



# HUD PROGRAMS

## Uniform Relocation Act Policy Guide



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Date	Section	Description of Changes

Minor formatting, wording, or grammatical changes are not identified in this list. In addition to the items below, all website links referenced in the manual have been validated and updated where appropriate.

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## SECTION 1: URA INTRODUCTION AND OVERVIEW

The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA) protects the rights of homeowners, tenants, and non-residential owners and tenants that are displaced as a result of federally funded projects.

The HOME Investment Partnership Program (HOME) and National Housing Trust Fund (HTF) are federal funding sources administered by North Dakota Housing Finance Agency (NDHFA) that mandate compliance with various crosscutting requirements, including the URA.

Subrecipients/Developers (“Recipients”) who accept federal funding for acquisition and/or rehabilitation and reconstruction must minimize displacement of existing tenants, advise them of their legal rights, provide relocation counseling and assistance, and compensate tenants in a timely manner for relocation made necessary by such activities.

If a project using certain types of funding demolishes a lower-income dwelling unit, converts the unit to non-residential use, or makes the unit unaffordable to lower-income households, the Recipient must replace each of those lower-income dwelling units with comparable units; this is called the “one-for-one replacement” rule. Displaced tenants dissatisfied with determinations or benefits have the right to appeal.

### Acquisition and Relocation Objectives

- Provide uniform, fair and equitable treatment of persons whose real property is acquired or who are displaced in connection with federally funded projects.
- Ensure relocation assistance is provided to displaced persons to lessen the emotional and financial impact of displacement.
- Ensure that no individual or family is displaced unless decent, safe, and sanitary housing is available within the displaced person's financial means.
- Help improve the housing conditions of displaced persons living in substandard housing.
- Encourage and expedite acquisition by agreement and without coercion.

### Core Principals of Relocation

- Take all practical measures to minimize displacement of all persons, including residential occupants and businesses, through the development and preservation of housing and redevelopment of property for housing and community development purposes.
- Minimize disruption for tenants and take all practical measures to eliminate hardships for residential occupants and businesses.
- Adequately and accurately assess the needs of all persons impacted, including residential and business occupants.
- Create meaningful relocation plans based on the assessment of the needs of impacted persons.
- Execute relocation plans in a manner to protect the rights and dignity of all persons impacted.

For lower-income families displaced as a direct result of demolition and conversions in HOME assisted projects, Section 104(d) of the Housing and Community Development Act may also apply. Section 104(d) offers different forms of relocation and requirements, which are laid out later in this section.

### 1.01 Purpose of URA Policy Guide

The purpose of this guide is to advise NDHFA as the Administrator, and program and project developers as Recipients, how to comply with applicable federal and state relocation laws and regulations. This guide is designed to establish requirements, best practices, tools and techniques for successful relocation planning, implementation, and program and project management.

## Application of URA Policy Guide Based on Funding

This guide shall be applicable when a project causes the permanent displacement and/or temporary relocation of residential occupants and business, not for profit, and receives federal funding from sources including, but not limited to, the following U.S. Dept. of Housing and Urban Development (HUD) programs:

- HOME
- HTF
- Community Development Block Grant (CDBG), including disaster recovery (CDBG-DR), administered by ND Dept. of Commerce, Division of Community Services
- Project-Based Housing Choice Voucher Program, administered by local housing authorities

This guide covers basic URA requirements of HOME and/or HTF funded projects. For more information, refer to [HUD's Tenant Assistance, Relocation and Real Property Acquisition Handbook \(HUD Handbook 1378\)](#).

The displacement, relocation, and acquisition requirements particular to the HTF are covered by 24 CFR Part 93.352, and 24 CFR 92.353 covered HOME's requirements.

## Purpose and Intent of the URA

The Intent of the URA is to:

- Ensure owners of real property to be acquired for federally assisted projects are treated fairly and consistently.
- To ensure that persons displaced as a direct result of federally assisted projects are treated fairly, consistently, and equitably so that such displaced persons will not suffer disproportionate hardships as a result of projects designed for the benefit of the public as a whole.
- To ensure the Administrator implements these regulations in a manner that is efficient and cost-effective.

Primary Requirements of the URA are to:

- Treat persons fairly and equitably.
- Provide adequate and accurate planning for the activities (i.e., acquisition, appraisal, and relocation covered under the URA).
- Provide all eligible persons with advisory services.
- Provide all eligible persons with advanced notification of covered activities.
- Provide financial assistance to eligible persons.
- Provide a reasonable appeals process.

These requirements apply to all applicants, awardees, grantees, recipients, and project developers.

## 1.02 URA Eligibility Requirements

To be eligible for relocation assistance under the URA, the tenant must:

- Meet the definition of a displaced person, see below.
- Be a residential occupant in lawful occupancy of the property they will be displaced from for a period of 90-days prior to the Initiation of Negotiations (ION) date.
- Not have signed a Move-in Notice with their lease prior to occupancy advising that they would not be eligible for assistance under the URA.
- Have a Lawful Presence in the U.S., be a citizen or lawful resident alien, see below.

## Lawful Presence

Aliens not lawfully present in the U.S. are not eligible for relocation assistance unless such ineligibility would result in an exception or extremely unusual hardship to a qualifying spouse, parent, or child as defined at 49 CFR 24.208(h). All persons seeking relocation assistance will be required to certify that they are a U.S. citizen or national, or a lawfully present immigrant. Persons seeking relocation benefits will make this certification on the applicable HUD claim form when seeking relocation payments or relocation advisory assistance.

### 1.03 Section 104(d) of the Housing and Community Development Act of 1974

Under Section 104(d) of the Housing and Community Development Act of 1974, as amended (42 USC 5304(d)), is a section of federal law that applies to the CDBG and HOME programs. Key requirements of the law include:

- A Residential Anti-displacement and Relocation Assistance Plan (RARAP).
- Relocation assistance for displaced lower-income persons.
- One-for-one replacement of lower-income dwelling units.

NDHFA's RARAP communicates the agency's commitment to minimizing displacement and ensuring that affected persons and businesses receive fair and equitable treatment and outlines the requirements of one-for-one replacement of lower-income dwelling units.

Projects subject to Section 104(d) must review the RARAP and prepare a One-for-One Replacement Plan. Recipients of HOME funding may adopt NDHFA's RARAP or develop their own for NDHFA approval. The approved plan must be made publicly available. The plan will indicate the steps that will be taken consistent with other goals and objectives of the program to minimize the displacement of families and individuals from their homes and neighborhoods as a result of any assisted activities. The RARAP also outlines the requirements of One-for-One Replacement Plans, which the recipient must make publicly available. NDHFA's RARAP is found on NDHFA's website [www.ndhfa.org](http://www.ndhfa.org).

### 1.04 Section 104(d) Relocation Assistance Compared to URA

**URA:** Any displaced tenant (i.e., an individual or family) qualifies for relocation assistance when forced to move as a result of rehabilitation, demolition or acquisition, for a federally funded project.

**Section 104(d):** For lower-income persons (i.e., an individual or family) forced to move as a direct result of conversion or demolition of a dwelling unit involving CDBG or HOME. A household that qualifies for Section 104(d) assistance may choose Section 104(d) or URA benefits.

Permanent loss, through demolition or conversion, of a low- to moderate-income rental unit (i.e., within HUD's Fair Market Rent limits) can qualify certain lower-income displaced tenants for Section 104(d) assistance, in addition to assistance under URA.

#### Similarities between URA and 104(d)

- Notices and documentation are required.
- Recipients must offer comparable units to the displaced tenants.
- Tenants must receive access to advisory services and the appeal process.
- Equivalent moving expenses (i.e., actual expenses or a fixed payment).

**Differences between URA and 104(d)**

<b>Criterion</b>	<b>Uniform Relocation Act</b>	<b>Section 104(d)</b>
Displaced Person(s)	Residential tenants and owner-occupants.	Only residential tenants covered.
Income Requirements	Covers persons of all income levels.	Only lower-income tenants.
Security Deposit at the New Unit	Only if non-refundable.	Payment required (refundable or non-refundable).
Subrecipient's Liability Period	Payment equals 42 x monthly rental assistance payment.	Payment equals 60 x monthly rental assistance payment.
Calculate Housing Replacement Costs	<p>Monthly difference between lesser of:</p> <ul style="list-style-type: none"> <li>• Old rent + utility costs.</li> <li>• 30% of gross monthly income (if low-income tenant).</li> </ul> <p>If tenant income exceeds 80% of AMFI, monthly rent + utility costs for lesser of the following:</p> <ul style="list-style-type: none"> <li>• Comparable.</li> <li>• Decent, safe and sanitary replacement unit.</li> </ul>	<p>Monthly difference between Total Tenant Payment, the greater of:</p> <ul style="list-style-type: none"> <li>• 30% of adjusted income.</li> <li>• 10% of gross income.</li> </ul> <p>Rent + utility costs for the lesser of the following:</p> <ul style="list-style-type: none"> <li>• Comparable.</li> <li>• Decent, safe and sanitary replacement unit.</li> </ul>
Government Housing Assistance (Vouchers, Section 8, etc.)	If available, the tenant may choose a voucher in lieu of the required RAP cash payment. If the tenant already occupies a government-assisted unit, the owner must offer another assisted unit unless one is not available.	Offering Housing Choice Voucher assistance in lieu of cash RAP is permitted. Low-income tenants may request URA calculated assistance instead.
Homeownership Assistance Amount	Subrecipient may issue down payment in a lump sum, limited to rental assistance payment.	Statute limits down payment assistance to participation in housing cooperatives or mutual housing associations.

**1.05 Displacement vs. Temporary Relocation vs. Non-displacement**

Displacement occurs when a person is displaced as a direct result of a federally assisted acquisition, demolition or rehabilitation project. A displaced person is any tenant (i.e., 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 HOME or HTF 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.

Relocation occurs when a tenant is required to move, either within the project or to an offsite location, in order to accommodate a HOME or HTF assisted acquisition, demolition or rehabilitation. The relocation is considered to be temporary if it is for 12 months or less. If the relocation exceeds 12 months, it is considered a 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 Recipients must determine if there will be any displacement, non-displacement or temporary relocation.

### **1.06 Displacement of Owner Occupants**

The displacement of an owner occupant is not contemplated given the assumption that any sale of property described in the Guide is completely voluntary, meaning the acquisition is not done under the threat of eminent domain or the action of condemnation. The project developer may elect at their discretion to provide assistance to an owner occupant.

Should condemnation be utilized to acquire property and cause displacement of the owner, the applicant and NDHFA should ensure that provisions in the URA related to the displacement of owner occupants be followed.

Assistance to owners of a mobile home or recreational vehicle emplaced at a site where they rent the space must be provided compensation in accordance with Subpart F – Uniform Relocation Assistance (24 CFR Part 236 Subpart F).

### **1.07 Voluntary Property Transaction**

No relocation assistance is owed to persons voluntarily selling their property for a publicly assisted project, including federally assisted projects. A voluntary sale cannot be conducted under the threat of eminent domain or the use of condemnation. Should an applicant have the power of eminent domain, they must specify in writing to the property owner that they are forgoing their rights to utilize that condemning project developer to acquire the property. Such notice should specify that it is a transaction that will only be completed amicably. The owner should also sign a statement as an addendum to the purchase and sale agreement that they are not entitled to relocation assistance.

Recipients must execute a Relocation and Acquisition Disclosure to the Seller with a [Voluntary Arm's Length Purchase Agreement](#).

## **SECTION 2 – RECIPIENT RELOCATION OBLIGATIONS**

### **2.01 Knowledge of URA and Section 104(d) requirements**

Federal law requires recipients to minimize dislocation and to compensate tenants fairly for relocation when using federal funds. Lower-income tenants represent a particularly vulnerable population. NDHFA requires the use of tracking spreadsheets to capture occupancy data and assist in the calculation of tenant relocation payments and relocation budgets. URA and Section 104(d) require notifications to tenants notifying them of the rights and the processes involved in relocation activities. NDHFA provides access to this guide and example documents online at [www.ndhfa.org](http://www.ndhfa.org).

### **2.02 Required Notices**

According to both HOME and HTF regulations, the ION date 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 limited literacy or English proficiency, or a disability) must be provided with appropriate translation or interpretation services in accordance with [HUD's Limited English Proficiency Guidance](#), alternative formats, and/or counseling. Each notice must

indicate the name and contact information of a person who can answer questions or provide other needed help.

HUD and NDHFA provide all required forms and templates of all notices on their respective websites except for the 90-Day Notice to Vacate and the Notice to Relocate, which should be developed by the Recipient. Drafts of all notices should be submitted to NDHFA with the Tenant Relocation Plan for review and approval prior to issuing to tenants. Once the drafts are approved, the owner/developer must deliver applicable notices to all tenants. The Recipient must be able to provide proof of delivery.

Please note, all forms and notices referred to in this guide 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 mail with a return receipt sent through the USPS.

Should services of the notice be refused by the party being served, the server must sufficiently document including retention of the refused certified mail in the tenant's relocation file.

### Roadmap of Relocation Events

Who?	What?	When?
1. Applicant	Notifies tenants of the proposed project and possible relocation or displacement using a General Information Notice (GIN).	Before submitting application for NDHFA funding.
2. Applicant	Applies to NDHFA for project funding.	After serving GIN notifications and obtaining receipts.
3. Applicant with Recipient	Assesses households on the rent roll.	After funding award.
4. Recipient	Confirms which households qualify for temporary relocation assistance and which ones will be displaced.	Before executing the financial award with NDHFA, the (Initiation of Negotiations) ION date.
5. Recipient	Issues Notice of Non-Displacement and Notice of Eligibility letters based on household-level determinations. This includes identification of comparable dwelling units for relocation of tenants, if relocated off-site.	Upon or prior to execution of the NDHFA Financial Award at the ION date.
6. Recipient	Executes the financial award with NDHFA covering the acquisition, rehabilitation or demolition.	This event establishes the ION date.
7. Recipient	Provides counseling and advice to tenants.	Beginning immediately after the ION date.
8. Recipient	Issues 90-Day Notices advising tenants to move.	Stated number of days before the actual move.
9. Recipient	Issues Notice to Relocate advising tenants who are temporarily required to relocate of the need to move.	Minimum of 30 days prior to temporary relocation.
10. Recipient	Commences construction.	May begin on vacant units first, so some tenants may relocate on-site only once.
11. Recipient with NDHFA	Processes payments for moving, utility hook-ups, etc.	As expeditiously as possible upon approval.
12. Recipient	Notifies tenants of the timeline to return to rehabilitated units.	Prior to completion of construction.

13. Tenants	Become permanently displaced.	If temporary relocation continues for more than 12 months.
14. Tenants	Retain the right to appeal any decision affecting the tenant.	At any phase during the relocation process.
15. NDHFA	Releases final payment (i.e., retainage) to the recipient.	Upon satisfactory completion of all relocation requirements.

## 2.03 Relocation Events: Detailed Process Instructions

### Application Submission

1. **Tenant Tracking Begins** at the time of application. Developer/applicants must capture a detailed listing of all property tenants. This information can be captured in the Tenant Tracker Spreadsheet (online at [www.ndhfa.org](http://www.ndhfa.org)) and should be used throughout the entire project to track URA compliance and tenant outcomes and notices provided. Documentation supporting the information captured in the spreadsheet must be maintained in the relocation files.
2. Developers of HOME and/or HTF 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. Relocation plans should be submitted with applications, but at a minimum must be provided prior to receipt of a conditional commitment. An outline of requirements is also listed in Appendix B.

The plan should include:

- 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 Recipient 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 the construction dust and is unable to return home after business hours as expected).
- Estimated schedule of construction and relocation.
- Transportation considerations.
- Americans with Disabilities Act 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 Recipient'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.

3. Distribution of the **General Information Notice (GIN)** should be completed prior to submission of an application for funding. The GIN informs tenants of the intent to apply federal funds for acquisition and/or rehabilitation. 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.

**Additional Notice Requirements:** If a Recipient fails to provide the GIN notices required and tenants vacate the project before being appropriately advised of their eligibility or ineligibility for URA, the Recipient must initiate all reasonable procedures to locate all former tenants who should have received proper notice. Efforts to locate former tenants 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 tenant’s file must be documented with all attempts to make contact and the results. The Recipient will need to determine the eligibility or ineligibility for relocation assistance for each former tenant who is located and assist the former tenant to access appropriate advisory services and applicable relocation payments.

4. A [Relocation Brochures](#) (HUD-1042-CPD) 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 responsible for North Dakota.
5. Provide a [Voluntary Acquisition Informational Notice](#) (HUD Guideform Appendix 31 or 32, dependent on eminent domain authority), to the owner of the property at the time a purchase offer is made, when applicable.

### Conditional Commitment Awarded

1. **Relocation Budget Worksheet** (Appendix D). Recipients should be able to analyze a proposed project’s most recent rent roll to determine the number of households that income qualify to return to the project. Households that are ineligible to return may qualify for permanent displacement assistance. There is no rental assistance payment maximum for the HOME program.
  - a. Conduct an assessment of other available units in area to identify comparable units and assess if rents and utilities will affect rental assistance payment budget estimates.
  - b. Estimate permanently displaced tenants’ rental assistance payment payments according to the applicable URA or Section 104(d) mandates. (Household Relocation Assistance Payment Calculator Appendix D)

- c. Estimate tenant service needs such as storage, telephone reconnection, cable/internet reconnection, and any other reasonable costs.
  - d. Estimate moving costs
    - i. [Fixed Residential Moving cost Schedule](#),
    - ii. Tenant self-move (i.e., cost of moving company or rental truck)
    - iii. Using property management staff
2. **Update Tenant Tracking as applicable.** The tenant tracking spreadsheet should continue to be updated throughout the entire project.

### Financial Award Issued

1. The **ION date** is defined as the date of the execution of the Financial Award with NDHFA. The ION date serves as a milestone for determining a person's eligibility for relocation assistance including moving costs and replacement housing payment. ION triggers issuance of additional notices including [Notice of Eligibility \(NOE\) for URA Relocation Assistance](#), or [Notice of Non-Displacement \(NND\)](#), described later in this section.
2. Tenants who move into 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.
3. **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 Recipient 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.

### Tenant Relocation Files

A relocation case file is required for each displaced household and each household to be temporarily relocated. At a minimum the relocation case file shall contain:

- Certification of lawful presence.
- Copies of all relocation notices with proof of service.
- Comparable housing analysis.
- Copies of all housing referrals given to a displace with proof they were provided.
- Copies of all relocation claims and necessary backup including calculations, income and expense worksheets, and copies of checks.
- Replacement lease where applicable or documents showing temporary housing utilization such as a temporary housing agreement.
- Replacement or temporary housing inspection form.

The following sections will outline requirements for each type of affected tenant.

### 2.04 Temporary Relocation Requirements for Non-Displaced Tenants

Temporary relocation assistance must be provided to non-displaced households (i.e., tenants relocated for 12 months or less). Temporary relocation costs must be budgeted and include moving expenses from the unit and returning to the unit, utility connection fees, non-refundable deposits, and rent increases at the temporary unit during the period of relocation.

Tenants who are temporarily located either on or off-site must receive:

- A unit that meets standards of decent, safe and sanitary dwelling.
- Advance written notice of move-out date and length of the temporary move.
- Documented terms and conditions of return to the rehabilitated property.
- Reimbursement of all reasonable out-of-pocket expenses including cost of moving to and from the temporary unit and any increase in monthly rent or utility costs at the temporary unit.

**Temporary Housing Requirements:** Hotels without typical cooking facilities and food storage may be used for short-term periods (i.e., less than 30 days). Such accommodations must provide functional equivalence to a tenant's existing dwelling, e.g., an equal number of bedrooms (either separately or in a suite). If the hotel lacks kitchen facilities, the Recipient must provide a meal allowance for each household member.

Household Member	Breakfast	Lunch	Dinner
Adult or Child age 12 or older	\$8.00 per day	\$12.00 per day	\$16.00 per day
Children under the age of 12	\$6.00 per day	\$8.00 per day	\$10.00 per day

**Tenant voided eligibility:** Households deemed eligible for temporary relocation, but who choose-for their own reasons and on their own terms- to vacate the currently occupied unit, after receipt of the GIN and Notice of Non-Displacement, relinquish their eligibility for either displacement or relocation benefits. The reason for the move must be documented in the Tenant Tracker Spreadsheet (online at [www.ndhfa.org](http://www.ndhfa.org)).

**Process and Document Requirements:** Recipient must meet the following requirements for each tenant that is determined to require temporary relocation.

1. Relocation Needs Assessment completed.
  - a. Household income.
  - b. Services received.
  - c. Modes of transportation.
  - d. Number of rooms in dwelling and garage/parking access.
  - e. Types of utilities.
  - f. Household preference for self-move or assisted move.
2. [Notice of Non-Displacement](#), signed by the tenant. This document informs tenants that the application for federal assistance was approved and that the project will move forward.
3. Tenants should be made aware that they must continue to comply with lease obligations or risk losing eligibility and relocation assistance.
4. Tenants should be made aware of relocation assistance eligibility.
  - a. Advisory services: assistance with completing forms, locating comparable units, legal rights. Assistance provided if the household has special needs.
  - b. Payment of moving expenses, to the temporary unit and return, either completed by property management staff, or using actual cost or Fixed Residential Moving Cost.
  - c. Temporary residential housing payment, if applicable, must not exceed 12 months.
  - d. Right to appeal process.
5. Notice to Relocate: if a tenant is required to be temporarily relocated, the Recipient must provide reasonable advance (i.e., a minimum of 30 days) written notice of:
  - a. The date and approximate duration of the temporary relocation, not to exceed 12 months.

- b. Address of the decent, safe and sanitary dwelling to be made available for the temporary period.
  - c. Terms and conditions in which the person may lease and occupy a unit upon completion of the project.
  - d. Costs that will be reimbursed.
  - e. Advisory services available to them.
6. Inspection Certification: the replacement unit must be inspected for decent, safe and sanitary conditions. A link to the Inspection Certification is available Appendix D. This inspection is required before any expenses can be reimbursed.
7. Tenant Claim for Reimbursement:
- [Claim for Temporary Relocation Expenses](#) (i.e., residential moves), (HUD-400.30).
  - [Residential Claim for Moving and Related Expenses](#), (HUD-50054).

These forms may be attached to the notice to relocate. Units must be inspected before claims can be reimbursed. Expenses reimbursed should be tracked on the tenant tracking form.

## 2.05 Tenant in Place Rehabilitation Projects

In some cases, an applicant may determine that the scope of work required to rehabilitate or renovate a property does not require a household to temporarily relocate from their unit. However, if the project is receiving federal assistance, the applicant must plan for and implement an assistance program for the tenants. This program shall include:

- An interview with the household to determine any special needs (i.e., the household has a medical, mobility, or other reasonable personal challenge such as needing to sleep during the hours the work is performed in the unit) that may require a temporary relocation.
- Develop a plan that clearly explains the proposed work hours, scope of work (including any invasive testing and/or abatement activity in the unit), the notifications to be provided and other assistance offered.
- During the hours of relocation, households must have access to a place to reside during work time, including bathroom facilities and nutritional needs. If determined by the tenant needs assessment that the tenant is unable to relocate to a suitable environment during work hours, the Recipient must help the tenant in locating a solution.
- Provide tenants with a notification that explains the work to be done in the unit, the hours of work, the assistance they will receive with the movement of any furnishings or other personal property, and the contact information for the party able to make decisions and assist them where their reasonable needs require additional assistance.
- Provide each household with a minimum of 30-Day Notice prior to work in the unit. Notice should provide the date, or a range of dates, work will occur and the hours and contact information.
- Provide each household with a 3-Day Notice prior to the start of the work that affirms the information in all previous notices regarding the dates of the work, hours of work, general updates to assistance provided, if needed, and contact information.
- Forms of assistance that are common are the provision of a furnished on-site community room with lunch served, meal vouchers to eat lunch off-site, gift cards, transit passes, and a listing of community centers off the property.

## 2.06 Permanent Relocation

### Requirements for Displaced Residential Tenants

Permanent displacement requires strict compliance with all requirements in HUD Handbook 1378. Displaced households qualify for reimbursement of all moving-related expenses, either on a fixed schedule or based on actual costs. A household may qualify for rental assistance payments or a lump sum for down payment assistance if the tenant chooses to purchase a home. Recipients cannot use HUD funds for the relocation assistance if the replacement unit does not meet the definition of decent, safe and sanitary housing, whether rental or owned.

Permanently relocated or displaced tenants must receive:

- Replacement unit that meets decent, safe and sanitary standards.
- Advance written notice of move-out date.
- Documented terms and conditions of benefit eligibility.
- Reimbursement of all out-of-pocket moving expenses and any increase in monthly rent and utility costs at replacement unit for the time determined by URA or 104(d), if applicable.

When selecting comparable units for purposes of creating a budget, the Recipient may use [Selection of Most Representative Comparable Replacement Dwelling for Computing a Replacement Housing Payment](#) (HUD-40061) as noted below.

Tenants who receive Housing Choice Vouchers (HCV) as relocation assistance must adhere to URA and Section 104(d) HCV relocation mandates. To calculate HCV and Section 8 project-based relocation assistance payments, the completion of the [Claim for Rental Assistance or Down Payment Assistance](#) (HUD-40058) is required. In addition, the replacement unit must also comply with HUD Quality Standards (HQS). (See Appendix D for link to HQS Inspection form)

Tenants who move permanently from a project after rehabilitation completion because of their inability to pay the higher rent charged, are deemed economically displaced and entitled to receive “permanent replacement” relocation assistance in accordance with URA and Section 104(d) (**HOME Program only**) regulations.

### Process and Document Requirements

1. **Relocation Needs Assessment and Determination of Eligibility for Relocation Assistance.**
  - a. Request in writing and give the tenant at least 30 days to respond to the inquiry to verify occupancy, housing cost and income.
    - i. Copy of lease agreement.
    - ii. Copies of tenant’s paid utility bills.
    - iii. Verification and signed certificate of Lawful Presence.
  - b. Complete household income and expense worksheet.
  - c. Collect and analyze comparable replacement units, [Selection of Most Representative Comparable Replacement Dwelling](#) (HUD-40061).

Ideally, tenants should be given at least three referrals with their NOE. At minimum they should receive one referral with their NOE and two additional referrals prior to the expiration of their 90-Day Notice to vacate. Recipient shall document all referrals given to the tenant. Referral units must be inspected and documented in the tenant relocation file. This form must be retained in the tenant URA file for purposes of monitoring by NDHFA. The properties identified in this document will be used to establish the maximum replacement housing payments for which the tenant may receive rental assistance payments.

## 2. Calculate Rental Assistance Payments

The Recipient limits rental assistance costs by identifying a comparable unit for each displaced tenant. The Recipient must offer at least one comparable unit before the 90-Day Notice to vacate. Otherwise, the Recipient becomes liable for unlimited replacement costs. URA pays benefits in installments for 42 months. Section 104(d) covers 60 months.

Base the estimate on at least three comparable units, if possible. A household rental assistance payment sample is linked in Appendix D.

3. 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).
4. Relocation Brochure provided to the tenant covering URA and 104(d), if applicable.
5. 90-Day Notice: Recipients 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 90-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.
6. Inspection Certification Report: the replacement unit must be inspected for decent, safe and sanitary conditions. A link to the Inspection Certification is available Appendix D. This inspection is required before any expenses can be reimbursed.
7. Residential claim for moving and related expenses are calculated using [Reimbursement of Moving and Related Expenses](#) (HUD-40054). This form should be provided prior to the relocation and may be attached to the NOE or 90-Day Notice. Any expenses paid must be tracked on the tenant tracking spreadsheet.

Generally, the displaced person may choose a payment for actual reasonable moving and related expenses or fixed payment for moving expenses.

- **Fixed Payment for Moving Expenses** (49 CFR 24.302): Use the applicable [Fixed Residential Moving Cost Schedule](#). The allowance reflects the number of rooms in the displacement dwelling, all moving and related expenses, and whether the displaced household must move furniture.
- **Actual Reasonable Moving and Related Expenses** (49 CFR 24.301(g)(1)-(7)): Expenses to move personal property may depend on a combination of the methods described at 49 CFR 24.301(b). For moves from a mobile home, NDHFA guidance is required to ensure compliance with 49 CFR 24.301(c) and HUD Handbook 1378. For a person with disabilities, reasonable expenses might cover moving assistive equipment, personal belongings of a live-in aide, etc.
- **Public Housing Tenant Options:** The Public Housing Authority ("PHA") may choose the type of moving assistance. The PHA may use its own employees or hire a moving company, at no

cost to the displaced household. The rule also entitles the household to a moving expense and dislocation allowance, limited by the most recent Fixed Residential Moving Cost Schedule, see above. (HUD Handbook 1378, Chapter 3, 3-2 (B)).

8. Reimbursement for Housing Expenses

- [Claim for Rental Assistance or Down Payment Assistance](#) (HUD-40058)
- [Claim for Residential or Purchase Assistance under Section 104 \(d\)](#) (HUD-40072)

These forms can be provided with the 90-Day Notice but must be provided prior to displacement. Records of reimbursement housing expenses should be tracked on the tenant tracking spreadsheet.

9. Time Limits for Displacement Compensation: displaced households must move into a decent, safe and sanitary unit within 12 months of their displacement or 12 months from the date a comparable replacement dwelling is made available, whichever is later, to be eligible for replacement housing payments. Households must file a claim for reimbursement within 18 months of their displacement or within 18 months of the date a comparable replacement dwelling is made available, whichever is later. The recipient must provide an inspection of the unit prior to issuing payment to ensure that the unit meets the definition of decent, safe and sanitary housing. If the unit does not meet the definition of decent, safe and sanitary housing, the budget should be amended to allow for costs to bring the unit up to the decent, safe and sanitary housing standard.

Claims must be paid in a timely manner. In the instance of permanent relocation housing assistance payments, payment for rental assistance should be issued in no less than 3 installments over the 42- or 60-month period. Payments for moving expenses or a down payment on a homeownership unit may be issued as a lump sum payment (URA only).

## 2.07 Appeals

The Recipient must inform tenants of their rights to appeal and provide the appropriate contact information. For tenants with communication barriers, or who otherwise require assistance in preparing an appeal, the Recipient shall provide such assistance directly or through an appropriate third party at no cost to the tenant.

Tenants have the right to appeal to NDHFA if they disagree with any of the following:

- The determination as a displaced person.
- Amount of relocation assistance offered.
- Comparability of the identified replacement dwelling.

All appeals must be in writing and include a copy of the complete case file. NDHFA will send the recipient and the person requesting the appeal a confirmation receipt within 15 days. NDHFA may request additional information during the review of the appeal documentation.

NDHFA will facilitate the appeal and determine URA eligibility within 30 days unless the investigation process requires more time.

If an appeal alleges a violation of civil rights, discrimination, or that minority persons were not provided reasonable opportunities to relocate to decent, safe and sanitary dwellings, that are within their financial means, as required by 49 CFR 24.205 (c)(2)(ii)D), NDHFA will refer the appeal to ND Department of Labor who is responsible for investigating such allegations.

Appeals Submission:

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

800-292-8621  
771 (TTY)  
800-435-8590 (Espanol)  
[hfacompliance@nd.gov](mailto:hfacompliance@nd.gov)

The Tenant Relocation Plan must include details of the appeals process consistent with 49 CFR Part 24.10. Recipients 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.

## 2.08 Reporting

Recipients are responsible for providing documentation to the HOME Program Administrator (HOME PA) for review.

1. At Application: Determine applicability of URA and Section 104(d) through questions in Section 4. B Project Characteristics of the Multifamily Application.
2. Conditional Commitment: A URA Addendum to the Conditional Commitment Letter will be provided to identify required documentation to achieve a financial award.
3. Financial Award: Commencing at the ION, until project completion, tenant tracking spreadsheets, rent rolls and any Move-In Notices must be submitted to NDHFA by the last business day of each month for review.
  - a. Updated tenant tracking spreadsheet.
  - b. Copies of notice of non-displacement (NND) or Notice of Eligibility (NOE) as applicable.
  - c. Monthly reporting of tenant tracker spreadsheet.
4. Draw Requests: Construction draws are contingent on NDHFA having current and accurate URA information.
5. Project Completion: Final submission of the tenant tracking spreadsheet and relocation costs associated with each tenant.
6. File Review: Final draw of HOME or HTF funds will not be released until URA review has been completed.
  - a. HOME PA request upload of complete tenant files and URA documentation.
  - b. HOME PA to finish completion of the applicable review checklist.
  - c. HOME PA to inform Development Officer when URA review completed.

## SECTION 3 - MONITORING

At application: NDHFA will begin the monitoring process at the time of application to ensure the applicant provided the tenant tracking spreadsheet and rent roll at the time of application, proof of service of GIN to those tenants, and a relocation plan that is consistent with the requirements.

During project construction: NDHFA will require monthly reporting of the tenant tracking spreadsheet and may request periodic tenant files for review.

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:

- [Selection of Most Representative Comparable Replacement Dwelling for Computing Replacement Housing Payment](#) (HUD-40061).
- 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's decent, safe and sanitary standards if it meets the applicable HQS. (See Appendix D for Link to HQS Inspection Form).

## SECTION 4 - RECORDS RETENTION

Recipients must have a URA file for all tenants. The Recipients 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.

## APPENDIX A – RESOURCES

The following is a list of applicable statutes and regulations and their citations related to the primary regulations and guidelines in this guide.

**Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970**, as amended (URA, Uniform Act, or Uniform Relocation Act), (Pub. L. 91-646, 42 U.S.C. 4601 et seq), and the government-wide implementing regulations are found at 49 CFR part 24. Full text of the URA can found at: <https://www.hudexchange.info/programs/relocation/overview/#overview-of-the-ura>.

**HUD's Tenant Assistance, Relocation and Real Property Acquisition Handbook (HUD Handbook 1378)** includes changes to the URA statute that became effective on October 1, 2014, which are also explained in Notice CPD-14-09, <https://www.hud.gov/sites/documents/14-09CPDN.PDF>

Many HUD assisted programs/projects are covered by the URA. Chapters 1 through 6 of the handbook outline the requirements of the URA, with the applicable regulatory citation noted where appropriate.

Full text including sample notices cited in this Handbook can be found at: [https://www.hud.gov/program\\_offices/administration/hudclips/handbooks/cpd/13780](https://www.hud.gov/program_offices/administration/hudclips/handbooks/cpd/13780)

Under Section 104(d) of the Housing and Community Development Act of 1974, as amended (HCD Act) (Pub. L. 93-383, 42 U.S. C. 5301 et seq) and the implementing regulations at 24 CFR part 42, a residential anti-displacement and relocation assistance plan is required and must provide for: 1) One-for-one replacement of occupied and vacant occupiable low- and moderate-income dwelling units demolished or converted to another use in connection with a development project assisted under Parts 570 and 92, and 2) Relocation assistance for all low- and moderate-income persons who occupied housing that is demolished or converted to a use other than for low- or moderate-income housing.

Development projects which are funded in whole or in part by: Community Development Block Grant (CDBG) (including State, Entitlement, HUD Administered Small Cities, Insular Areas, Section 108, Special Purpose Grants, Economic Development Initiative (EDI) (competitive), Brownfields Economic Development Initiative (BEDI)), Home Investment Partnership (HOME), or Urban Development Action Grant (UDAG) Program(s), are subject to these requirements, in addition to the URA. Chapter 7 explains the requirements of Section 104(d) regarding both relocation assistance and one-for-one replacement.

Full text including sample notices cited in this Handbook can be found at:

[https://www.hud.gov/program\\_offices/administration/hudclips/handbooks/cpd/13780](https://www.hud.gov/program_offices/administration/hudclips/handbooks/cpd/13780)

**APPENDIX B - REQUIRED CONTENT OF RELOCATION PLAN**

<b>Content Requirement</b>	<b>Permanent Relocation</b>	<b>Temporary Relocation</b>	<b>In-Place Renovation</b>
Description of Entity Sponsoring and/or Developing Project	x	x	x
Description of Project Causing Potential Displacement/Relocation	x	x	x
Scope of the Renovations	x	x	x
Location of Project Including Maps/Diagrams	x	x	x
Description of the Surrounding Neighborhood of Project Site Including Features and Amenities Including Transportation, Location of Schools Serving Project, and Other Pertinent Characteristics	x	x	
Description of Third Party Preparing the Plan Where Applicable	x	x	x
Description of How the Plan is Consistent with the Local Housing Goals and Regulations	x	x	
Specific Sources of Funding Including Name of Funding Agency and Program	x	x	x
Anticipated Dates of Funding Applications and Award of Funds	x	x	x
Identification of Applicable Laws and Regulations Pertaining to Relocation for Funding Sources	x	x	x
Declaration of Compliance with Civil Rights and Fair Housing Laws and Requirements	x	x	x
Description of the Impacted Property Including Address, APN, Type, Units and Age	x	x	x
Description of Impacted Persons (Only Details Applicable to Population):			
Number of Households or Businesses	x	x	x
Number of Persons or Employees	x	x	x
Age of Residential Occupants	x	x	x
Race/Ethnicity of Residential Occupants	x	x	x
Disabilities Present	x	x	x
Languages Spoken	x	x	x
Special Needs of the Population	x	x	x
Identification of Impacts to Seniors, Children, and Large Families	x	x	x
Estimate of the Dwelling Units or Commercial Spaces Impacted	x	x	x
Current Rents of Units	x	x	x
Rents Post-Rehabilitation (Where Applicable)	x	x	x
Rental Subsidies Applicable to Minimize Housing Cost Increases	x	x	x

Availability, Number of Units, and Rental Rates of Comparable Permanent Replacement Housing Resources, or Temporary Housing	x	x	x
Anticipated Economic Displacements for Rehabilitation Projects	x	x	x
Description of Any Phasing Plans	x	x	x
Description of Tenant Outreach and Engagement Process Used in Developing the Plan and Relocation Program	x	x	x
Description of Any Alternative(s) to Be Used to Minimize Off-Site Relocations	x	x	x
Description of the Relocation Advisory Services Provided Including the Required Forms and Notices to Be Used	x	x	x
Description of Housing and Moving Options Available	x	x	x
Description of Transportation, Meal, Per Diem, and Other Special Services and Payments	x	x	x
Identification of Relocation Staff Who Will Implement the Plan Including Their Roles and Responsibilities and Office Location	x	x	x
Identification of Source of Payment for Relocation Costs	x	x	x
Grievance/Appeals Procedures	x	x	x
Schedule for Implementation	x	x	x
Budget/Cost Estimate for Relocation Assistance	x	x	x
Description of Protocol for Responding to Comments to Relocation Plan	x	x	x

**APPENDIX C - SCHEDULE OF NOTICES**

<b>Name</b>	<b>Relocation Type</b>	<b>Purpose</b>	<b>When Served/Utilized</b>
Appeal Form	All	Written form for the person being relocated to explain their grievance with the relocation process and to identify their desired form of relief.	Upon exhaustion of informal resolution of a non-judicial complaint.
Certificate of Abandonment	All	Form utilized to document any personal property left behind upon vacation of the household from the premises.	At vacation of the displacement unit or unit being temporarily vacated.
Claim Form	All	Form utilized to explain relocation payments and authorize payment.	Once compensation is owed.
Decent, Safe and Sanitary Inspection Form	All	Form utilized to document the inspection of temporary housing or permanent replacement housing.	Prior to leasing and occupancy of the dwelling. NOTE: a HUD Housing Quality Survey form may also be utilized.
General Information Notice	All	First advisory notice served under the URA related to relocation.	Prior to application for funding.
Interview Form	All	Electronic or written document to record information pertaining to the person being relocated.	Used during the interview to record pertinent facts.
Notice of Non-Displacement	Temporary	Notice that informs the person that they will not be displaced by the project.	As soon as the person is determined not to be displaced by the project.
Notice of Eligibility	Permanent	Notice that informs the displaced person of the assistance they are eligible to receive.	No less than 30-days prior to service of the 90-Day Notice.
90-Day Notice to Vacate	Permanent	Notice that informs the displaced tenant of the date that is 90-days after service of the date by which they must vacate.	After service of NOE and at least 90 days prior to required vacation of the premises.

## APPENDIX D - TEMPLATES, TRACKING AND CALCULATIONS

Relocation Budget Worksheet: document provides Recipients with the ability to calculate a relocation budget.

Tenant Tracking Spreadsheet: an optional tracking spreadsheet in which you capture the current rent roll at the time of application and continue to track notice distribution and outcomes of those tenants. This spreadsheet should be updated and submitted monthly to NDHFA. Recipients may use their own tracking spreadsheet but must be able to provide similar reporting details contained in this sheet.

Rental Assistance Payment Calculation Sample Form: can be used when calculating the rental assistance payments available for a tenant who has been determined to be displaced. This document calculates both URA and Section 104(d) calculations. HOME funded projects with low-income units must offer both calculations to tenants.

Inspection Certification: relocation and replacement units must be inspected prior to providing reimbursement for moving or housing expenses. This inspection must determine that the unit is decent, safe and sanitary or what is required to bring the unit to those standards.

HQS Inspection Checklist: (HUD-52580): must be used if the tenant will reside in a dwelling occupied in connection with a rental assistance program that is subject to HUD Housing Quality Standards (HQS).

## APPENDIX E - RELOCATION FLOWCHART

