

HUD Programs

Uniform Relocation Act Policy Guide



North Dakota Housing Finance Agency
2624 Vermont Avenue
PO Box 1535
Bismarck, ND 58502-1535

800/292-8621 or 701/328-8072
800/366-6888 (TTY)

www.ndhfa.org • hfainfo@nd.gov

Introduction

The HOME Investment Partnerships Program (HOME) and the National Housing Trust Fund (HTF) are federal funding programs that mandates compliance with various crosscutting requirements. Among the federal crosscutting requirements which impact the project is compliance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA). Projects being developed with HOME and HTF (HUD Assisted) assistance must adhere to URA requirements.

The URA provides protection to individuals and businesses displaced due to the acquisition, demolition, or rehabilitation of HUD assisted projects. The purpose of the URA is to provide displaced persons with fair, equitable treatment and protection from disproportionate injury from projects designed to benefit the public. North Dakota Housing Finance Agency's (NDHFA) Residential Antidisplacement and Relocation Assistance Plan (RARAP) communicates the Agency's commitment to minimizing displacement and ensuring that affected persons and businesses receive fair and equitable treatment.

This guide covers basic URA requirements for those projects awarded HOME and/or HTF funding. For additional information about the relocation requirements for federally funded projects, please refer to [HUD Handbook 1378](#). More specifically, [24 CFR Part 93.352](#) describes the displacement, relocation, and acquisition requirements particular to the HTF and 24 CFR Part 92.353 for HOME.

Displacement vs. Temporary Relocation vs. Non-displacement

Displacement occurs when a person is displaced as a direct result (as defined under federal regulation) of a federally assisted acquisition, demolition or rehabilitation project. A displaced person is any tenant (residential or business), regardless of income, who is forced to move from a property permanently as a direct result of rehabilitation, demolition or acquisition of a HUD-assisted project. This includes, but is not limited to, physical displacement caused by overcrowding, loss of a unit, or economic displacement due to an increase in rents.

Temporary relocation occurs when a tenant is required to move temporarily, either within the project or to an offsite location, in order to accommodate an HUD-assisted acquisition, demolition or rehabilitation. Relocation is only considered temporary if the tenant's relocation is for 12 months or less. If the relocation exceeds 12 months, it is considered displacement under URA regulations and relocation benefits must be paid.

Non-displacement occurs when a tenant is not moved from their unit because of a federally assisted acquisition, demolition or rehabilitation.

While creating the project's scope of work, the owner/developer must determine if there will be any displacement, non-displacement or temporary relocation.

Tenant Relocation Plan

Developers of HUD-assisted projects involving rehabilitation or acquisition must create a tenant relocation plan that conforms to all URA requirements. The plan must include an outline of how tenants will be accommodated during construction, an overview of construction activities, a project timeline, an estimated budget, and whether or not the scope of work will require temporary or permanent relocation. The plan should contain:

- A description of the project and scope of work.

- A list of all sources of funds.
- A description of the level of displacement, temporary relocation, and non-displacement that will occur for all tenants, both residential and commercial.
- How the owner/developer plans to accommodate any special needs of the tenants and how needs assessment interviews will be conducted.
- What other social services may need to be used.
- Relocation budget contingency for unexpected issues (e.g., a tenant is allergic to dust so they are not able to return home after business hours as expected).
- Estimated schedule of construction and relocation.
- Transportation considerations.
- Americans with Disabilities Act (ADA) accommodations.
- Budget of estimated relocation (both permanent and temporary) costs with source information for the estimates.

If **permanent displacement** is anticipated, describe also:

- The number of tenants affected.
- The owner/developer's plans to find comparable replacement dwellings.
- How tenants who may be hard to house will be assisted.
- The process available for a tenant to appeal the amount of their claim.

If **temporary relocation** is anticipated, describe also:

- The number of tenants affected.
- How long the temporary relocation will last for an individual tenant.
- The number of tenants who will need to vacate only during business hours vs. overnight or for an extended period.
- Plans for food and entertainment costs if relocation will be during business hours only.
- Where temporarily relocated tenants will be housed (e.g., a vacant unit, nearby hotel).

NOTE: These lists are intended as a guide and are not all-inclusive.

Notices

According to HTF regulations at 24 CFR Part 93.352(c)(3) and HOME regulations at 24 CFR Part 92.353(c)(3) the Initiation of Negotiations (ION) is the date that NDHFA issues a formal financial award to the project for acquisition, rehabilitation, or demolition. The ION is important because it determines when various URA notices and disclosures must be made to affected tenants.

URA regulations require several notices to be delivered to all tenants and/or potential tenants of the property receiving federal funds. Each notice must be written in plain, understandable language. Persons who are unable to read and understand the notice (e.g., due to lack of literacy, limited English proficiency, disability) must be provided with appropriate translation or interpretation services in accordance with HUD limited English proficiency guidance, alternative formats, and/or counseling. Each notice must indicate the name and telephone number (including the telecommunication device for the deaf (TDD) number, if applicable) of a person who may be contacted for answers to questions or other needed help.

HUD and NDHFA provide all required forms and templates of all notices on their respective websites except for the Ninety-Day Notice to vacate, which should be developed by the owner/developer. Drafts of all notices should be submitted to NDHFA for review and approval prior to issuing to tenants. Once the drafts are approved, the owner/developer must deliver

applicable notices to all adult leaseholders. The owner/developer must be able to provide proof of delivery.

Please note, all forms and notices referred to in this manual are for residential tenants. Projects with commercial tenants should contact NDHFA to be directed to the forms and notices appropriate for business tenants.

Tenant notices should be delivered in one of the following ways:

- Hand delivery
- Certified return receipt (USPS)

General Information Notice (GIN): The GIN informs tenants of the receipt of federal funds for acquisition and/or rehabilitation. Tenants residing in the property at the time of the ION (HOME or HTF Financial Award) must be provided a GIN **within 30 days**. It is imperative that the GIN is disbursed in a timely manner. Any tenants who move in or out before the GINs are disbursed will be eligible for URA benefits. There are two versions of the GIN, [one issued to tenants who will be displaced](#) and [one to those who will not be displaced](#).

Notice of Non-displacement: This notice informs tenants who will remain in the project after completion of the assisted activity of their rights and of the terms and conditions for remaining at the property during construction. This is a separate notice and requirement from the GIN, however, the GIN and the Notice of Non-displacement can be delivered at the same time.

Move-in Notice: Tenants who move in to the property after the ION must sign a Move-in Notice prior to signing the lease. This notice informs new tenants that they may be displaced and that they will not be entitled to relocation assistance under URA.

HUD Information Brochure (HUD-1042-CPD): This brochure provides an explanation of tenants' rights and must be provided to tenants who will be permanently displaced. When preparing the brochure to provide to tenants, include the contact information for the [HUD Relocation Specialist with responsibility over North Dakota](#).

Notice of Eligibility (NOE): The NOE informs tenants who will be permanently displaced of the available relocation assistance, the estimated amount of assistance based on the displaced person's individual circumstances and needs, and the procedures for obtaining assistance. This notice must be specific to the person and their situation so that they will have a clear understanding of the type and amount of payments and/or other assistance to which they may be entitled. The NOE must be signed by the tenant(s). Before an NOE can be provided, a relocation needs assessment interview must take place. The development team must also complete [form HUD-40061](#), Selection of Most Representative Comparable Replacement Dwelling. This form must be retained in the tenant URA file for purposes of monitoring by NDHFA.

Ninety-day Notice: Owners/developers will develop their own vacate notices, which must be provided to tenants who will be displaced, at least 90 days prior to their move out. The notice must not be given before they receive an NOE for relocation assistance. The date provided in the Ninety-day Notice may be different for each person or group of persons in a project based on whether or not the project will be phased, the location of the occupied building(s), or the project schedule.

Additional Notice Requirements: Tenant Track Down: If an owner/developer fails to provide the GIN notices required and occupants vacate the project before being appropriately advised of

their eligibility or ineligibility for URA, the owner/developer must initiate all reasonable procedures to locate all former occupants who should have received proper notice. Efforts to locate former occupants may include, but are not limited to:

- Appropriate notice in a local newspaper (for at least 30 days).
- Posting notice in an appropriate project location.
- Checking with the local post office for a forwarding address.
- Checking project records for employment or other contact telephone numbers.
- Checking with local utility companies, school districts, churches, or community organizations.
- Hiring a “finding service” available in the local area or over the internet.

Each occupant’s file must be documented with all attempts to make contact and the results. The owner/developer will need to determine the eligibility or ineligibility for relocation assistance for each former occupant who is located and assist the former occupant to access appropriate advisory services and applicable relocation payments.

Relocation Needs Assessment Interviews

Providing a written notice or series of notices, along with the HUD information brochure, is not sufficient to ensure that a person who is displaced or temporarily relocated by the project understands his/her rights and responsibilities. As soon as feasible, the owner/developer must contact each person who is displaced or temporarily relocated by the project to discuss his/her needs, preferences and concerns. Whenever feasible, contact should be in person.

Claim Forms

HUD provides claim forms to use when calculating benefits.

Each URA file for tenants who are **displaced** requires:

- [Form HUD-40058](#) Claim for Rental Assistance or Down Payment Assistance.
- [Form HUD-40054](#) Residential Claim for Moving and Related Expenses.

Each URA file for tenants who are **temporarily relocated** requires:

- [Form HUD-40058](#) Claim for Rental Assistance or Down Payment Assistance.
- [Form HUD-40030](#) Claim for Temporary Relocation Expenses (residential moves).

Appeals

Tenants have the right to appeal the claim amount they have been provided. The Tenant Relocation Plan must include details of the appeals process consistent with [49 CFR Part 24.10](#). Owners/developers must track all appeals submitted and the outcome of each decision. Written responses to tenants must include information regarding the tenant’s ability to appeal the decision. Refer to [HUD Handbook 1378](#) for more information on the appeals process.

Reporting

Commencing at the ION, until project completion, rent rolls and any Move-In Notices must be submitted to NDHFA by the last business day of each month for review. Construction draws are contingent on NDHFA having current and accurate URA information.

Monitoring

NDHFA will monitor URA files at project closeout for both temporary relocation and permanent displacement. At a minimum, the file should contain:

- All applicable notices.
- All applicable claim forms.
- Copies of all checks and proof of tenant receipt (e.g., endorsement, certified mail).
- Any applicable communications.
- Any appeals information, if applicable.

For tenants who were displaced, the file should also contain:

- [HUD-40061](#), Selection of Most Representative Comparable Replacement Dwelling for Computing Replacement Housing Payment.
- Replacement housing rent and utility costs.
- Proof that the replacement dwelling is decent, safe and sanitary. A dwelling occupied in connection with a rental assistance program that is subject to HUD Housing Quality Standards (HQS) (24 CFR Part 982.401), will be deemed to be in compliance with URA decent, safe and sanitary standards if it meets the applicable HQS.

Records Retention

Owners/developers must have a URA file for all tenants. The owner/developer will be responsible for retaining all documentation pertaining to URA including rent rolls, tenant files, notices, claims, etc. All records must be retained for five years after the final claim payment has been made.

URA Process Summary

Prior to Issuance of Financial Award

1. Develop Tenant Relocation Plan and submit to NDHFA.
2. Determine necessary displacement, temporary relocation, or non-displacement of existing tenants.
3. Issue GIN to each tenant. (Must be done no later than 30-days of Financial Award.)
 - a. [GIN for Residential Tenant Not Displaced](#), or
 - b. [GIN for Residential Tenant to be Displaced](#)
 - i. Include [HUD-1042-CPD](#), *HUD Informational Brochure – Relocation Assistance to Tenants Displaced From Their Homes*

After Issuance of Financial Award

1. All new tenants must sign a [Move-In Notice](#).
2. Rent rolls and Move-In-Notices provided to NDHFA monthly.

When Tenants Will Not Be Displaced

1. [Notice of Non-displacement](#) issued to all applicable tenants.

When Tenants Will Be Temporarily Relocated

1. All affected tenants interviewed to determine relocation needs.
2. Claim Forms [HUD-40058](#) and [HUD-40030](#) processed with tenant as necessary.

When Tenants Will Be Displaced

1. All affected tenants interviewed to determine relocation needs.
 - a. [HUD-1042-CPD](#), *HUD Informational Brochure – Relocation Assistance to Tenants Displaced From Their Homes*, provided to tenants again.
2. [Form HUD-40061](#) completed to identify comparable replacement dwellings.
3. [Notice of Eligibility](#) issued to all affected tenants.
4. Ninety-Day Notice to vacate issued to affected tenants.
5. Claim Forms [HUD-40058](#) and [HUD-40054](#) processed with tenant as necessary.

Note:

- Submit draft templates of all notices and letters to NDHFA for review and approval.
- All documentation must be retained by the owner/developer for five years from the later of project completion or date of last claim payment.