



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

Special Attention of:
All Regional Directors
All Field Directors
All CPD Directors
All Public Housing Directors

Notice CPD 02-08
Issued: September 17, 2002
Expires: September 17, 2004

Cross References:

Subject: GUIDANCE ON THE APPLICATION OF THE UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES ACT OF 1970 (URA), AS AMENDED, IN HOPE VI PROJECTS

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CGHR:Distribution:W-3-1

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I. Purpose

The purpose of this Notice is to provide guidance to HUD and PHA staff in the application of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA), as amended, in HOPE VI projects. While the Department of Transportation (DOT) has lead responsibility for the URA, each Federal agency assumes responsibility for the implementation and enforcement of the URA relative to its programs. In HUD, the Office of Community Planning and Development working in conjunction with all HUD program areas, has overall responsibility for the administration of the URA which includes policy, procedures, enforcement, and monitoring.

This Notice will outline URA requirements and issues relative to the HOPE VI Program and has been developed by the Office of Community Planning and Development in conjunction with the Office of Public and Indian Housing. This Notice will provide guidance and assistance for program staff, address key issues, and outline good practice when funding development which causes the relocation of residents based on past experience with HOPE VI projects.

Readers are reminded that this Notice serves only as a guide and that only a portion of the applicable rules and regulations can be highlighted here. A list of statutory, regulatory, and handbook references is included in Appendix C as a staff resource.

II. Background

The URA was enacted to protect the rights of homeowners, tenants, and non-residential owners and tenants that are displaced as a result of federally funded projects for rehabilitation, acquisition, or demolition of real property. Tenants who are displaced from their homes must be provided with assistance and services to enable them to reestablish

themselves in a comparable residential situation with the minimum amount of impact. The URA requires that tenants be provided with:

- **Advisory Services:** This includes referrals to comparable and suitable replacement housing, inspection of the replacement housing to ensure that it meets established standards, help in preparing claim forms for relocation payments and other assistance to minimize the impact of the move such as referral to public or private agencies that provide housing financing, employment, health, welfare, or legal assistance services.
- **Compensation for Moving Expenses:** Moving expenses include the cost of packing personal belongings, moving them to the new location, insurance coverage for any loss or damage incurred during the move, unpacking, de-installation of any existing equipment or appliances and reinstallation at the new residence, utility transfer fees, storage (if necessary), etc.
- **Replacement Housing Assistance:** This may involve Replacement Housing Payments (RHP) to compensate a tenant for any increase in rent and utility costs. The RHP is calculated by multiplying the monthly difference in rent and other housing costs by 42 months. (See Handbook 1378 Sections 3-3, 3-4, and 3-5 for additional information on computing a RHP.) This payment must not be made as a lump sum; however, as few as two or three installments is appropriate. This amount cannot be adjusted based on later changes in family circumstances after the amount has been determined in accordance with the URA regulations (sometimes called “vesting”).

Because HOPE VI projects promote a mixed-income environment, often with fewer public housing units and more stringent admissions criteria, many residents will not be able to return to the site after it is completed. For that reason, PHAs need to provide assistance to help residents make the transition to new homes and/or return to the completed project including: Counseling, suitable housing options, assistance during the moving process, and information on project development plans and progress are all critical to a successful project.

III. Definitions

A comprehensive list of relocation-related definitions can be found in HUD Handbook 1378 (Tenant Assistance, Relocation and Real Property Acquisition), Chapter 1, Section 2; and the HOPE VI Guidebook.

NOTE: Public Law 105-117 enacted a change in the definition for “displaced person” under the URA to exclude aliens not lawfully present in the United States from receiving Federal relocation benefits. This definition has not yet been incorporated in the HUD Handbook. The implementing regulations for this change can be found at 49 CFR 24.2. HUD claim forms for relocation benefits have been amended to include the required certification from the claimant.

Some additional unique definitions related to relocation issues in HOPE VI projects are listed below:

Initiation of Negotiations (ION). The ION is the trigger date for issuance of the Notice of Eligibility for Relocation Assistance or the Notice of Nondisplacement to each resident. The ION date is the date HUD approves the Revitalization Plan, which includes any supplemental submissions required by the HOPE VI Grant Agreement, following HUD's initial site visit to the development and as a result of HUD's review of the HOPE VI application. As of the date HUD approves the supplemental submissions and authorizes the PHA to proceed with implementation of the Revitalization Plan, all residents of the project are eligible for relocation payments or other relocation assistance in accordance with the URA.

Return Criteria (Re-occupancy Plan/Agreement). The criteria which should be used to determine the priority for displaced residents to occupy the completed units. The return criteria should be formally adopted and executed between the recognized resident body, the PHA, and, if applicable, the entity that will own the public housing units.

IV. Meeting Federal Relocation Requirements in the HOPE VI Program

A. The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as Amended (URA)

1. The URA applies to any HOPE VI Revitalization Plan project which includes rehabilitation, acquisition, and/or demolition; or demolition carried out pursuant to an approved Section 971 Mandatory Conversion Plan (also known as a Section 202 Conversion Plan). HOPE VI projects which were approved after October 21, 1998 (the date the Quality Housing and Work Responsibility Act of 1998 (QHWRA) became law) for demolition and/or disposition only under Section 18 of the US Housing Act of 1937, or severely distressed public housing projects approved for disposition after October 21, 1998 pursuant to a Revitalization Plan are subject to Section 18 requirements and are NOT subject to URA. Guidance on non-URA relocation authorities under QHWRA will be issued in a separate Notice from the Office of Public and Indian Housing. Only URA relocation requirements will be addressed in this Notice.
2. There are no provisions for "temporary relocation" under the URA, unless a resident will not be permanently displaced but must be moved for a short period of time to allow their unit to be rehabilitated or because an emergency situation exists which is a threat to their health or safety. While many PHAs have used this term liberally, it is HUD's position that all residents of a project to be revitalized or demolished under HOPE VI should be provided full permanent relocation benefits as displaced persons unless all the following criteria are met:
 - The HOPE VI project is solely rehabilitation,
 - a sufficient number of suitable units will be available so that all residents can be guaranteed the ability to return to a unit in the project after rehabilitation,

- the PHA has made a final determination on each individual resident under the adopted return criteria that the resident is eligible to return to the completed project, and
- the resident will be in “temporary” housing for a reasonable period (less than one year).

If all the above criteria are met, the person is not considered displaced under the URA, however, they must be reimbursed for all reasonable out of pocket expenses in connection with the temporary relocation pending their return to the project. In all other cases, or where a resident in a project must be moved for a period that exceeds one year, the Authority should provide full URA relocation benefits to enable a tenant to make a permanent move. If the PHA fails to return a resident to the project within a reasonable period, the PHA may be liable for all costs connected with a subsequent permanent displacement of the resident, including a RHP beginning at the time the resident is notified that they are permanently displaced. Whenever there is any possibility that a resident may not be able to return to a project, a PHA is advised to provide displacement benefits applicable to a permanent move.

3. A PHA should not attempt to reduce tenant relocation benefits by providing only temporary housing benefits for residents in a project where a reduced number of public housing units will be available after completion (anticipating that the resident will choose not to return). Particularly in large and/or phased projects where completion will occur years in the future, there is no reasonable way a PHA can guarantee residents the right to return at the time of issuing a General Information Notice (GIN) or a Notice of Eligibility for Relocation Assistance. Therefore, residents should be provided with the full amount of relocation assistance provided under the URA. The potential increase in relocation costs are enormous if a PHA fails to return a temporarily relocated resident to the project after completion since the PHA may then become liable for additional RHPs for the displaced person beyond the “temporary” period. It is best to limit the PHA’s liability up front.
4. No resident who has been displaced from a project should be precluded from applying and being considered for housing in the project after completion. However, the URA does not require that an agency pay for a return move to the project once a family has been permanently displaced (a PHA is obligated to pay for the return move of any family that is temporarily relocated while a project is undergoing rehabilitation). At its option, a PHA may choose to pay for return moves for residents who had been permanently displaced. The PHA’s policy on payment for return moves should be spelled out in the relocation plan.
5. Failure to comply with the URA can lead to litigation and/or costly payments for a PHA, and can seriously jeopardize a project’s financial feasibility. A PHA which applies for a HOPE VI grant is required in its application to certify that it will comply, or has already complied, with the requirements of Titles II and III of the URA (see Standard Form SF-424D which is available from HUD’s website at:

http://www.hudclips.org/sub_nonhud/html/forms.htm) and can be found in the grant application kit). Failure to abide by these assurances can result in HUD termination of the grant or other corrective action. Adequate up-front planning is critical to successfully mitigate the cost and impact of relocation on residents, the community, and the PHA.

B. HOPE VI and the Quality Housing and Work Responsibility Act of 1998 (QHWRA)

1. Section 535 of QHWRA revised Section 24 of the Housing Act of 1937 to authorize the HOPE VI Program for more than a one-year period. Prior to QHWRA, HOPE VI had been authorized on an annual basis through HUD Appropriations and could have been terminated in any year by not funding the program.
2. HOPE VI projects which were approved after October 21, 1998 (the date QHWRA became law) for demolition and/or disposition only under Section 18 of the US Housing Act of 1937, or severely distressed housing projects approved for disposition after October 21, 1998 pursuant to a Revitalization Plan are subject to Section 18 requirements and are NOT subject to URA. While the URA is not applicable, the tenant protections provided under Section 18 are similar to those found in the URA (for guidance on Section 18 applicability and requirements see PIH Notice 99-19 (HA), Demolition/Disposition Processing Requirements Under the New Law, extended by PIH Notices 2000-16 and 01-38.) **NOTE: The URA can be triggered even in these projects IF the project receives funding from other HUD programs which are subject to the URA such as a Community Development Block Grant (CDBG) or the Home Investment Partnerships (HOME) Programs.**
3. The Offices of Public and Indian Housing (PIH) and Community Planning and Development (CPD), in conjunction with the representatives of the public housing industry and resident representatives have developed a new template, HOPE VI Relocation Plan Guide (see Appendix A), which can be used to develop the PHA's Relocation Plan which must be completed prior to the Authority's initial application for HOPE VI funding beginning in FY 2002 (see NOFA Section XII (D)). The relocation plan does not need to be submitted with the application, however, the template will enable the PHA to ensure that URA and many QHWRA issues are addressed as completely as possible at the time of the application for funds.
4. In its HOPE VI application, the Authority must certify to HUD that it has completed the Relocation Plan and that it conforms to the URA requirements. The NOFA requires that residents and the broader community be involved in the planning, proposed implementation, and management of your Revitalization Plan, including relocation issues. Residents should be involved in drafting the Plan, and the Plan should be available for review at the Authority. It is anticipated that the Relocation Plan may change over time as the project progresses; however, residents should be kept involved in any revisions and apprised of proposed and adopted changes.

5. QHWRA permanently eliminated the requirement for one-for-one replacement of public housing units which are disposed of or demolished. **NOTE: Where Section 104(d) of the Housing and Community Development of 1974, as Amended (HCD Act) is triggered in a HOPE VI project (due to the use of other specific HUD funding resources—see Section IV. C. of this Notice), the one-for-one replacement requirement can be re-triggered.** It is HUD policy, subject to the availability of appropriations, to provide vouchers to PHAs that experience a loss of units due to HOPE VI or other demolition activity, such that there is no net loss of affordable units.
6. While a comparable replacement housing unit for a public housing resident is another public housing unit or a unit assisted with Section 8, in a HOPE VI project a PHA should consider deconcentration when preparing its relocation plan. The plan should assure that every displaced resident receives a full range of housing choices and adequate counseling (which includes counseling that provides residents with their rights under the Fair Housing Act and Mobility Counseling) to fully explore these choices. If Section 8 tenant-based assistance is to be used, the PHA's efforts should be focused on the Expanding Housing Opportunities Factor of the Section 8 Management Assessment Program (SEMAP). PHAs may not assign a lower payment standard to these vouchers than that used for the PHA's regular voucher program.

C. Section 104(d) of the Housing and Community Development Act of 1974, as Amended (HCD Act)

1. Section 104(d) requires one-for-one replacement of any occupied and vacant-occupiable low/moderate-income dwelling units that are demolished or converted to a use other than low/moderate-income housing, and mandates the provision of relocation assistance to any lower-income person displaced as a direct result of these activities when assisted under:
 - Community Development Block Grant (CDBG) Program which includes the State, Entitlement, Section 108, Special Purpose Grants, Economic Development Initiative (EDI), Brownfields Economic Development Initiative (BEDI);
 - Home Investment Partnerships Program (HOME); or
 - Urban Development Action Grant (UDAG) Program.

(See Handbook 1378, Chapter 7, for more specific information).
2. A HOPE VI project which uses any of the HUD Programs listed above “in connection with” the project may trigger one-for-one replacement of units even if the project would otherwise be exempt under QHWRA.
3. Under section 104(d), each lower-income displaced person is entitled to choose either assistance at URA levels or at levels provided under section 104(d), which includes rental housing payments computed on 60 months (vs. the 42-month factor used in the

computation under URA), payment of any necessary security deposits or credit checks, or purchase assistance to buy a unit in a cooperative or mutual housing association. See Handbook 1378, Chapter 7, Exhibit 7-1, for a comparison chart of URA vs. section 104(d) assistance.

4. When Federal financial assistance is used for any activity or in any phase of a project, planned or intended, and the activities are determined to be interdependent, the statutory requirements of the URA and any program regulations of the specific funding source(s) are applicable. Interdependence is best determined by whether or not one activity would be carried out if not for another. As a result, any activity “in connection with” a federally funded project is subject to all regulations of that funding source even though the activity may not be directly funded by that source. Consequently, when a displacement of a lower-income person occurs as a result of demolition of any housing or the conversion of a low/moderate-income dwelling in connection with a CDBG- or HOME-assisted activity, and the action and activity would not have occurred but for the project, the Agency must, in addition to URA assistance, make available the relocation assistance under section 104(d).

D. Timeline

Following is an outline of the relocation issues and steps each HOPE VI project should address during the planning and development phases. Each PHA should develop its own timeline which accommodates each of these steps (some of which may overlap) based on the proposed project and development plan/schedule.

1. Hold initial public hearings/meetings to explain project, discuss need for return criteria, identify possible housing options, and explain both relocation assistance and the resident services that will be available.
2. Compile list of all residents on site, their family composition, size and number of replacement housing units needed, and number of known residents with special housing needs (including accessibility and visitability requirements).
3. Begin survey to identify needed replacement housing, and begin negotiations with residents’ council to outline the return criteria policy.
4. Conduct initial survey with residents to identify their initial housing choice, specific needs, and any obstacles they may have in obtaining desired replacement housing; and advise them of housing options, relocation assistance available for each housing option, and the pros and cons of each.
5. Formalize housing options available, moving assistance and budgets, return criteria policy, and hold meeting(s) to inform residents.
6. Complete the relocation plan (may use the HOPE VI Relocation Plan Guide).

7. Prepare General Information Notices based on type of project. [All notices should indicate “displacement” unless tenant is in a unit to be rehabilitated in a rehabilitation only project, tenant can return within a reasonable period of time (one year or less), and resident can be guaranteed the right to return (see IV.A.2.).]
8. Submit the application to HUD in accordance with the requirements of the Notice of Fund Availability (NOFA). Deliver (receipt required) the appropriate General Information Notice to each resident at the time the application is submitted (see Section 5.3. of this Notice).
9. After notice of award, a PHA should begin hiring relocation case managers to prepare Notices of Eligibility and/or Notices of Non-Displacement and work with residents who will be displaced.
10. When the Revitalization Plan is approved by HUD (ION), issue Notices of Eligibility and/or Notices of Non-Displacement, as appropriate, as soon as possible to each resident (receipt required) and have case managers begin counseling residents.
11. Carry out relocation process – if applicable, begin required payments to displaced residents, and monthly out-of-pocket temporary move expense payments to residents who are required to move from their units for a short period of time.
12. Implement planned project (demolition, rehabilitation, new construction, etc.).
13. If short-term rehabilitation, once rehabilitation of unit is complete, begin return moves of residents who were issued Notices of Non-Displacement guaranteeing their right to return to their former unit or to a unit within the complex.
14. If demolition and new construction, notify all former residents as project nears completion of their right to reapply for occupancy under the new Return Criteria Policy and commence qualifying residents for re-occupancy.

V. Critical Decisions and Considerations During Various Development Stages

A. Preapplication

This section of the Notice discusses critical decisions, the timeline for decisions, and provides guidance on how to approach making these important decisions.

1. The Importance of Planning

A PHA contemplating a project that could cause property to be acquired, demolished, or rehabilitated using HUD funding (for all or any part of the project) should obtain a copy of the URA and HUD Handbook 1378 (Tenant Assistance Relocation and Real Property Acquisition) for review and use during the planning phase, prior to

undertaking any action. This HUD Handbook is available from HUD's website at: http://www.hudclips.org/sub_nonhud/cgi/hudclips.cgi?hudclipse or from HUD's document distribution source at 1-800-767-7468.

a) Identify Replacement Housing

- i.) Replacement housing made available to residents must be comparable to the unit occupied prior to the displacement. It must be decent, safe, and sanitary; functionally equivalent and equal or better than the current residence; actually available to the displaced person to rent or buy; affordable; and reasonably accessible to the displaced person's employment. A PHA must be able to identify comparable replacement housing for each resident that is displaced and inspect the housing prior to move in (utility service must be on in a unit during inspection in order to assure that all appliances are in working order). This is particularly important in areas where the housing market is tight for low-income families. A PHA cannot require a resident to move if comparable replacement housing is not available until a suitable unit is made available. Whenever necessary to provide a comparable replacement dwelling in a timely and cost effective manner, the PHA is authorized by section 206 of the URA (Last Resort Housing) to spend project funds to meet the resident's needs, including increasing payments beyond the statutory caps, alteration of existing housing to meet the family's needs, construction of new housing, or the removal of barriers to the handicapped (see Handbook 1378, paragraph 3-6).
- ii.) PHAs should assess local housing resources in order to identify sufficient replacement housing prior to application for HUD funding. Should a lack of available replacement housing materialize after project approval, it can result in significant delays in project completion and/or ultimately, require termination of the project. Careful up-front planning and assessment of resident needs and market conditions are critical to the feasibility of a HOPE VI project.

b) Moving Options

i.) Public Housing to Public Housing Moves (displaced residents)

- a. PHAs have the option to choose the type of moving assistance provided to current residents who will be displaced and must be relocated: The PHA may undertake the move itself, using force account labor or a moving company, at no cost to the individual or family being displaced. In such cases, the family or individual is also entitled to a moving expense and dislocation allowance of \$50. The PHA may also allow the resident to elect to either: a) Be reimbursed by the PHA for the actual cost of all reasonable moving and related expenses (49 CFR 24.301), or b) The PHA will pay directly to the resident the applicable and current fixed moving

expense and dislocation allowance required under 49 CFR 24.302. The current allowance schedule is attached as Appendix D.

- b. Any resident who elects to be reimbursed (see 49 CR 24.301) will receive assistance for all necessary moving services including packing and unpacking of personal belongings. For residents who prefer to pack their own personal possessions and items of value, the PHA may provide packing instructions, boxes, markers, and tape to assist residents who wish to pack such belongings.
- c. Deinstallation, moving, and reinstallation services for tenant-provided equipment or amenities such as fans, air conditioners, personal computers, etc. must be provided when force account is used for a move. A PHA cannot require that a resident provide these services on his/her own, particularly where deinstallation or reinstallation of such amenities can be a safety issue (e.g., incorrect installation of a ceiling fan can lead to fire or electrocution).
- d. The PHA must also provide direct payment or reimbursement for all disconnection and reconnection of necessary utilities, i.e., water, sewer, gas, and electricity either by: 1) Paying the expenses directly to the applicable utility company on behalf of the resident, or 2) reimbursing the resident for the cost of transferring utility services to the replacement unit (documentation of the cost must be provided to the PHA by the resident). This payment does not include any reimbursement for new or increased utility deposits since deposits are refundable and not considered a cost. However, the PHA may elect to advance funds for such deposits to a resident under a repayment agreement. If the resident had cable service at the displacement unit, the PHA should reimburse the resident for transferring service.
- e. The PHA must provide the following Notices: a) General Information Notice for Persons to be Displaced (see Appendix B-3 and B-4) at the time of a PHA's application to HUD for HOPE VI assistance, and b) Notice of Eligibility for Relocation Assistance at the date of Initiation of Negotiations (see Appendix B-5).

ii.) Relocation to Other Non-Public Housing (displaced residents)

- a. Residents who will be displaced into housing other than Public Housing (this includes Section 8 assisted units) may choose either: a) Reimbursement by the PHA for the actual, reasonable moving and related expenses, or b) the applicable and fixed moving expense and dislocation allowance required under 49 CFR 24.302 (see Appendix D). [While not required under the URA, some PHAs have also offered residents the same level of benefits available to those who move to public housing as an

option c), where the PHA will undertake the move using its contract mover or force account labor and provide a \$50 dislocation allowance to the resident. This can be offered to a resident, but they cannot be required to accept this option.]

- b. The PHA must also provide direct payment or reimbursement for all disconnection and reconnection of necessary utilities, i.e., water, sewer, gas, and electricity either by: 1) Paying the expenses directly to the applicable utility company on behalf of the resident, or 2) reimbursing the resident for the cost of transferring utility services to the replacement unit (documentation of the cost must be provided to the PHA by the resident). This payment does not include any reimbursement for new or increased utility deposits since deposits are refundable and not considered a cost. However, the PHA may elect to advance funds for such deposits to a resident under a repayment agreement. If the resident had cable service at the displacement unit, the PHA should reimburse the resident for transferring service.
- c. Displaced residents who are moved into non-public housing and/or housing assisted by Section 8 may be entitled to a RHP. This payment is intended to cover any increase in monthly housing costs (see Handbook 1378, Chapter 3). When calculating the RHP, a PHA must consider the comparable housing unit offered to the tenant. Residents should be cautioned to work closely with the PHA prior to their selection of a replacement unit and move. RHP is only payable if the unit is decent, safe, and sanitary and meets local occupancy codes. Prior to selection of any unit, residents should be sure to notify the PHA and have the unit inspected. Further, when a resident moves to non-public housing with a voucher, RHP costs attributable to a unit which exceed the amount approved by the PHA for a comparable unit may not be eligible.
- d. Even though the RHP must be paid periodically when a resident's replacement housing is other non-public housing, the RHP can be provided in one lump sum payment if the PHA chooses to use URA benefits to encourage homeownership by making the RHP available as downpayment assistance. If the resident's total calculated RHP is less than \$5,250, the PHA may, at its discretion, increase the payment to an amount up to \$5,250 (the statutory URA maximum) in order to support homeownership. If the PHA elects to provide relocation assistance in the form of downpayment assistance, it should adopt a written homeownership policy that will be consistently applied to displaced residents who want to pursue homeownership. This policy may also provide downpayment assistance to residents who have been relocated into a permanent replacement housing unit which is a rental (including public housing units), if the resident participates in, and later fulfills the requirements of, the PHA's homeownership training program. Once the

resident is eligible and ready for homeownership, the PHA may provide downpayment assistance in the amount set by its homeownership policy minus an amount equal to what has already been paid as a RHP (if any). To avoid a duplication of payment, the homeownership policy should clearly state that a resident who elects to receive downpayment assistance must be willing to forfeit any remaining and unpaid RHP funds.

- e. If a PHA has sufficient suitable housing units in its other public housing projects to house all residents of a HOPE VI project who need to be relocated, and the public housing units are made available to each resident, then a resident who chooses to move to other non-public housing (such as Section 8 voucher-assisted housing) is not necessarily entitled to a RHP for the increase in monthly housing costs. In such cases, the selection of Section 8 may be an “optional” choice in which case any payment of a RHP will be based on the PHA’s policy as stated in the relocation plan.
- f. Utility deposits and/or security deposits are not considered an eligible relocation cost under the URA since deposits are refundable and not a “cost.” PHAs may elect to assist residents to pay any increased or additional deposits which may be required at their replacement unit by advancing funds under a repayment agreement. Since, PHAs are not required to provide this assistance, it is the PHA’s option to offer this assistance in a stated policy, and to include this provision as part of its relocation plan. This assistance need only be considered for use with an actual move option.
- g. The PHA must provide the following Notices: a) General Information Notice for Persons to be Displaced (see Appendix B-3) at the time of a PHA’s application to HUD for HOPE VI assistance, and b) Notice of Eligibility for Relocation Assistance (see Appendix B-6) at the date of Initiation of Negotiations.

iii. Relocation from Public Housing to Other Public Housing or from Public Housing to Other Non-Public Housing (residents who are NOT displaced)

- a. For residents who will remain on-site during the project rehabilitation (or who will be returned to the project after rehabilitation) but must be temporarily moved from their current unit, the PHA must pay all reasonable out-of-pocket expenses in connection with the move into the temporary housing and the return move to their permanent unit in the completed project. Temporary housing may only be provided for residents who are guaranteed a unit in the completed project within a reasonable period of time (one year) of their initial move. The PHA must reimburse the resident for all and reasonable moving and incidental costs for both moves.

- b. When a PHA must reimburse a resident for reasonable moving costs, it should develop a schedule of moving estimates by unit size based on estimates from local movers to enable it to determine reasonable moving costs. Residents should be required to submit their moving cost estimates to the PHA for approval prior to the move and be warned that failure to submit an estimate to the PHA ahead of time may result in the resident not being fully reimbursed. However, the PHA cannot use this schedule to place a fixed-payment maximum on the cost of any resident's move if a higher amount is warranted and reasonable based on the actual amount of household goods to be moved or other extenuating circumstances which can be documented or explained. The fixed moving expense and dislocation allowance provided under 49 CFR 24.302 is not available to a resident whose move is only temporary.
- c. The PHA must also provide direct payment or reimbursement for all disconnection and reconnection of necessary utilities, i.e., water, sewer, gas, and electricity either by: 1) Paying the expenses directly to the applicable utility company on behalf of the resident, or 2) reimbursing the resident for the cost of transferring utility services to the replacement or temporary unit (documentation of the cost must be provided to the PHA by the resident). This payment does not include any reimbursement for new or increased utility deposits since deposits are refundable and not considered a cost. However, the PHA may elect to advance funds for such deposits to residents under a repayment agreement. If the resident has cable service at the displacement unit, the PHA must reimburse the resident for transferring service to the new unit.
- d. Where a resident will be temporarily relocated to a non-public housing unit, if there is an increased rental and/or utility cost for the unit, residents will be entitled to a RHP for the period of time they occupy the temporary unit. All reasonable increases in utility costs must be covered by the PHA, even if the PHA utility allowance is lower than the actual costs to the resident. However, RHP is only payable if the temporary unit is decent, safe, and sanitary and meets local occupancy codes. Prior to selection of any unit, residents should be sure to notify the PHA and have the unit inspected.
- e. If after relocating to the temporary unit, a resident chooses to move to another temporary unit at their own volition, the PHA must continue to pay any increased housing expenses based on the costs at the greater of the original unit or the new unit, as long as the selected unit is decent, safe, and sanitary. [The resident is responsible for the moving costs.] If the resident is required to move from the temporary unit for any reason (other than lease violation), the PHA must locate other decent, safe, and sanitary housing for the resident and pay all costs associated with the move,

including any additional utility transfer costs.

- f. If at the end of a reasonable period of time (one year) a resident has not been returned to the completed project, the PHA may be liable for all costs connected with a subsequent permanent displacement of the resident, including a RHP beginning at the time the resident is notified that they are permanently displaced. Whenever there is any possibility that a resident may not be able to return to a project, a PHA is advised to provide relocation benefits applicable to a displacement rather than risk the financial liability for both temporary housing and displacement benefits.
- g. The PHA must provide the following Notices: a) General Information Notice, Public Housing Residents that will Not Be Displaced (see Appendix B-4) at the time of a PHA's application to HUD for HOPE VI assistance, and b) Notice of Non-displacement at the date of Initiation of Negotiations (see Appendix B-7).

c) Budget Implications

- i. A PHA must budget for relocation costs and include the amount needed in its budget submission with its application for HOPE VI funding. In order to prepare a budget with accurate relocation cost estimates, information about the number of residents to be moved, their available housing options (and desires), costs for the various types of moves and moving services, RHP, utility charges, and any other applicable costs need to be projected based on information that the PHA can gather from residents, movers, utility companies, and the local housing market. Relocation assistance is costly and can affect the viability of a project. Errors in judgment or determinations of resident eligibility or payments can lead to costly litigation, project delays, and serious financial consequences to the PHA and its partners.
- ii. A PHA should carefully analyze all potential costs prior to submission of a HOPE VI application and may need to reanalyze the budget as work progresses to factor in any unforeseen expenses. Consideration needs to be given to resource needs to address: (1) Replacement housing based on the number of households to be displaced; tenure (owner or tenant); resident income; purchase or rental cost and utility costs; family characteristics; impact on minorities, the elderly, large families, and the handicapped; (2) replacement business locations based on the number, type, and size of businesses, farms and/or non-profit organizations to be displaced (if any); (3) the need for providing advisory services to persons/business owners who will be displaced; and (4) the need, if any, for advisory services to other persons in the neighborhood that will be adversely impacted by the project.

d) The Need for Fully Informed Residents

- i. Since the vision of a HOPE VI project includes the active participation of residents and the community in the revitalization effort, it is important to be sure that current residents and resident organizations play an active role early on in the planning stages, particularly with regard to relocation activities and services. While resident comments should be considered, however, the PHA has the final decision making authority.
- ii. PHAs should encourage participation by posting and/or delivering invitations to each resident to planning meetings to discuss the proposed project and activities prior to submission of an application to HUD. Notices should be in languages appropriate to the population of the project and, when necessary, sign language interpreters should be made available.
- iii. If all residents will not be able to return to the site, the Authority should consult with the residents and resident council on what return criteria should be used to rate and rank those who wish to return.
- iv. The PHA should work with residents to determine what type of replacement housing is desirable and available in the marketplace and begin a survey to identify resident housing choices, needs, and obstacles to obtaining desired replacement housing and identify replacement housing in the area. Residents need to be made aware of the full range of options available to them. Involving them in the planning process up front will provide them with information that will be useful as moves become imminent.
- v. Each resident should have access to the relocation plan when it is finalized and/or be provided with a copy.
- vi. Residents should also be provided with the brochure “Relocation Assistance to Tenants Displaced From Their Homes” (HUD-1042-CPD). This brochure is available at: <http://www.hud.gov/utilities/intercept.cfm?offices/cpd/library/relocation/tenadisp.pdf>
- vii. The PHA should continue to inform residents, the resident council, and displaced residents of progress on the project, and in particular, when the PHA will begin accepting applications from residents who wish to return to the completed project.

e) Acquisition of Off-Site Property

In order to carry out some HOPE VI projects, off-site private sector parcels may be included in the revitalization plan and need to be acquired. Person(s), businesses, or non-profit organizations occupying this property (either as

owners or renters) will have to be relocated and are subject to the URA. Guidance related to acquisition and private sector moves can be found in HUD's Handbook 1378, Chapter 5. Also, see Handbook 1378, Chapters 3 and 4 for guidance on relocation of owners, non-PHA tenants, and businesses. The cost of moving or relocating occupants of private sector housing are significantly higher than public housing moves, and any PHA that plans to use private sector property in the revitalized project needs to adequately address the needs of these occupants. While this notice will not address specifics of off-site acquisitions, any PHA contemplating use of such property can use the information in Section IX of the HOPE VI Relocation Plan Guide (see Appendix A) to assist in its planning.

2. Recordkeeping Requirements

Detailed information on recordkeeping is provided in Chapter 6 of Handbook 1378. A PHA must maintain records in sufficient detail to document its compliance with the URA and its policies and procedures with regard to relocation of residents. Good recordkeeping, including a record of contacts with affected residents, is necessary to ensure continuity in the event of staff turnover. These records are confidential and may only be made available if required by applicable law, or on the written request of an affected person, or for review by HUD.

a) Three Required Lists

A PHA must originate and maintain a minimum of three required lists:

- 1) A list of all persons occupying the project(s) (including occupants of any off-site parcels to be included in the proposed project) on the date of the initial submission of the HOPE VI application,
- 2) a list of all persons moving into the project on or after the ION date (date HUD approved the Revitalization Plan), and
- 3) a list of all persons occupying the project at completion.

These lists must identify the name, address, and race/ethnicity (and gender if single head of household). The information from List 1 will be critical in order to complete the HOPE VI Relocation Plan.

b) Individual Resident Files

A file must be maintained on every affected resident to document all contacts, actions, and determinations with regard to the relocation and assistance provided to that resident (or resident of an off-site property purchased for the

project) (see Handbook 1378, Chapter 6). Files should include, at a minimum:

- Identification of the person's name, address, and date of initial occupancy. Information regarding the composition of the family, including age, sex, racial/ethnic group classification and handicap status, income, and monthly rent in the current unit (including utility costs);
- evidence that the resident received all required Notices in a timely fashion, including copies of the Notices and signed receipts for delivery of each Notice;
- information regarding the referrals to replacement housing and the specific referrals that were made (including date, location, rent, utility cost), and the result of the referral;
- identification of the actual replacement property selected including address, rent/utility costs, date of relocation, and whether or not the unit was in an area of minority concentration or high poverty;
- if applicable, information regarding the acquisition of an off-site property;
- information regarding the resident's move and services provided;
- copies of approved claim forms and related documentation, evidence that the resident received payment;
- if applicable, a copy of the Section 8 voucher;
- if applicable, information about a replacement dwelling that was purchased by the resident;
- a copy of any appeal or complaint filed and the PHA response.

3. Required Notices

Handbook 1378, Chapter 2, Paragraph 2-3 covers Timely Notices required under 49 CFR 24.203. Each Notice must be personally served or sent by certified or registered first class mail, return receipt requested. Where necessary, the PHA may need to address language barriers for those with little or no English comprehension or persons with disabilities. Failure to provide the required notices in a timely manner may result in claims for additional costs against the PHA. The following outlines specific requirements for notices to be provided to residents in a proposed/approved HOPE VI project:

a) General Information Notice (GIN) (Persons Displaced and Not Displaced)

A General Information Notice (GIN) should be provided to each resident at the time a PHA submits its application to HUD for funding of a HOPE VI project. A resident is potentially eligible for relocation assistance at application. Normally, in a HOPE VI project, all residents should be issued a GIN which advises them they will be displaced and, thereby, entitled to relocation benefits under the URA. Since HOPE VI projects normally will have a lower number of public housing units available after

completion and it will not be possible for a PHA to determine which residents will be offered a unit in the completed project at the time of the HOPE VI application, normally all residents should be advised that they will be displaced and be provided with information about the benefits and assistance that will be available if the project is approved. In a project which involves rehabilitation only, where no loss of units will occur, a PHA may be able to issue a GIN advising all residents that they will not be displaced (see paragraph IV.A.2.). Sample GINs which can be used by PHAs in either situation are attached as Exhibits B-3 and B-4.

b) Notice of Eligibility for Relocation Assistance or Notice of Non-Displacement

As soon as a PHA has been notified that it will receive a HOPE VI grant, the PHA should begin preparing to issue a Notice of Eligibility for Relocation Assistance or a Notice of Non-Displacement to each resident in the project. These Notices must be issued to each resident as soon as the Revitalization Plan has been approved by HUD and the PHA needs to obtain a signed and dated receipt for the Notice to retain in the resident file. The ION date (date HUD approved the Revitalization Plan) is the date that determines a resident's eligibility for a replacement housing payment. A properly completed Notice will limit the PHA's liability for relocation assistance. Samples of each Notice for a public housing resident can be found at Exhibits B-5, B-6, and B-7.

If a resident moves permanently from the property after the ION, and the resident has not been provided with a Notice of Non-displacement, the resident will automatically qualify as a "displaced person." Even if there was no intention to displace the tenant, it must be assumed that the tenant's move was an involuntary move caused by the project since the tenant was not given timely information essential to making an informed judgment about a move.

c) 90-Day Notice to Vacate

Each resident must be provided with 90 days advance written notice of the earliest date by which he or she may be required to move. This date may be different for each resident or group of residents in a project based on how the project will be phased, the location of the occupied building, or the project schedule. The 90-day notice cannot be issued before a resident has received a Notice of Eligibility for Relocation Assistance, nor can it be issued before a comparable replacement dwelling unit has been made available. A sample 90-Day Notice can be found at Exhibit B-9.

d) Combined Notice

Where time to begin construction at the ION date is critical, a Notice of Eligibility for Relocation Assistance and a 90-Day Notice to Vacate may be combined into one Notice. All residents must still be provided with a minimum of 90 days prior to requiring that they move unless there is a health and safety emergency (planned demolition, in and of itself, does not constitute a serious threat to health and safety). A PHA cannot issue a notice to proceed to the demolition contractor, then cite the imminent demolition as the threat to the resident's health and safety in order to cut short the notice period which is otherwise required.

e) Letter of Interest (Acquisition of Off-Site Property)

As soon as a PHA has identified properties that it might be interested in acquiring for the project (prior to application to HUD for funding), the PHA needs to notify the owner(s) of its interest in acquiring the property and the basic protections which are applicable under the URA (see Title III, section 301 of the URA and Subpart B of the Regulations found at 49 CFR 24.102), Handbook 1378, Chapter 5, discusses both the voluntary and the involuntary acquisition process and considerations a PHA must make in order to purchase off-site, non-public housing property for the project. Any such consideration should be an integral part of the early planning process and, if the PHA does not wish to trigger eligibility for relocation assistance at the time of this notice, it should ensure that the notice is not a "notice of intent to acquire". A sample Letter of Interest for an involuntary acquisition can be found at Exhibit B-8. Where a PHA must have a certain piece of property for the project, the acquisition is considered involuntary whether or not the owner is willing to sell to the PHA and whether or not the PHA has the power of eminent domain (State law dictates whether or not this power has been or can be given to a PHA). A sample Letter of Interest for a voluntary acquisition can be found in Handbook 1378, Chapter 5, Exhibit 5-1.

f) Move-In Notice

Any new resident who moves into the project after the application for HUD funding has been submitted will also be eligible for relocation assistance unless the PHA issues a written move-in notice prior to leasing and occupancy of the property. This Notice must advise the potential resident of the PHA's application for HUD funding, the project's possible impact on the individual (i.e., may be displaced, temporarily relocated, or suffer a rent increase), and that they will not qualify as a "displaced person" nor be eligible for relocation assistance. A PHA also needs to address how new residents will be considered under the return criteria (see

V.E.3) and, where possible, should include this information in the Move-in Notice. A sample Move-In Notice can be found in Handbook 1378, Appendix 29. If a PHA fails to issue a move-in notice prior to leasing and the tenant occupying the unit, its relocation workload and costs will be increased to encompass these individuals/families. In a project with limited resources, the PHA's relocation cost estimate may be inadequate to pay for such moves and the PHA will have to seek other revenue sources to cover these costs.

4. Other Useful Notices/Advisory Materials

a) Invitation to Participate Notice (sample)

A sample of an invitation which can be issued to residents inviting them to participate in discussions regarding a PHA's proposal to rehabilitate, demolish, and/or reconstruct a public housing complex is attached as Appendix B-1.

b) Resident Survey (sample)

A sample Resident Survey which a PHA may use to obtain information from current residents about their replacement housing preferences is attached as Appendix B-2. The PHA needs to identify resident preferences in their application to HUD for HOPE VI funding.

c) HUD Relocation Brochures

A variety of HUD relocation information brochures are available to cover various relocation situations. They are available from HUD at: www.HUD.gov/offices/cpd/library/relocation/index.cfm:

- When a Public Agency Acquires Your Property (HUD-1041-CPD)
- Relocation Assistance to Tenants Displaced from their Homes (HUD-1042-CPD)
- Relocation Assistance to Displaced Businesses, Nonprofit Organizations, and Farms (HUD-1043-CPD)
- Relocation Assistance to Displaced Homeowners (HUD-1044-CPD)
- Relocation Assistance to Tenants Displaced from Their Homes (Section 104(d)) (HUD-1365-CPD)

B. Relocation Plan Development

Because relocation of residents is so critical to the success of any HOPE VI project, a PHA which is contemplating an application for HOPE VI funding needs to be sure to address key areas of responsibility to the project as well as current and future residents in its plan. Because of difficulties which many PHAs have experienced in the past with the

planning process, HUD, the public housing industry, and representatives of resident advocacy groups have developed the attached “HOPE VI Relocation Plan Guide” (see Appendix A) for HOPE VI applicants to help them compile critical project and resident information, outline their planned relocation resources and processes, address anticipated concerns and issues, and address budget information related to relocation costs. This template can serve as a guide to a PHA in the planning stage and can be used as the PHA’s relocation plan. Additional guidance on the use of this template may be issued by the Office of Public Housing Investments.

C. Application Submission

When HOPE VI funding is available, HUD publishes a Notice of Fund Availability (NOFA) in the Federal Register. Any PHA that is interested in applying for this funding, needs to have been planning its submission and compiling the necessary information so that its application will address the needs of the community and the residents and demonstrate to HUD that the resources are and will be available to complete the project, if funded. Relocation of current residents and/or any off-site residents or businesses that might be affected by the project is a critical and expensive part of any project. A PHA has an obligation to assure that the impact on current residents of this undertaking is minimized to the extent possible. At the stage where a PHA submits its application to HUD, a General Information Notice (GIN) must be issued to each current resident of the project or proposed project site.

D. Grant Award, HUD Approval of the Revitalization Plan and Initiation of Negotiations Date (ION)

Once a PHA has been made aware of its selection for a HOPE VI grant, it should begin preparation for issuing appropriate Notices of Eligibility for Relocation Assistance or Notices of Non-Displacement, as applicable to each resident. These Notices must be issued as soon as the Revitalization Plan and all required supplemental submissions have been approved by HUD (ION) (see Section III of this Notice).

E. Relocation Issues

1. General Transfers

A family or individual who is moved permanently from a HOPE VI project due to reasons other than HUD-funded rehabilitation or demolition activities may not be entitled to relocation assistance as a “displaced person” under the URA. This most often occurs when a family has been on the PHA’s transfer list to move from an overcrowded or under-occupied unit to one of an appropriate size. A PHA may not be required to use its HOPE VI project funds to pay for actual reasonable moving and incidental costs for general transfers within or between projects. However, PHAs should be sure that the reason and timing for any such moves can clearly be documented as resulting from routine transfer activities not related to the HOPE VI revitalization or risk payment of relocation claims on behalf of the resident.

2. Evictions

The matter of what constitutes a serious or repeated violation of the material terms and conditions of the lease and whether such violation provides legal grounds for eviction must be determined under State law. Where a PHA has residents in a planned HOPE VI project who have not been in compliance with their lease or have repeated offenses prior to or after the ION date, even if they are under a workout agreement or on a formal probation, a PHA should consider issuing a modified General Information Notice and/or Notice of Eligibility for Relocation Assistance. This modification will document the existing condition/situation and serve as notice to the resident that eviction for cause might be necessary and may affect their eligibility for URA-level assistance. If eviction for cause is later carried out, this will enable the PHA to document that the cause for the eviction was pre-existing, the resident was provided with an opportunity to correct the situation, and the eviction was not for the purpose of avoiding payment of relocation assistance.

PHAs must be cognizant of the fact that the government wide regulations at 49 CFR 24.206 limit the power of a displacing agency to cut off the presumptive right of a displacee without sufficient legal cause. Once a tenant has received a Notice of Eligibility for Relocation Assistance which does not identify pre-existing lease violations, a PHA needs to consider whether or not any eviction is for subsequent repeated and serious violations of the lease and warrants the entire loss of relocation assistance.

A PHA can determine that an eviction caused by non-compliance with a requirement related to carrying out the HUD-funded project (such as failure to move or relocate when instructed or cooperate in the relocation process) is an eviction “for the project.” In those cases where a PHA determines a resident’s move or eviction to be “for the project,” the moving assistance should be equal to that offered in the Notice of Eligibility for Relocation Assistance, regardless of the location of the person’s replacement unit. A RHP must also be provided, but at an amount no greater than that which the resident would have received had he/she moved into the unit originally offered by the PHA and only if the unit the resident selects is found to be decent, safe, and sanitary.

A displaced resident has one year from the date he/she vacates the HOPE VI project to lease and occupy a decent, safe, and sanitary housing unit, and 18 months from the date he/she vacates to submit a claim for relocation assistance (see Handbook 1378 paragraphs 3-4(a)(2) and 2-7(d)). If a tenant is evicted after the ION date, whether or not a Notice of Eligibility for Relocation Assistance has been issued, the former resident may still submit a claim for relocation assistance and may be entitled to a payment from the PHA. Eviction after the ION does not automatically terminate an eligible resident’s right to continued relocation payments, a determination must be made as to the cause of the eviction (was it “for the project” or for cause based on conditions which existed prior to the ION or arose after the ION date), the

circumstances of the eviction will determine whether or not some or all relocation benefits should be paid.

When an eviction becomes necessary from housing to which a resident has been displaced, a PHA needs to be aware that URA relocation assistance payments vest immediately upon displacement, whether or not there is any later change in the individual's income or rent, or in the condition or location of the family's housing. Legislation prohibits lump sum relocation payments in a HUD-funded project. All periodic RHPs must be made in installments (see Section V.E.4. of this Notice). However, a resident's eligibility for the entire amount of URA assistance is premised upon the situation at the time of displacement. Therefore, subsequent evictions or other conditions are not cause for a PHA to terminate or alter (increase or decrease) any periodic installment payments.

In a situation where a temporarily relocated resident is evicted for cause from his/her temporary housing, the resident is responsible for locating another temporary unit and for paying related moving costs. However, such an eviction does not automatically restrict the tenant's right to return to public housing, this determination depends on the PHA's occupancy and return policies. If a temporarily relocated resident is later determined by the PHA to be ineligible for return to public housing, the resident needs to be informed of his/her right to claim assistance as a displaced person under the URA.

Based on the PHA's adopted occupancy policy and/or return criteria, eviction of a former resident from his/her relocation housing may affect his/her eligibility for return to the completed project.

3. Resident Return Policies

Care should be exercised to keep the return criteria as simple as possible to avoid confusion or misunderstanding, and develop a feasible decision-making process which can be explained and defended. If the return criteria become too complicated, issues will arise over whether or not the criteria were correctly applied to individual residents. The PHA should develop a procedure to revisit the criteria, which may become necessary if a private management firm is procured later to manage the site. However, any change in criteria which affects the status of a resident from non-displaced to displaced will require the issuance of new Notices of Eligibility for Relocation Assistance and trigger entitlement to full relocation benefits. A PHA's return criteria also needs to address whether or not new residents (who moved into the project after the PHA's application for HOPE VI funding—see V.A.3.c.) will be considered for return to the project after completion under the return criteria.

4. Replacement Housing Payments (RHP)

All increases in monthly housing costs for displaced residents are the responsibility of the PHA as a RHP. The comparable unit to which a resident is relocated must be

decent, safe, and sanitary and meet local occupancy codes in order for the PHA to pay a RHP. If a resident selects a replacement unit that does not meet this criteria, the resident is responsible for any increase in monthly housing costs (no gap payment may be made for housing that is not decent, safe, and sanitary). Residents should be cautioned to work closely with the PHA and have any potential unit inspected by the PHA prior to signing a lease or moving (utility service must be on in a unit during inspection to assure that all appliances are in working order). HUD does not allow gap assistance to be paid for residents who move into an under-housed condition where a sufficient number of bedrooms is not available to accommodate the family-size. (A PHA is not required to inspect housing for subsequent moves, that is, housing to which a resident moves after he/she has moved into comparable replacement housing. In the event a resident moves from the replacement housing into an under-housed condition or housing which does not meet decent, safe, and sanitary requirements, the gap payments still must be made based on the PHAs initial determination of the amount to be paid.)

PL 102-550 amended the Department of Housing and Urban Development Act (42 USC 3531 et seq.) by adding Section 14 (42 USC 3537c) which specifically prohibits HUD from making “lump-sum payments to any displaced residential tenant, except where necessary to cover—(1) moving expenses; (2) a downpayment on the purchase of a replacement residence, including a condominium unit or membership in a cooperative housing association; or (3) any incidental expenses related to paragraph (1) or (2).” Except for moving expenses and/or downpayment assistance, all relocation payments must be paid on a periodic basis determined by the PHA.

At the time a PHA issues the Notice of Eligibility for Relocation Assistance, PHAs must be sure to establish the upper limit (cap) of the replacement housing payment. This payment must be based on the costs for the comparable replacement dwelling which is most representative of the unit from which a resident is displaced. Comparable replacement dwellings must be selected from the neighborhoods in which the displacement dwelling is located or in nearby similar neighborhoods where housing costs are generally the same or higher. An adjustment may be made to the cost to the extent justified by local market data. This is particularly true in rental markets where comparable dwellings are hard to find. An obviously overpriced dwelling may be ignored when computing comparable costs. The unit which is used to establish the maximum limit must be a unit that is actually available to the resident. See Handbook 1378, Chapter 2, paragraph 2-5 (c).

In last-resort housing situations, the replacement housing payment must be based on need and available housing, not on a fixed amount or limit that may not be sufficient. Guidance concerning this issue is found at 49 CFR 24.404 and Handbook 1378, Chapter 3, paragraph 3-6.

Once a resident leases and occupies approved replacement housing, the resident is entitled to the full RHP. If the resident moves again, the PHA must continue to make any remaining periodic payments, regardless of where the tenant moves or under

what housing conditions (including substandard). PHAs are not required to reinspect units nor to inspect new units to which a once-displaced resident moves.

A RHP is determined by subtracting the monthly rent and average utilities of the resident's present unit from the cost of rent and utilities for the new unit (or a comparable replacement unit if that cost is lower). That monthly need, if any, is multiplied by 42 to determine the total amount the resident will receive. Generally the base monthly rent for a public housing resident's unit is the lesser of: (1) the monthly rent and average monthly cost for utilities, or (2) thirty percent (30%) of the average monthly gross income. Since PHA utility allowances may not be representative of the actual costs a resident may have to pay in a displacement unit, the PHA should determine these costs as accurately as possible by seeking historical data for the new unit from the utility company and/or landlord.

When moving a resident to a unit with Section 8 voucher assistance, the PHA must determine whether a RHP is necessary or justifiable. If a PHA cannot offer a resident another suitable public housing unit and must offer a Section 8 unit, this cannot be considered an "option" on the part of the resident to move to Section 8 (and automatically make the family ineligible for RHP). Particularly where a PHA requested Section 8 units from HUD as necessary to provide replacement housing, individual determinations need to be made about the availability and choices available to residents for replacement housing. If a resident has no choice other than a Section 8 unit for relocation or replacement housing, the PHA must determine whether moving to this unit will cause an increase in the monthly housing payment and determine how much of a RHP may be required.

Under the URA statute (Public Law 91-646, Section 216), relocation payments (including RHP) are not considered as income by the Internal Revenue Service nor considered income for determining eligibility for assistance under any federal law (except as limited for a person who is an alien not lawfully present in the United States, see P. L. 105-117, Section 104). Therefore, these payments may not normally be considered income for either eligibility or rent under the public housing program or the Section 8 program. The one exception is in the situation where a resident who is vested with RHP (based on his/her initial leasing of an unassisted private market unit), later moves and occupies a unit in which HUD provides public housing or Section 8 subsidized housing assistance. Payment of the RHP and the public housing or Section 8 subsidy would constitute a duplication of assistance payments which is prohibited under 49 CFR 24.3. The URA regulations at 49 CFR 24.208 mirror the statutory exemption of relocation payments as income with an additional exception "...for any Federal law providing low-income housing assistance." Since the vested RHP payments cannot be discontinued by the PHA, in this instance, the RHP must be considered as income (unless the resident waives his/her right to continued RHP payments and the payments are discontinued). The RHP would be added to other income received by the resident (or added to the imputed income for the resident, as in the case of a TANF recipient who has lost welfare benefits).

5. Voluntary Acquisitions

In the situation where a PHA will be purchasing property off-site of the existing public housing project for the HOPE VI project, acquisition of this site or sites is also covered by the URA. Acquisitions that are of a voluntary nature do not require relocation assistance to be paid to the property's owner and are covered under 49 CFR 24.101. However, failure to follow the voluntary process triggers the full protections of the URA under the involuntary process. See Handbook 1378, Chapters 3, 4, and 5 concerning acquisition and relocation procedures and requirements under URA.

A PHA should be aware that acquisition of a property occupied by a residential or a non-residential (business) tenant, regardless of whether the acquisition process is voluntary or involuntary, will result in the tenant being eligible for assistance as a displaced person.

6. Conflicting Occupancy Standards

Sometimes a PHA's occupancy standards for public housing result in a different sized unit being provided for residents than may be available under the Section 8 subsidy standards and raise a comparability issue for displaced residents. A person/family housed in a permissible sized unit in public housing may find that, under Section 8, they would be required to move into a smaller unit because a unit of the same size they left is not available under the established subsidy standards. A PHA may address this issue by granting an exception to its established subsidy standards if the PHA determines that the exception is justified by the age, sex, health, handicap, or relationship of family members or other personal circumstances (e.g., displacement).

7. Appeals

An individual may address an appeal of either his/her eligibility determination or the amount of assistance paid to the head of the funded agency, in this case, the PHA. Lower-income residents have a right to appeal to HUD in most HUD programs. In any case where Section 104(d) of the Housing and Community Development Act of 1974 applies, the Office of Community Planning and Development in the HUD field office has the right to review any determination on an appeal made by the PHA.

IV. Resources

Appendix A: HOPE VI RELOCATION PLAN GUIDE

Appendix B: SAMPLE RELOCATION NOTICES

Appendix B-1: Invitation to Participate Notice

Appendix B-2: Resident Survey

Appendix B-3: General Information Notice – Public Housing Resident to be Displaced

Appendix B-4: General Information Notice – Public Housing Resident that will not be Displaced

Appendix B-5: Notice of Eligibility for Relocation Assistance – Public Housing Resident (Move to Other Public Housing)

Appendix B-6: Notice of Eligibility for Relocation Assistance – Public Housing Resident (Move to Section 8 Assisted Housing or Private Sector Housing)

Appendix B-7: Notice of Non-Displacement

Appendix B-8: Letter of Interest

Appendix B-9: 90 Day Notice to Vacate

Appendix C: REFERENCE MATERIALS

Appendix D: Moving Expense and Dislocation Allowance Schedule

The information collection requirements contained in this notice have been approved by the Office of Management and Budget under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520), and assigned OMB control numbers 2506-0121, 2577-0208. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a valid control number.

/s/ Donna Abbenante, for

Assistant Secretary for Community Planning and Development

/s/ Michael Liu

Assistant Secretary for Public and Indian Housing

Appendix A

OMB Approval No. 2577-0208 (exp. 12/31/2004)

Approval Pending

Comment [H1]:

**U.S. Department of Housing & Urban Development
Office of Public and Indian Housing
Office of Public Housing Investments
HOPE VI RELOCATION PLAN
GUIDE**

Housing Authority: _____
Executive Director: _____
Relocation Coordinator: _____

Planning Team Members: _____

TA Provider: _____

Dated: _____

Revised 6/02

Relocation plan Amendment to relocation plan

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- I. Existing Project Summary
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- IX. Overcoming Potential Impediments to Relocation
- X. Standards for Occupancy and Re-Occupancy
- XI. Relocation Costs
- XII. Resident Participation
- XIII. Relocation Recordkeeping and Notices

The public reporting burden for this collection of information for the HOPE VI Relocation Plan Guide is estimated to average 15 hours, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

In accordance with the Notice of Funding Availability, PHAs applying for HOPE VI Revitalization grant funding must certify in their application that they have completed a HOPE VI Relocation Plan in conformance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA) and 49 CFR part 24. PHAs may use this information collection, the HOPE VI Relocation Plan Guide, as a guide by which to develop their HOPE VI Relocation Plan. It is not required to be submitted to HUD.

This agency may not conduct and sponsor, and a person is not required to respond to, a collection of information unless the collection displays a valid control number. The information submitted in response to the Notice of Funding Availability for the HOPE VI Program is subject to the disclosure requirements of the Department of Housing and Urban Development Reform Act of 1989 (Public Law 101-235, approved December 15, 1989, 42 U.S.C. 3545). Warning: HUD will prosecute false claims and statements. Convictions may result in the imposition of criminal and civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802).

I. EXISTING PROJECT SUMMARY (AS OF _____).

HOUSING AUTHORITY NAME			
RELOCATION COORDINATOR			
ADDRESS			
PHONE NUMBER			
FAX NUMBER			
EMAIL ADDRESS			
BRIEF DESCRIPTION OF THE RELOCATION (OFF-SITE? ON SITE ETC.)			
ESTIMATED START DATE OF RELOCATION MOVES			

HOUSING DEVELOPMENT NAME(S): HOUSING DEVELOPMENT NUMBER(S): YEAR BUILT: TOTAL NUMBER OF UNITS: NUMBER OF OCCUPIED UNITS: NUMBER OF VACANT UNITS: SIZE OF SITE:	
ACTIVITY TYPE(S): (SELECT ALL THAT APPLY)	
<input type="checkbox"/> HOPE VI REVITALIZATION <input type="checkbox"/> HOPE VI DEMOLITION GRANT <input type="checkbox"/> DEMOLITION <input type="checkbox"/> DISPOSITION <input type="checkbox"/> MIXED-FINANCE DEVELOPMENT	<input type="checkbox"/> REHABILITATION <input type="checkbox"/> PUBLIC HOUSING HOME OWNERSHIP <input type="checkbox"/> CONVERSION OF PH TO VOUCHERS <input type="checkbox"/> PUBLIC HOUSING DEVELOPMENT <input type="checkbox"/> RECONFIGURATION OF UNITS

<i>CURRENT UNIT MIX</i>			
<i>UNIT SIZE</i>	<i>OCCUPIED</i>	<i>VACANT</i>	<i>TOTAL</i>
<i>0 BR</i>			
<i>1 BR</i>			
<i>2 BR</i>			
<i>3 BR</i>			
<i>4 BR</i>			
<i>5 BR</i>			
<i>TOTAL</i>			

II. RELOCATION DESTINATIONS

BEST ESTIMATE, AS OF DATE OF SUBMISSION, OF ANTICIPATED RELOCATION DESTINATIONS

REPLACEMENT HOUSING	NUMBER OF RELOCATIONS TO EACH HOUSING TYPE						
	0BR	1BR	2BR	3BR	4BR	5BR	TOTAL
VACANT UNITS ON-SITE (WITHIN THE PH DEVELOPMENT)							
VACANT UNITS IN OTHER PUBLIC AND ASSISTED DEVELOPMENT(S)							
RESIDENT-BASED SECTION 8 (VOUCHERS)							
HOMEOWNERSHIP							
OTHER HOUSING OPTIONS							
TOTAL							

Identify developments available for relocation.

Are any of the proposed relocation units located outside of the local jurisdiction? Yes No
If yes, please describe.

Development	0 BR Unit	1 BR Unit	2 BR Unit	3 BR Unit	4 BR Unit
Unit Totals	0 BR Units	1 BR Units	2 BR Units	3 BR Units	4 BR Units

SUMMARY OF OTHER PUBLIC HOUSING RELOCATION ACTIVITIES PROPOSED OR ON-GOING IN THE JURISDICTION ACCORDING TO YOUR ONE-YEAR PUBLIC HOUSING PLAN

DEVELOPMENT NAME	PROJECT NUMBER	SITE NUMBER	NUMBER OF FAMILIES TO BE RELOCATED
TOTAL FAMILIES TO BE RELOCATED			

III. NUMBER OF FAMILIES TO BE RELOCATED

Provide a tally, as of the date of your HOPE VI application, of the families who reside in the building(s) scheduled for demolition or rehabilitation by filling out the following chart. (Note: Bedroom size refers to the size of the apartment they will need on relocation, not their current bedroom size):

UNIT SIZE	ELDER	FAMILY W/CHILDREN	NON-ELDERLY DISABLED	SINGLE	OTHER	TOTAL	ACCESSIBLE UNITS
0 BR							
1BR							
2BR							
3BR							
4BR							
5 OR MORE							
TOTAL							

- PLEASE EXPLAIN ANY DUPLICATE COUNTS.
- PLEASE INCLUDE RESIDENT CHARACTERISTICS 50058 DATA FOR THIS DEVELOPMENT (INCLUDE, AT A MINIMUM, INCOME, RACE, ETHNICITY AND FAMILY SIZE)

A. Temporary Move Assistance

There are no provisions for “temporary relocation” under the URA, unless a resident will not be permanently displaced but must be moved for a short period of time to allow their unit to be rehabilitated or because an emergency situation exists which is a threat to their health or safety. While many PHAs have used this term liberally, it is HUD’s position that all residents of a project to be revitalized or demolished under HOPE VI should be provided full permanent relocation benefits as displaced persons unless all the following criteria are met:

- The HOPE VI project is solely rehabilitation,
- a sufficient number of suitable units will be available so that all residents can be guaranteed the ability to return to a unit in the project after rehabilitation,
- the PHA has made a final determination on each individual resident under the adopted return criteria that the resident is eligible to return to the completed project, and
- the resident will be in “temporary” housing for less than one year.

If all the above criteria are met, the person is not considered displaced under the URA, however, they must be reimbursed for all reasonable out of pocket expenses in connection with the temporary relocation pending their return to the project. In all other cases, or where a resident in a project must be moved for a period that exceeds one year, the Authority should provide full URA relocation benefits to enable a resident to make a permanent move

Temporary Housing - The PHA will provide temporary housing that is decent, safe, and sanitary on a nondiscriminatory basis for families or individuals who are moved temporarily on site, or who are moved off site in rehabilitation projects. If an Authority is unable to guarantee the resident's right to return to a rehabilitation project unit within 12 months, the Authority should issue a Notice of Eligibility for Relocation Assistance to the resident, and provide full displacement assistance.

Packing and Moving Assistance – If a resident prefers to pack their own personal possessions and items of value, they will be provided packing boxes and tape for the move. A resident who needs assistance in packing, should contact the Authority for assistance. It is the obligation of the Authority to pack and move all of a resident's belongings and household goods.

Incidental Costs - Incidental costs of a temporary move will be covered by relocation benefits and may include any required utility deposits at the temporary housing (but not permanent housing), and telephone and/or cable installation at both the temporary housing and upon return to the newly rehabilitated project (if the resident previously had telephone and/or cable service). If the newly rehabilitated project changes the utility service to resident-purchased from Authority-furnished utilities, and new or increased utility deposits will be required, the Authority cannot pay for the new utility deposits (since this is a cost required to be paid by any resident currently living in a project that is being converted to resident-purchased utilities or by any new resident moving into such a project).

Fair Market Rent – When it is necessary to temporarily house families or individuals in units other than public housing, rents paid by the Authority will not exceed Section 8 Existing Fair Market Rents, except as may be approved by the HUD Field Office. The portion of the rent paid by the family or individual will remain the same. When a public housing unit of suitable size and location becomes available, the family or individual must agree to move into the unit or any gap assistance (payments for reasonable increases in monthly housing costs at the temporary unit) will terminate.

B. Method of Payment - Move Related (Temporary)

For residents who are temporarily relocated, the Authority will provide Direct Payment or Reimbursement for all reasonable out-of-pocket expenses in connection with the move. To provide this assistance, the Authority will:

- Undertake the move itself, using force account labor or a moving company, and, therefore, be directly responsible for all moving and incidental costs.
- Authority's contractor or moving company
- Employees of the Authority
- Reimburse families or individuals for all actual and reasonable moving and incidental costs.

The Authority has determined the following estimates to be a guide for what is a reasonable cost for the moving of furniture, personal fixtures, and household goods only. In compliance with HUD's implementing instructions, it is not the intent of the Authority to use these estimates as "fixed payment" maximums.*

1-Bedroom Unit \$ _____	2-Bedroom Unit \$ _____	3-Bedroom Unit \$ _____
4-Bedroom Unit \$ _____	5-Bedroom Unit \$ _____	6-Bedroom Unit \$ _____

***NOTE:** The Authority will not make fixed payments since such payments may not be representative of actual reasonable costs. However, in order for a resident to be sure of full reimbursement, residents should submit their moving cost estimate to the Authority for approval prior to the move. Failure to do so may result in the resident not being fully reimbursed.

C. Method of Payment - Utility Related (Temporary)

For residents who are temporarily relocated, the Authority will provide Direct Payment or Reimbursement for all disconnection and reconnection of necessary utilities {generally water, sewer, gas, and electricity}. To provide this assistance, the Authority has selected the following method of payment (Direct Payment or Reimbursement):

The Authority will reimburse the resident the cost of transferring the following utility services to the replacement or temporary unit.

<u>NAME OF UTILITY COMPANY</u>	<u>TYPE OF UTILITY SERVICE</u>
_____	_____
_____	_____
_____	_____

NOTE: In order to receive reimbursement, each resident is required to submit proof of the cost of transferring the resident's existing utility service to the replacement or temporary unit such as a monthly statement indicating the transfer charge.

The Authority will pay direct to the following utility companies the cost of transferring the resident's utility service to the replacement or temporary unit.

<u>NAME OF UTILITY COMPANY</u>	<u>TYPE OF UTILITY SERVICE</u>
_____	_____
_____	_____
_____	_____

D. Permanent Move Assistance

Displaced Person – The term “displaced person” means any person that moves from real property, or moves his or her personal property from the real property, permanently, due to HUD-funded acquisition, rehabilitation or demolition activities.

Residents who are to be displaced from the site will be given a *Notice of Eligibility for Relocation Assistance* that will discuss their eligibility for assistance under the URA. Residents will be cautioned “DO NOT MOVE UNTIL YOU RECEIVE THIS NOTICE.” This Notice will be provided to each resident by the PHA as soon as possible after the Initiation of Negotiations (ION) which is the date HUD approves the PHAs Revitalization Plan, including all required supplemental submissions, and HUD authorizes the PHA to proceed with implementation of the Revitalization Plan.

Comparable Replacement Housing – The Authority will not require any family or individual to move unless at least one (where possible, three or more) comparable replacement dwelling, as defined in 49 CFR 24.2(d), is made available at least 90 days before the required move (refer to 49 CFR 24.204).

E. Move Assistance for Displaced residents *{To Other Public Housing}*

Direct Payment or Reimbursement of Moving Expenses - The Authority has chosen the following move for residents who are displaced into other Public Housing.

Undertake the move itself, using force account labor or a moving company, at no cost to the individual or family being displaced. In such case, the family or individual also is entitled to a moving expense and dislocation allowance of \$50.

Packing and Moving Assistance – If a resident prefers to pack their own personal possessions and items of value, they will be provided packing boxes and tape for the move. A resident should contact the PHA if he/she needs assistance in packing. The PHA is obligated to pack and move all of a resident’s belongings and household goods.

Allow the resident to elect one of the following displacement options.

- 1) The PHA will reimburse the resident for the actual cost of all actual reasonable moving and related expenses (48 CFR 24.301) such as:
 - Transportation of the displaced person and personal property. (This may include reimbursement at the current mileage rate for personally owned vehicles which need to be moved). Transportation costs for a distance beyond 50 miles are not eligible, unless the Authority determines that relocation beyond 50 miles is justified.
 - Packing, crating, uncrating, and packing of the personal property.
 - Storage of the personal property for a period not to exceed 12 months, unless the Authority determines that a longer period is necessary.
 - Disconnecting, dismantling, removing, reassembling, and reinstalling relocated household appliances and other personal property.
 - Insurance for the replacement value of the property in connection with the move and necessary storage.
 - The replacement value of property lost, stolen, or damaged in the process of moving (not through the fault or negligence of the displaced person, his or her agent, or employee) where insurance covering such loss, theft, or damage is not reasonably available.
- 2) The PHA will pay the applicable and current fixed moving expense and dislocation allowance required under 49 CFR 24.302 directly to the resident. The current allowance schedule is based on the number of rooms of furniture to be moved.

F. Move Assistance for Displaced Residents *{To Housing Other Than Public Housing}*

Residents who are displaced out of public housing are entitled to the assistance described in the HUD brochure ***Relocation Assistance To Tenants Displaced From Their Homes (HUD-1042-CPD)***. Two of the key assistance components include moving assistance and replacement housing assistance.

Moving Assistance - For residents who are to be displaced into housing other than Public Housing, the Authority is required to permit each resident to choose from one of the following two options, but may include a third option. Even though not required, the PHA may offer the third “Local PHA” option described below, if “checked” by the Authority.

Option One – The Authority will reimburse the resident for the cost of all reasonable moving and related expenses (49 CFR 24.301).

Option Two – The Authority will pay the applicable and current fixed moving expense and dislocation allowance required under 49 CFR 24.302 directly to the resident. This allowance schedule is based on the number of rooms of furniture to be moved and is provided at the end of this section.

PHA Option – The resident may select the same move assistance made available to residents who are moving into other public housing. The PHA will undertake the move itself, using force account labor or a moving company, at no cost to the individual or family being displaced. In such case, the family or individual is entitled to a moving expense and dislocation allowance of \$50. This option does include, does not include, an advance loan payment to pay deposit costs.

Replacement Housing Payment - In addition to moving assistance, residents who are displaced into housing other than Public Housing may be entitled to a Replacement Housing Payment(RHP). This payment is intended to cover any increase in monthly housing costs. The RHP is calculated by multiplying the monthly difference in rent and other housing costs by 42 months. This payment may not be made as a lump sum; however, as few as two or three installments is appropriate. This amount cannot be adjusted after “vesting.” When calculating the RHP, the PHA must consider the Comparable Replacement Housing unit offered to the resident. Since RHP costs above that approved by the PHA may not be eligible, residents are cautioned to work closely with the PHA prior to their move

G. Applicable Fixed Moving Expense and Dislocation Allowance {49 CFR 24.302}

A resident who is displaced out of public housing may elect to receive either a payment for all actual and reasonable moving expenses or a fixed payment based on rooms of furniture. If the Authority chooses, this selection option may also be offered to residents who are displaced into other public housing. The Moving Expense and Dislocation Allowance available under 49 CFR 24.302, is based on the number of rooms of furniture, and was set at the following rates (effective _____):

1 Room \$ _____	2 Rooms \$ _____	3 Rooms \$ _____
4 Rooms \$ _____	5 Rooms \$ _____	6 Rooms \$ _____
Rooms \$ _____	8 Rooms \$ _____	

IV. RESIDENT PREFERENCES

Complete the chart below based on your tenant survey. Attach a copy of the survey instrument. Please also attach any analysis of survey results and any exceptional findings not noted elsewhere if applicable. Indicate the extent to which you plan to accommodate those preferences. Note the date of the survey.

PLANNED RELOCATION DESTINATIONS

REPLACEMENT HOUSING	NUMBER OF RELOCATIONS TO EACH HOUSING TYPE	
	ESTIMATE OF NUMBER AVAILABLE DURING RELOCATION PERIOD	NUMBER REQUESTED IN THE RESIDENT SURVEY
VACANT UNITS ON-SITE (WITHIN THE PH DEV.)		
VACANT UNITS IN OTHER PUBLIC AND ASSISTED DEV.		
RESIDENT-BASED SECTION 8 VOUCHERS		
HOMEOWNERSHIP		
OTHER HOUSING OPTIONS		
TOTAL		

General Transfer - A family or individual who is moved permanently from a project due to reasons other than HUD-funded rehabilitation or demolition activities (such as a family housed in an inappropriate size unit which is on the transfer list for an appropriate sized unit and is moved when one becomes available), is not a "displaced person" under the URA. The PHA is not required to use the funds provided by HUD for a HOPE VI project to pay for actual reasonable moving and incidental costs for general transfers between projects. The PHA's records should document the cause of the move when it is not subject to the URA.

Evictions for Cause – A resident is not entitled to relocation payments and assistance under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, (URA) (49 CFR Part 24) where the family or individual was evicted for serious or repeated violation of material terms of the lease and, therefore, the eviction was not undertaken by the PHA for the purpose of evading its obligation to make available moving assistance, rental assistance and/or other payments available under the URA. On the other hand, a resident who receives a Notice Of Eligibility For Relocation Assistance, and at a later date eviction proceedings are initiated which later result in his/her eviction, may still receive the relocation assistance identified in the Notice of Eligibility For Relocation Assistance (especially where such eviction is determined to be "for the project"). All eviction situations must be reviewed by the PHA to make a final determination on benefits which are due to the resident, if any.

RESIDENT REFUSAL - ONCE THE AUTHORITY HAS OFFERED REPLACEMENT HOUSING TO THE RESIDENT, EITHER TEMPORARY OR PERMANENT, THE AUTHORITY WILL SCHEDULE A MOVING DATE WITH THE RESIDENT. IF A PROBLEM ARISES WITH RELOCATING A RESIDENT IN A TIMELY MANNER, I.E., IF A RESIDENT REFUSES TO MOVE OR REFUSES TO MEET WITH THE AUTHORITY REGARDING A MOVE OR A RESIDENT CANNOT BE FOUND, THE AUTHORITY WILL INITIATE APPROPRIATE ACTION TO ADDRESS THE PROBLEM, WHICH MAY INCLUDE INITIATION OF EVICTION PROCEEDINGS. AN EVICTION "FOR THE PROJECT" SHOULD NOT EXTINGUISH A RESIDENT'S RIGHT TO RELOCATION

ASSISTANCE.

V. USE OF SECTION 8 VOUCHERS

If you plan to relocate some families with Section 8 vouchers, provide the following information: (Many PHAs will already have assembled much of this information to comply with the SEMAP indicator on Expanding Housing Opportunities. Where applicable, PHAs may respond by attaching the relevant SEMAP materials). You may find it useful to consult a HUD 2020 map that details concentrations of Section 8 units.

- **Availability of Rental Housing to Voucher Holders.** Describe, generally, the availability of rental housing to voucher holders in the metropolitan area over the planned period of relocation. What is the vacancy rate? Is there a shortage of such housing? Is there a shortage of particular sized units?
- **Voucher Success Rates.** Describe the experience of households newly issued Section 8 vouchers by your agency in the past year. What proportion of families issued vouchers succeeded in using them to rent housing?
- **Describe any different experience of households using Section 8 vouchers in connection with your recent relocation efforts (HOPE VI, other special initiatives).**
- **Utilization.** Detail your Section 8 utilization rates over the past three years.
- **Barriers to Voucher Usage.** What barriers, if any, did these voucher-holders encounter in using their vouchers? What steps, if any, do you plan to take to help relocating families overcome these barriers (for example: raising the payment standard, extending families' search time, providing transportation assistance)?
- **Expanding Housing Opportunities.** What proportion of families issued vouchers by your agency have accessed neighborhoods outside areas of poverty and minority concentration? What steps, if any, do you plan to take to expand the range of neighborhoods accessible to relocating families issued Section 8 vouchers, including to neighborhoods outside areas of poverty and minority concentration? Describe the PHA's methods for recruitment of landlords with units for large families and for people with disabilities.
- **Insulating Relocating Families From Increased Costs.** What steps, if any, do you plan to take to ensure that families with vouchers have relocation options that will not cause their costs for housing and utilities to increase (e.g., raising the payment standard, providing supplemental payments)?
- **Minimizing Conflicts With Other Relocation Efforts.** Describe any other major activities that are being conducted by you or other subsidized housing providers (including other PHAs) that have or may soon result in increased numbers of families with Section 8 vouchers in the area (e.g., other HOPE VI projects, conversions of public housing, Section 8 opt-outs or pre-payments, major renovations of subsidized housing, etc.) and indicate how they will effect the availability of housing and services for relocating families. (Note: Your HUD office will be familiar with this information).

Comments:

PAYMENT STANDARDS (THIS INFORMATION IS AVAILABLE FROM YOUR HUD OFFICE.)			
<input type="checkbox"/>	The PHA uses one payment standard for the entire FMR area.		
<input type="checkbox"/>	The PHA uses separate payment standards for designated areas with the FMR area		
Complete the table below for each geographic area for which the PHA uses a different payment standard.			
PAYMENT STANDARD AREA (DESCRIBE LOCATION):			
UNIT SIZE	FAIR MKT RENT (FMR)	PHA'S PAYMENT STANDARD	PAYMENT STANDARD AS PERCENT OF FMR
0 BR			
1 BR			
2 BR			
3 BR			
4 BR			
5 BR			

VI. RELOCATION RESOURCES – OTHER THAN SECTION 8

Describe in detail the housing resources, other than vouchers that you plan to use to relocate families. Include at minimum:

- If you plan to relocate some families to other public housing developments, indicate which public housing developments and, to the extent that you know, how many families you plan to move to each. Explain the basis on which these are comparable or improved housing opportunities.
- If you plan on using *resources other than vouchers or PHA-controlled resources*, describe them. Please include census tract data on poverty level and ethnicity for each identified resource. Explain the basis on which you expect these resources to improve the tenants' living environment.

Explain the basis for your conclusion that the resources you have identified are sufficient to re-house all families in need of relocation. To the extent practicable, support your response with data from objective sources.

VII. RELOCATION SERVICES

Describe in detail the relocation services you plan to provide families that are relocating, either directly or through partnerships with other agencies. See Handbook 1378, Chapter 2, for a description of advisory services required under the URA.

- How many housing search counselors will be employed and for how long? What will their caseloads be?
- What steps will be taken to ensure that families have transportation to explore different housing opportunities?
- What other relocation services will be provided to families, such as mobility counseling, self-sufficiency training, access to childcare?
- Describe information provided to residents during the planning process regarding proposed moving assistance, benefits, rights, privileges, protections, advisory services, counseling, and housing options which will be available to each household that is required to move.

VIII. OFF-SITE ACQUISITIONS AND/OR RELOCATIONS

Does the Authority plan to acquire off-site property? Yes No
If yes, how many parcels are expected to be acquired?

Will there be any "off-site" displacement of persons*? Yes No

* The term "person" is meant to include homeowners, tenants, or nonresidential owner or tenant occupants such as businesses, nonprofit organizations, or farms.

If yes, how many: Non-Residential
Homeowner
Tenant

If such off-site displacements are planned, the Authority should conduct a survey to determine the availability and cost of comparable replacement housing for tenants and homeowners, and the availability and cost of suitable locations for all businesses. Based on this survey, please provide sufficient information to assure HUD that adequate replacement housing, and suitable locations for non-residential occupants, are available for relocating those who are affected by the project.

Indicate the costs of such moves, and the costs of any planned acquisitions, in the **Off-Site Acquisitions and Moves** of **Section XI, Relocation Costs**.

NOTE: To obtain guidance and examples of notices for displacement of private sector homeowners, tenants, and businesses, the authority should review HUD Handbook 1378. The Authority is reminded that such displacements are not only complicated, they can be quite expensive and time consuming. *Example: Since Section 8 vouchers do not preclude a private sector tenant's right to opt for a replacement housing payment under the URA, a low income person, moving from a crowded, substandard unit, and into a decent, safe and sanitary comparable unit, might receive a payment of as much as \$20,000 or more.*

IX. OVERCOMING POTENTIAL IMPEDIMENTS TO RELOCATION

Describe in detail any impediments that you anticipate to families' successful relocation and indicate what you plan to do to address those impediments. For example, if households that you plan to relocate with Section 8 vouchers have utility debts that will make it difficult for them to secure utility services, what do you plan to do to help them access those utilities?

Since deposits are generally ineligible for reimbursement, do you plan to offer financial assistance, under a recapture agreement, to assist the relocating families with cleaning, security, or utility deposits? ____ Yes ____ No If so, briefly describe your "loan" process.

How will you ensure that suitable replacement housing will be available for large families?

UTILITY AND/OR SECURITY DEPOSITS - EVEN THOUGH THE AUTHORITY IS NOT PERMITTED TO PAY UTILITY AND/OR SECURITY DEPOSITS FOR PERMANENT MOVES, THE AUTHORITY CAN ADVANCE NEEDED DEPOSITS TO RESIDENTS WHO CHOOSE REIMBURSEMENT FOR THE ACTUAL AND REASONABLE COSTS OF THE MOVE, PROVIDED THE RESIDENT EXECUTES AN AGREEMENT TO REPAY THE FUNDS. SUCH ADVANCE PAYMENTS OF DEPOSITS ARE IN ESSENCE LOANS, AND, THEREFORE, ARE TO BE REPAYED IN ACCORDANCE WITH THE TERMS OF THE REPAYMENT AGREEMENT AGREED TO BY THE AUTHORITY AND THE RESIDENT.

X. STANDARDS FOR OCCUPANCY AND RE-OCCUPANCY

- Describe the criteria, as currently defined, that current residents should meet in order to return to the revitalized site and other off-site replacement housing. To the extent that time limits are imposed for re-occupancy, tenants should have ample notice to potentially comply. (However, this does not apply to criminal records.)
- Do you intend to adopt any occupancy requirements or lease provisions for the HOPE VI site that differ from the occupancy requirements or lease provisions for other public housing developments administered by your agency? If so, describe.
- Based on current circumstances, what proportion of the original residents do you anticipate will be able to meet the conditions of re-occupancy without any further assistance? What additional proportion of the original residents will be able to meet the criteria for re-occupancy with the assistance of support services the PHA provides for them?
- How many residents have indicated a desire to return to the revitalized site? How many public housing units do you anticipate will be available at the revitalized site?
- If the management agent is not yet in place, describe the process for revisiting the criteria that the original residents should meet in order to return to the revitalized site.
- A resident displaced from a HOPE VI project should not be precluded from applying and being considered for housing in the project after completion.

XI. RELOCATION COSTS

Provide a detailed relocation budget that indicates the projected costs for each element of the relocation.

URA RELOCATION MOVE (INCLUDING MOVING COSTS AND UTILITIES)		
NON-URA RETURN MOVE (OPTIONAL) (INCLUDING MOVING COSTS AND UTILITIES)		
URA TEMPORARY MOVE (LESS THAN 1 YR.)(INCLUDING MOVING COSTS AND UTILITIES)		
SECTION 8 SECURITY DEPOSITS AND OTHER INITIAL OCCUPANCY PAYMENTS		
OFF-SITE ACQUISITIONS AND MOVES (IF ANY): ___ PROPERTY ACQUISITION(S) \$ _____ ___ NON-RESIDENTIAL MOVES AT \$ _____ PER MOVE ___ HOMEOWNER MOVES (REPLACEMENT HOUSING AND PHYSICAL MOVE COSTS) AT \$ _____ PER MOVE ___ TENANT MOVES (REPLACEMENT HOUSING AND PHYSICAL MOVE COSTS) AT \$ _____ PER MOVE.		
RELOCATION COSTS FOR ALL OFF-SITE PRIVATE SECTOR MOVES \$ _____		
RELOCATION PROGRAM ADMINISTRATION, COUNSELING		
INCREASES IN MONTHLY RELOCATION HOUSING COSTS OVER 42 MONTHS (OR 60 MONTHS IF CDBG OR HOME \$ INVOLVED AND NO SECTION 8 VOUCHER IS AVAILABLE (SEE HB 1378, SECTION 7-16.E.(1)(C)).		
CONTINGENCY		
TOTAL		
SOURCE:		
SOURCE:		
SOURCE:		
TOTAL		
ESTIMATE OF PHYSICAL MOVING COSTS AND UTILITY RELOCATION COSTS		
	Of ___ Resident households required to move	

	___ will be moved at \$___ each for a total of	\$___	
	Type Move: <i>A one-time move into another unit in the same public housing (PH) development</i>		
	___ will be moved at \$___ each for a total of	\$___	
	Type Move: <i>Two moves within the same PH development</i>		
	___ will be moved at \$___ each for a total of	\$___	
	Type Move: <i>One move to a unit at another PH development and then a return move back to the site</i>		
	___ will be moved at \$___ each for a total of	\$___	
	Type Move: <i>One permanent move into another PH development</i>		
	___ will be moved at \$___ each for a total of	\$___	
	Type Move: <i>One move into a unit in the private market, including moves with Section 8 vouchers</i>		
	___ will be moved at \$___ each for a total of	\$___	
	Type Move: <i>One move into a S.8 or non-PH unit and then a return move back to the site.</i>		
	Physical moving costs and utility costs (all moves)	\$___	

Vested - Once a displaced resident has been permanently relocated into a decent, safe, and sanitary comparable replacement housing unit, and the PHA determines that a Replacement Housing Payment (RHP) is necessary to make the unit affordable, the full amount calculated based on need (see HUD Handbook 1378, Sections 3-3, 3-4, and 3-5) becomes “vested.” Because eligibility for URA benefits is premised upon the situation at the time of displacement, what may occur following this vesting cannot serve to cut off rights to periodic installment RHP. In short, while the RHP cannot be paid in a lump sum and must be paid in increments, the legal obligation to make the computed sum available to the displacee is determined at the time of the displacement and cannot be terminated or altered by subsequent circumstances.

XII. RESIDENT PARTICIPATION

- Describe activities involving residents in relocation planning, including consultation with residents and/or resident council and the provision of technical assistance so that they may be involved in the development and revisions, if any, to the relocation plan.
- If applicable, describe what actions will be taken to assure effective communication with residents: (1) who need services or information in languages other than English, and (2) with disabilities.

XIII. RELOCATION RECORDKEEPING AND NOTICES

The Authority, as part of its recordkeeping requirements, is maintaining an occupant list that, when the project is completed, will identify; 1) All persons occupying the real property at the initial submission of the application for assistance; 2) All persons moving into the property on or after the date on which the project begins, and; 3) All persons occupying the property upon completion of the project.

The Authority will hand deliver, with receipt on file, or send by certified mail, return receipt requested, the following notices required at 49 CFR Part 24.

General Information Notice (GIN) – When will the Authority provide to each tenant the applicable/required GIN, along with a brochure that explains his/her benefits, rights, and privileges; and the moving assistance available for each type of move?

Initiation of Negotiation Notice – Will the Authority be prepared to provide, on the date HUD approves the Revitalization Plan, or as soon as feasible thereafter, the required Notice of Eligibility For Relocation Assistance, or Notice of Nondisplacement, as applicable, to each eligible resident?

Yes No

Move In Notice – Does the Authority plan to provide a Move In Notice to all new tenants who move into a project unit, after application submission? This notice is at the Authority's discretion. [NOTE: A sample Notice is found at Appendix 29 in HUD Handbook 1378.]

Yes No

Attach copies of anticipated Notices that will be given to residents. Samples are included in the appendix to Notice CPD-02-08 and Handbook 1378.

APPENDIX B-1: Invitation to Participate Notice

Housing Authority Letterhead

An Invitation to YOU!

You are invited to attend and participate in a discussion regarding a proposal to rehabilitate, demolish and/or reconstruct the complex you now live in. If this proposal goes forward, it is the Authority's intention to prepare and adopt a Relocation Plan, and to consider the comments and suggestions received from both the residents and the residents' association. If adopted, this Plan will be made available to each resident who currently occupies this complex to help explain the rights, protections, services, moving assistance, and housing choices that may be available.

As you can see, ***this is an important meeting.*** Please plan to attend. Your suggestions and concerns **will be heard and considered.**

Several issues may be discussed at this meeting.

- What is the best way to improve the living conditions at this complex? (Rehabilitation, Demolition/Reconstruction, Demolition Only) Why?
- Are there laws to protect me if I have to move?
- Will I get moving and relocation services? What kind?
- Can I move to other Public Housing?
- What if I want a Section 8 Voucher? Can I get one? How?
- What about homeownership? Can I buy a home? How?
- Can I come back to the complex when the project is finished?
- Will I be kept informed of other meetings or actions? How?

APPENDIX B-2: Resident Survey

Housing Authority Letterhead

(date)

The Authority plans to request funds from the United States Department of Housing and Urban Development (HUD) for the purpose of rehabilitating, demolishing, or disposing of the complex you now live in.

Caution: This is not a notice to move. If you move before you receive a notice instructing you to move, you will not be eligible for moving assistance. You should continue to pay your monthly rent and to comply with your lease terms and conditions since failure to pay rent and meet your other obligations as a resident may be cause for eviction and loss of relocation assistance.

The purpose of this survey is to determine your replacement housing preference. Please find below a list of possible replacement housing choices that the Authority believes will be available to you if this project is funded. **Please place a number by the choices you select in order of preference.** [A number “1” by your first choice, “2” by your second, “3” by your third, etc.]

Options Available:

- Return to Site When Project Is Complete
- Other Public Housing
- Section 8 Assisted Housing
- Section 8 Voucher Assisted Housing
- Optional Homeownership Housing
- Private Sector Rental Housing
- Other Housing

APPENDIX B-3: General Information Notice – Public Housing Resident to be Displaced

Housing Authority Letterhead

The Housing Authority is preparing an application for submission to HUD requesting funds to demolish the property you occupy. After the property is cleared, the Authority plans to construct mixed-income housing units, including public housing units.

This notice is to inform you of your rights under Federal law. If the Authority demolishes the property and you are displaced for the project, you will be eligible for relocation assistance under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA), as amended. However, do not move now. This is not a notice to vacate the premises. You should continue to pay your monthly rent to the Housing Authority because a failure to pay rent and meet your other obligations as a resident may be cause for eviction and loss of relocation assistance.

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 hardship to a qualifying spouse, parent, or child. All persons seeking 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.

You are urged not to move or sign any agreement to purchase or lease a new unit before receiving formal notice of your eligibility for relocation assistance. If you move or are evicted before receiving such notice, you may not receive any assistance. Please contact us before you make any moving plans.

If the Authority demolishes the property and you are eligible for relocation assistance, you will be given advisory services, including referrals to comparable replacement housing, and at least 90 days advance written notice of the date you will be required to move. You would also receive moving assistance or a payment for moving expenses and may be eligible for financial assistance to help you rent your replacement unit. If you qualify for such assistance, you may choose to apply the amount you are eligible to receive towards the purchase of a home. This assistance is more fully explained in the enclosed brochure, ***Relocation Assistance to Tenants Displaced from Their Homes.****

Even though you will be provided all of the assistance the URA requires for a permanent move, the Authority believes that every resident displaced from the site should have the right to reapply for occupancy once this project is complete. For this reason, after project completion, every resident who receives assistance as a “displaced person” will be contacted and offered an opportunity to reapply for occupancy in the newly-revitalized community. Furthermore, because you will be a former occupant who was “displaced” from the site, you will also receive a priority preference to return.

In the event the number of those who request to return and then do qualify exceeds the number of units available, rating and ranking criteria will be used to identify those who will be offered a unit at the site until all available units are filled. If you do return, the Authority may help defray the costs of the return move. If you have Replacement Housing Payments not yet spent or obligated, you may be asked to forfeit these payments as a condition for returning to public housing, since this assistance will no longer be necessary to meet your housing needs. Such assistance, if not forfeited, must be considered as income and may affect your eligibility and rent.

If, for any reason, any other persons move into your current unit with you after this notice, your assistance may be reduced. If you have any questions, please contact our office.

Again, this is not a notice to vacate and does not establish eligibility for relocation payments or other relocation assistance. If the Housing Authority decides not to demolish your complex/unit, you will be notified in writing.

Enclosure

**APPENDIX B-4: General Information Notice – Public Housing Resident that
will not be Displaced**

Housing Authority Letterhead

The Housing Authority is preparing an application for submission to HUD requesting funds to rehabilitate the property you occupy.

This notice is to inform you that, if the assistance is provided and the building is rehabilitated, you will not be displaced. Therefore, we urge you not to move anywhere at this time. (If you do elect to move for reasons of your choice, you will not be provided relocation assistance.)

If the application is approved and Federal assistance is provided for the rehabilitation, you will be able to lease and occupy your present apartment (or another suitable, decent, safe and sanitary apartment in the same building/complex) upon completion of the rehabilitation. Of course, you must comply with standard lease terms and conditions.

After the rehabilitation, your initial rent, including the estimated average monthly utility costs, will not exceed the greater of (a) your current rent/average utility costs, or (b) 30 percent of your average monthly gross household income. If you must move temporarily so that the rehabilitation can be completed, suitable housing will be made available to you for the temporary period, and you will be reimbursed for all reasonable extra expenses, including all moving costs and any increase in housing costs.

Again, we urge you not to move. If the project is approved, you can be sure that we will make every effort to accommodate your needs. Because Federal assistance would be involved, you would be protected by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended.

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 hardship to a qualifying spouse, parent, or child. All persons seeking 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.

This letter is important and should be retained. You will be contacted soon. In the meantime, if you have any questions about our plans, please contact our office.

APPENDIX B-5: Notice of Eligibility for Relocation Assistance – Public Housing Resident (Move to Other Public Housing)

Housing Authority Letterhead

We notified you of proposed plans to demolish the property you now occupy. The Revitalization Plan and Supplemental Submissions were approved by HUD and the PHA has been authorized to implement the Revitalization Plan (Initiation of Negotiations).

This is a notice of eligibility for relocation assistance. To carry out the project, it will be necessary for you to relocate. However, you do not need to move now. You will not be required to move without at least 90 days advance written notice of the date by which you must vacate. And when you do move, you will be entitled to relocation payments and other assistance in accordance with Federal regulations implementing the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (URA).

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 hardship to a qualifying spouse, parent, or child. All persons seeking 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.

Even though you are being provided all of the assistance the URA requires for a permanent move, the Authority believes that every resident displaced from the site should have the right to reapply for occupancy once this project is complete. For this reason, after project completion, every resident who receives assistance as a “displaced person” will be contacted and offered an opportunity to reapply for occupancy in the newly-revitalized community. Furthermore, because you will be a former occupant who was “displaced” from the site, you will also receive a priority preference to return.

In the event the number of those who request to return and then do qualify exceeds the number of units available, rating and ranking criteria will be used to identify those who will be offered a unit at the site until all available units are filled. If you do return, the Authority may help defray the costs of the return move. If you have Replacement Housing Payments not yet spent or obligated, you may be asked to forfeit these payments as a condition for returning to public housing, since this assistance will no longer be necessary to meet your housing needs. Such assistance, if not forfeited, must be considered as income and may affect your eligibility and rent

The effective date of this notice is (date of Initiation of Negotiations). You are now eligible for relocation assistance, including:

Counseling and Other Advisory Services.

Payment for Moving Expenses. HUD policy permits the Housing Authority to provide one of the following move options. The two move options are outlined below along with the Housing Authority's selection.

Option One:

Undertake the move itself, using force account labor or a moving company, at no cost to the individual or family being displaced. In such case, the family or individual also is entitled to a moving expense and dislocation allowance of \$50.

NOTE: Even though the Authority will pack and move all of your belongings as outlined in the attached brochure, some residents prefer to pack their own personal possessions and items of value. Therefore, the Authority will make available packing boxes and tape along with packing instructions to assist you in your move. If you feel you need assistance in packing, please contact the Authority.

Option Two:

As a resident you can elect one of the following displacement options:

- 1) The Authority will reimburse the resident for the cost of all actual reasonable moving and related expenses as outlined in the attached brochure.
- 2) The Authority will pay direct to you a fixed moving expense and dislocation allowance as required under 49 CFR 24.302. Based on the number of rooms of furniture you have, your allowance would be:

Replacement Housing Payment. You may be eligible for a replacement housing payment to rent or buy a replacement home. The payment is based on several factors, including the cost of a "comparable replacement home," the monthly rent and average cost of utility services for your present home, and 30 percent of your average gross household income.

Listed below are three "comparable replacement homes" (along with their current rents, and contact names and phone numbers). You may wish to consider one of these for your new home. We would be pleased to provide you with transportation to inspect these dwelling units:

We believe that the first unit identified above is the most representative of your present home. Based on the information you have provided about your income, and the rent for this

unit, you may be eligible for a rental assistance payment of up to \$. This is the maximum amount that you would be eligible to receive. This amount would be paid to you in installments. If you rent a decent, safe and sanitary home where the monthly rent and average estimated utility costs are less than the cost for this unit, your rental assistance payment would be based on the actual cost of such unit.

Contact us immediately if you do not agree that these units are comparable to your home. We will explain the basis for our selecting these units. And, if necessary, we will find other units. We will not base your payment on any unit that is not a "comparable replacement home." Should you choose to buy (rather than rent) a decent, safe and sanitary replacement home, you would be eligible for a down payment in the amount of \$. Let us know if you would prefer to buy a replacement home, and we will help you find such housing.

In the General Information Notice we provided you, we enclosed a brochure entitled, ***Relocation Assistance to Tenants Displaced From Their Homes***. Please read the brochure carefully. It explains your rights and some things you must do to obtain a payment. For example, to obtain a replacement housing payment you must move to a decent, safe and sanitary home within one year after you vacate your present home. Do not commit yourself to rent or buy a unit until we inspect it.

I want to make it clear that you are eligible for assistance to help you relocate. In addition to relocation payments and housing referrals, counseling and other services are available to you. A representative of this office will soon contact you to determine your needs and preferences. He/She will explain your rights and help you obtain the relocation payments and other assistance for which you are eligible. If you have any questions, please contact the Authority's representative:

Remember, do not move before we have a chance to discuss your eligibility for assistance. This letter is important to you and should be retained.

Enclosure

APPENDIX B-6: Notice of Eligibility for Relocation Assistance – Public Housing Resident (Move to Section 8 Assisted Housing or Private Sector Housing)

Housing Authority Letterhead

We previously notified you of proposed plans to demolish the property you now occupy. The Revitalization Plan and Supplemental Submissions were approved by HUD and the PHA was authorized to proceed with implementation of the Revitalization Plan .

This is a notice of eligibility for relocation assistance. To carry out the project, it will be necessary for you to relocate. However, you do not need to move now. You will not be required to move without at least 90 days advance written notice of the date by which you must vacate. And when you do move, you will be entitled to relocation payments and other assistance in accordance with Federal regulations implementing the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (URA).

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 hardship to a qualifying spouse, parent, or child. All persons seeking 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.

Even though you are being provided all of the assistance the URA requires for a permanent move, the Authority believes that every resident displaced from the site should have the right to reapply for occupancy once this project is complete. For this reason, after project completion, every resident who receives assistance as a “displaced person” will be contacted and offered an opportunity to reapply for occupancy in the newly-revitalized community. Furthermore, because you will be a former occupant who was “displaced” from the site, you will also receive a priority preference to return.

In the event the number of those who request to return and qualify for public housing exceeds the number of units available, rating and ranking criteria will be used to identify those who will be offered units at the site until all available units are filled. If you do return, the Authority will permit you to receive a fixed-move payment up to the amount identified in this notice to help defray the costs of the return move. This provision will only be available if you have Rental Assistance Payments not yet spent or obligated. If the unexpended amount exceeds that established by the fixed-move schedule, you may be asked to forfeit this difference as a condition for returning to public housing since this assistance will no longer be necessary. Such assistance, if not forfeited, must be considered as income and may affect both your eligibility and your rent.

The effective date of this notice is the date of Initiation of Negotiations. You are now eligible for relocation assistance, including:

Counseling and Other Advisory Services.

Payment for Moving Expenses. You may choose either (1) a payment for your actual reasonable moving and related expenses, or (2) if you prefer, a fixed moving expense and dislocation allowance will be paid of \$.

Replacement Housing Payment. You may be eligible for a replacement housing payment to rent or buy a replacement home. The payment is based on several factors, including the cost of a "comparable replacement home," the monthly rent and average cost of utility services for your present home, and 30 percent of your average gross household income.

Listed below are three "comparable replacement homes" (along with their current rents, and contact names and phone numbers). You may wish to consider one of these for your new home. We would be pleased to provide you with transportation to inspect these dwelling units:

We believe that the first unit is the most representative of your present home. Based on the information you have provided about your income, you may be eligible for a rental assistance payment up to \$. This is the maximum amount that you would be eligible to receive. It would be paid in (indicate number of installments). If you rent a decent, safe and sanitary home where the monthly rent and average estimated utility costs are less than the amount for this unit, your rental assistance payment would be based on the actual cost of such unit. *PHA NOTE: When housing assistance, such as Section 8 voucher assistance, is available for a comparable housing unit for a resident who received housing assistance at the unit they moved from, the 42-month "gap payment" may be small, or in some cases, not required.]*

Contact us immediately if you do not agree that these units are comparable to your home. We will explain the basis for our selecting these units. And, if necessary, we will find other units. We will not base your payment on any unit that is not a "comparable replacement home." Should you choose to buy (rather than rent) a decent, safe and sanitary replacement home, you would be eligible for a down payment of \$ which will be paid in a lump sum at closing. Let us know if you would prefer to buy a replacement home, and we will help you find such housing.

In the General Information Notice we provided you, we enclosed a brochure entitled, ***Relocation Assistance to Tenants Displaced From Their Homes***. Please read the brochure carefully. It explains your rights and some things you must do to obtain a payment. For example, to obtain a replacement housing payment you must move to a decent, safe and sanitary home within one year after you vacate your present home. Therefore, do not commit yourself to rent or buy a unit until we inspect it.

I want to make it clear that you are eligible for assistance to help you relocate. In addition to relocation payments and housing referrals, counseling and other services are available to you. A representative of this office will soon contact you to determine your needs and preferences. He/She will explain your rights and help you obtain the relocation payments and other assistance for which you are eligible. If you have any questions, please contact the Authority's representative:

Remember, do not move before we have a chance to discuss your eligibility for assistance. This letter is important to you and should be retained.

Enclosure

APPENDIX B-7: Notice of Non-Displacement

Housing Authority Letterhead

:

We previously notified you that the Housing Authority was preparing an application for submission to HUD requesting funds to rehabilitate the property you occupy. The Authority's request was approved, and HUD approved the Revitalization Plan and the Supplemental Submissions and authorized the PHA to proceed with implementation of the Revitalization Plan (Initiation of Negotiations). The repairs will begin soon.

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 hardship to a qualifying spouse, parent, or child. All persons seeking 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.

This is a notice of non-displacement. You will not be required to move permanently as a result of the rehabilitation. This notice guarantees you the following:

1. You will be able to lease and occupy your present apartment [or another suitable, decent, safe and sanitary apartment in the same building/complex] upon completion of the rehabilitation. Your monthly rent will remain the same or, if increased, your new rent and estimated average utility costs will not exceed 30% of the gross income of all adult members of your household. Of course, you must comply with the reasonable terms and conditions of your lease.

2. If you must move temporarily so that the repairs can be completed, you will be reimbursed for all of your extra expenses, including the cost of moving to and from the temporarily occupied unit and any additional housing costs. The temporary unit will be decent, safe and sanitary, and all other conditions of the temporary move will be reasonable.

Since you will have the opportunity to occupy a newly rehabilitated apartment, I urge you not to move. (If you do elect to move for your own reasons, you will not receive any relocation assistance.) We will make every effort to accommodate your needs. Because Federal assistance is involved, you are protected by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended.

If you have any questions, please contact the Authority's representative. Remember, do not move before we have a chance to discuss your eligibility for assistance. This letter is important to you and should be retained.

APPENDIX B-8: Letter of Interest

PHA Letterhead

RE: Provide Address or Legal Description of Property Location

Dear Property Owner and Other Interested Parties:

The purpose of this letter is to inform you that the Authority is interested in acquiring your property identified above. The Agency has identified the area in which your property is located as a “project” area in which the following improvements may be carried out:

Because Federal financial assistance is involved, you are protected by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA), as amended. For your information and review, I have enclosed a copy of the Department of Housing and Urban Development’s brochure entitled, “When a Public Agency Acquires Your Property.” The Agency wishes to disclose to you the following:

1. The acquisition would be considered an involuntary acquisition due to the fact that the Agency has the power of eminent domain and can acquire your property by condemnation.
2. In most cases, an appraisal and review appraisal are required to establish what is just compensation (fair market value) of a property.
3. You, or someone you designate to represent you, will be offered the opportunity to accompany the appraiser during the inspection of your property.

If your property is tenant-occupied, each tenant should be encouraged to not move. Each lawful tenant determined to be eligible as a displaced person will be assisted if the property is acquired. A representative of our Agency will contact each tenant to determine his/her eligibility for assistance under the URA.

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 hardship to a qualifying spouse, parent, or child. All persons seeking 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.

The Agency wishes to caution you that any tenant who moves into the property identified herein for possible acquisition after the date of this letter, (date), may not be entitled to displaced person assistance from the Agency. In the event you wish to provide housing to a tenant after this date, and you personally wish to pay for such assistance, please contact the Agency before you allow the tenant to occupy or lease the unit since URA assistance for a displaced person can be quite expensive. If you wish to lease a vacant unit to a new tenant, but not be responsible for displacement assistance, be certain to have the attached Move-in Notice executed by the tenant prior to the tenant leasing and occupying your unit.

NOTE: If an Agency determines that a person occupies a property, or is allowed to occupy a property, for the purpose of obtaining relocation assistance, and the HUD Field Office that administers URA requirements for HUD-assisted programs in the jurisdiction concurs in that determination, the tenant will not be entitled to assistance as a displaced person.

If you wish to discuss the Agency's interest in acquiring your property, the contents of the brochure or this letter, or the acquisition process that is required, please contact the Authority's representative. Any correspondence or documents you wish to submit to the Agency should be mailed to our address shown above.

This letter, and all future correspondence you receive from the Agency, are important and should be kept in a place of safekeeping.

Enclosure

APPENDIX B-9: 90 DAY NOTICE TO VACATE

Housing Authority Letterhead

You were issued a notice of eligibility for relocation assistance which identified the address of a comparable unit that was most representative of your present home. This notice informed you that it would be necessary for you to relocate in order for the Authority to carry out its project, and that you would not be required to vacate your unit without at least 90 days advance written notice of the date by which you must vacate.

This is your 90-day notice to vacate the property. You must vacate the property no later than 90 days from the date of this Notice.

When you do move, you will be entitled to relocation payments and other assistance in accordance with Federal regulations implementing the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (URA). This assistance was outlined in the Notice of Eligibility for Relocation Assistance you previously received .

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 hardship to a qualifying spouse, parent, or child. All persons seeking 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.

We will continue to provide you with the address of other replacement housing units for you to consider, and provide transportation to inspect these units. Please remember that we can not base your payment on any unit that is not a "comparable replacement home," and decent, safe and sanitary. Therefore, do not commit yourself to purchase or rent a unit until we inspect it.

In addition to relocation payments and housing referrals, counseling and other services are available to you. However, in order for you to obtain a replacement housing payment, you must move to a decent, safe and sanitary home within one year after you vacate your present home. Therefore, do not move into your selected unit until it has been inspected and approved.

If you have any questions, please contact the Authority's representative.

This letter is important to you and should be retained.

NOTES to Appendix B-9.

1. The case file must indicate the manner in which this notice was delivered (e.g., personally served or certified mail, return receipt requested) and the date of delivery. (See Paragraph 2-3d of Handbook 1378.)
2. This is a sample. It should be revised to reflect the circumstances.
3. Timing of Notice. This notice shall not be given before the person is issued a notice of eligibility for relocation assistance. A person to be displaced from a dwelling shall not be issued a 90-day notice before a comparable replacement dwelling has been made available
4. Content of Notice. The 90-day notice shall either (a) state the specific date by which the property must be vacated or (b) specify the earliest date by which the occupant may be required to move and indicate that the occupant will receive a vacate notice indicating, at least 30 days in advance, the specific date by which he or she must move.

REFERENCE MATERIALS

APPENDIX C

Following is a list of statutory, regulatory, handbook, and other reference materials for use by HUD and PHA program staff. Many can be found on or located through the HUD website at: www.HUD.gov.

Relocation References:

- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Public Law 91-646; 84 STAT. 1894 (42 USC 4601)
- Amended by: Surface Transportation and Uniform Relocation Assistance Act of 1987, Title IV of Pub. L. 100-117, 101 Stat. 246-256 (42 USC 4601 note)
- 49 CFR 1.48(cc) [54 FR 8928, March 2, 1989; as amended at 57 FR 33266, July 17, 1992; 57 FR 53295, November 9, 1992; 64 FR 7132, February 12, 1999]
- Section 104(d) of the Housing and Community Development Act of 1974, 42 USC 5304(d)
- HUD Handbook 1378 CHG-4, Tenant Assistance Relocation and Real Property Acquisition, September 1990
- HUD Handbook 1374, Tenant Assistance Relocation and Real Property Acquisition – HUD CPD Staff Responsibilities, March 11, 1992

HOPE VI References:

- Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act of 1993 (Public L. 102-389)
 - HOPE VI was originally known as the Urban Revitalization Demonstration (URD)
- Section 24 of the US Housing Act of 1937, as amended
- Quality Housing and Work Responsibility Act of 1998 (QHWRA) (Public L. 105-276)
- 24 CFR 941 Public Housing Development
- 24 CFR 968 Public Housing Modernization
- 24 CFR 970 Public Housing Program—Demolition or Disposition of Public Housing Projects
- 24 CFR 971 Assessment of the Reasonable Revitalization Potential of Certain Public Housing Required by Law
- Office of Public Housing Investments HOPE VI Grant Implementation Guidebook (October 1999) as revised
- Mixed Finance Guidebook
- Notice PIH 99-19 (Demolition/Disposition Processing Requirements Under the New Law) (QHWRA)

**MOVING EXPENSE AND DISLOCATION ALLOWANCE
SCHEDULE**

APPENDIX D

Uniform Relocation Assistance and Real Property Acquisition Policies Act

Residential Moving Expenses and Dislocation allowance Payment Schedule

State	Occupant owns furniture (1) and (2)									Occupant does not own furniture (3)		
	Number of rooms of furniture									each add'l room	1 room no furn.	add'l room
	1 room	2 rooms	3 rooms	4 rooms	5 rooms	6 rooms	7 rooms	8 rooms				
Alabama	400	525	650	775	900	1025	1150	1275	125	300	50	
Alaska	525	750	975	1200	1400	1575	1750	1925	150	350	50	
American Samoa	282	395	508	621	706	790	875	960	85	226	28	
Arizona	500	600	700	800	900	1000	1100	1200	100	300	50	
Arkansas	250	350	450	550	625	700	775	850	75	200	25	
California	575	750	925	1100	1325	1550	1775	2000	200	375	60	
Colorado	400	550	700	850	1000	1150	1300	1450	150	300	50	
Connecticut	250	400	550	650	750	850	950	1050	100	225	35	
Delaware	250	400	550	650	750	850	950	1050	100	225	35	
DC	250	400	550	650	750	850	950	1050	100	225	35	
Florida	500	650	825	1000	1150	1300	1450	1600	150	400	75	
Georgia	450	650	850	1000	1200	1350	1500	1600	125	250	35	
Guam	282	395	508	621	706	790	875	960	85	226	28	
Hawaii	550	900	1250	1550	1850	2100	2350	2600	200	300	100	
Idaho	400	550	700	850	950	1050	1150	1250	100	300	50	
Illinois	400	550	700	800	900	1000	1100	1200	100	325	35	
Indiana	250	400	550	650	750	850	950	1050	100	225	35	
Iowa	550	700	800	900	1000	1100	1200	1300	125	250	25	
Kansas	300	500	700	850	900	1000	1100	1200	150	250	50	
Kentucky	450	620	790	960	1130	1300	1470	1640	170	350	50	
Louisiana	250	350	450	550	625	700	775	850	75	200	25	
Maine	350	450	550	650	725	800	875	950	75	200	25	
Maryland	350	500	650	800	925	1050	1175	1300	100	225	35	
Massachusetts	250	400	550	650	750	850	950	1050	100	225	35	
Michigan	425	625	825	900	1025	1150	1300	1400	200	375	100	
Minnesota	400	550	700	850	1000	1150	1300	1400	100	275	50	
Mississippi	400	500	600	700	800	900	1000	1100	100	300	50	
Missouri	500	600	700	800	900	1000	1100	1200	100	300	50	
Montana	325	450	575	725	825	900	1000	1100	100	250	35	
Nebraska	345	485	620	760	865	965	1070	1175	105	275	35	
Nevada	360	540	720	900	1080	1260	1440	1620	180	300	60	
New Hampshire	450	600	750	900	1050	1200	1350	1500	150	200	150	
New Jersey	350	500	700	850	1000	1150	1250	1400	250	225	35	
New Mexico	400	650	880	1040	1200	1360	1520	1680	160	360	55	

Residential Moving Expenses and Dislocation allowance Payment Schedule

State	Occupant owns furniture (1) and (2)									Occupant does not own furniture (3)	
	Number of rooms of furniture										
	1 room	2 rooms	3 rooms	4 rooms	5 rooms	6 rooms	7 rooms	8 rooms	each add'l room	1 room no furn.	add'l room
New York	400	550	700	850	1000	1150	1300	1450	150	300	100
North Carolina	350	500	650	750	850	950	1050	1150	150	250	50
North Dakota	350	500	650	775	900	1025	1100	1225	125	300	45
N. Mariana Is.	282	395	508	621	706	790	875	960	85	226	28
Ohio	400	600	800	950	1100	1250	1400	1550	150	250	50
Oklahoma	450	600	750	900	1025	1150	1275	1400	100	300	50
Oregon	350	500	700	900	1075	1250	1425	1600	175	300	50
Pennsylvania	250	400	550	650	750	850	950	1050	100	225	35
Puerto Rico	250	350	450	550	625	700	775	850	75	200	25
Rhode Island	400	500	600	700	800	900	1000	1100	100	300	25
South Carolina	550	625	850	1000	1200	1350	1475	1650	150	400	50
South Dakota	350	500	650	800	900	1200	1400	1600	200	300	40
Tennessee	450	600	750	900	1050	1200	1350	1500	150	300	50
Texas	350	500	650	800	950	1050	1150	1250	100	300	50
Utah	250	350	450	550	625	700	775	850	75	200	25
Vermont	350	500	650	800	950	1050	1150	1250	100	300	50
Virgin Islands	250	350	450	550	625	700	775	850	75	200	25
Virginia	300	500	600	700	800	900	1000	1100	100	225	35
Washington	450	600	750	900	1050	1200	1350	1500	150	300	50
West Virginia	500	650	775	900	1075	1225	1350	1500	150	225	35
Wisconsin	350	500	650	750	850	950	1050	1150	125	325	60
Wyoming	300	400	500	600	700	800	900	1000	100	200	35

Exceptions:

- (1) Person whose residential move is performed by agency at no cost to the person, \$50.
- (2) Move of a mobile home from site, actual cost; reasonable amount may be added for packing and securing personal property for the move at agency discretion.
- (3) The expense and dislocation allowance provided to a person who is an occupant of a dormitory style room shared by two or more other unrelated persons, and whose residential move is performed by an agency at no cost to the person, is limited to \$50.00. (Several States have requested that in such a case the allowance be increased to \$100.00. The \$50.00 limit cannot be revised or eliminated by this notice because it is established by regulation (49 CFR 24.302). However, we note that State agencies may request a waiver of the \$50.00 limit on a case-by-case basis pursuant to 49 CFR 24.7.)

Excerpt from Federal Register Vol. 66, No. 167, pages 45359-45360
Published 8/28/2001, Effective 9/27/2001

NOTE: Any request for a waiver of the \$50 dislocation allowance under Exception (3) above should be submitted to the Community Planning and Development Division (CPD) in the appropriate HUD Field Office with a copy to the Director of Public and Indian Housing (PIH) in the appropriate HUD Field Office.