhibit 7-3
Appendix 3b
Appendix 25
Appendix 26
Appendix 34