



Relocation Handbook

*Residential Uniform Relocation Assistance and
Real Property Acquisition Policies Act of 1970
and
Section 104(d) of the Housing and
Community Development Act of 1974*

Contents

OVERVIEW: FEDERAL PROTECTIONS FOR TENANTS	1
WHO DOES THE RELOCATION ACT AND SECTION 104(D) COVER? WHEN?	1
ARE NONRESIDENTIAL TENANTS COVERED UNDER THE UNIFORM RELOCATION ACT?	1
ROADMAP OF RELOCATION EVENTS: WHO? WHAT? WHEN?	3
SUBRECIPIENT RELOCATION OBLIGATIONS	4
KNOWLEDGE OF GUIDANCE AND TECHNICAL DETAILS – LAWS, RULES, RIGHTS	4
NOTIFY TENANTS.....	4
MINIMIZE DISPLACEMENT	4
PROVIDE RELOCATION ASSISTANCE	5
COLLECT DOCUMENTATION	5
RELOCATION EVENTS: DETAILED DESCRIPTIONS	5
AT APPLICATION SUBMISSION, APPLICANT MUST PROVIDE:	5
AFTER FUNDING AWARD: HOUSEHOLD NEEDS ASSESSMENT.....	6
AT INITIATION OF NEGOTIATIONS (“ION”) DATE.....	7
ELIGIBILITY DETERMINATION: WHAT DOES THE TENANT QUALIFY FOR?	10
SECTION 104(D) RELOCATION ASSISTANCE COMPARED TO URA	10
TEMPORARY RELOCATION AND PERMANENT RELOCATION	11
MOVING AND RELATED EXPENSES.....	12
RESIDENT OPTIONS.....	13
CONDITIONS AFFECTING TENANT ELIGIBILITY AND BENEFITS	13
HOW TO CALCULATE RENTAL ASSISTANCE PAYMENTS (“RAP”) FOR PERMANENT RELOCATION	14
URA: RENTAL ASSISTANCE PAYMENT CALCULATION	14
SECTION 104(D): RENTAL ASSISTANCE PAYMENT CALCULATION.....	15
CLAIM FORMS FOR REIMBURSEMENT	16
MOVING EXPENSES.....	16
TEMPORARY RELOCATION EXPENSE CLAIM	16
HOUSING EXPENSES FOR DISPLACED.....	16
TIME LIMITS FOR DISPLACEMENT COMPENSATION	17
APPEAL RIGHTS OF TENANTS	17
RECORDS TO KEEP	18
DOCUMENTATION	18
RECORD RETENTION PERIODS	18
MONITORING AND COMPLIANCE	19
DEFINITIONS	19
RULES AND REGULATIONS	22
APPENDICES	23
FORMS AND NOTICES IN TDHCA RELOCATION HANDBOOK	23
FORMS AND NOTICES HUD RELOCATION HANDBOOK	24

Overview: Federal Protections for Tenants

Federal law protects tenants from uncompensated displacement in certain situations. Subrecipients/Developers (from now on: “Subrecipient”), who accept federal funding for acquisition and/or rehabilitation and reconstruction, must: minimize displacement of existing residents, 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 low-income dwelling unit, converts it to non-residential use, or makes it unaffordable to low-income households, the Subrecipient must replace each of those low-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.

Who does the Relocation Act and Section 104(d) cover? When?

Displaced people, regardless of income, can receive benefits under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (“URA” or “Uniform Relocation Act”). URA applies to both temporary (during construction) and permanent displacement (one year or greater). URA establishes minimum standards for all federally-funded projects that acquire property or displace persons from their homes, businesses or farms. Section 104(d) of the Housing and Community Development Act of 1974 (“Section 104(d)”) offers a different form of relocation assistance for lower-income individuals that are displaced as a result of the demolition or conversion of their dwelling. Section 104(d) requires one-for-one replacement of lower-income units (defined as within HUD’s Housing Choice Voucher Fair Market Rents) lost to demolition or conversion whether to market-rate housing or other uses. Replacement includes vacant, occupiable units.

For persons displaced temporarily or permanently, Subrecipients must provide:

- Relocation advisory services;
- A minimum of 90 days’ notice to vacate;
- Comparable decent, safe and sanitary replacement housing (temporary or permanent);
- Reimbursement for moving expenses; and
- Payments for the added cost of renting or purchasing comparable replacement housing.

Subrecipients of funds which are subject to the Uniform Relocation Act and/or Section 104(d) used for the purposes of acquisition, demolition, rehabilitation or conversion of a property occupied by a residential or nonresidential tenant must comply with the Uniform Relocation Act and/or Section 104(d), as applicable. Texas Department of Housing and Community Affairs (“TDHCA”) programs subject to the Uniform Relocation Act include the HOME Investments Partnership Program (“HOME”), Neighborhood Stabilization Program (“NSP”), Community Development Block Program (“CDBG”) and Emergency Solutions Grant (“ESG”). TDHCA programs subject to Section 104(d) include HOME, NSP and CDBG. HUD Rental Assistance Demonstration (“RAD”) Subrecipients that also use one of these forms of TDHCA assistance will work with the U.S. Department of Housing and Urban Development (“HUD”) and TDHCA to ensure compliance with all sets of relocation mandates.

Are Nonresidential Tenants Covered Under the Uniform Relocation Act?

Displaced nonresidential occupants, including businesses, farms, and non-profit organizations, are eligible to receive advisory services and payment for moving and reestablishment expenses under the Uniform Relocation Act. The form: HUD-1043-CPD Relocation Assistance to Displaced Businesses, Nonprofit

Organizations and Farms (TDHCA - Appendix 13), can be distributed to nonresidential occupants to advise tenants of their rights.

Advisory Services include referrals to suitable replacement locations, help in preparing claim forms for relocation payments and other assistance to minimize the impact of displacement.

Payment for Actual, Reasonable Moving and Related Expenses associated with the reestablishment of the business, nonprofit or farm.

On June 10, 2014 HUD issued Notice [CPD 14-09](#) effective October 1, 2014, increasing the maximum Re-establishment and Fixed-moving-expense payment benefits to nonresidential occupants who are displaced because of federal investment and conversion of property to exclusive residential use. HUD CPD-14-09 *new* non-residential replacement housing payments are the following:

- **Maximum Reestablishment Expense Payment** increased from \$10,000 to \$25,000 [42 U.S.C. 4622(a)(4)].
- **Maximum Fixed Moving Expense** increased from \$20,000 to \$40,000.

Nonresidential occupants are also entitled to receive similar notifications as distributed to residential tenants. An applicant who intends to submit an application for federal assistance to acquire a site that includes nonresidential tenants must distribute and verify receipt of: 1) Voluntary Acquisition Notification (TDHCA – Appendix 2), if applicable; 2) General Information Notice - Nonresidential Tenant to be Displaced (HUD 1378 Handbook – Appendix – 3A); and 3) Notice of Eligibility for URA Assistance for Nonresidential Tenant (HUD 1378 Handbook - Appendix 7). Note: Notices are samples and should be tailored to specific project needs.

Roadmap of Relocation Events: Who? What? When?

Who?	What?	When?
1. Applicant	Notifies residents of proposed project and possible relocation or displacement using the General Information Notice (“GIN”).	Before submitting application for TDHCA funding.
2. Applicant	Applies to TDHCA for project funding.	After serving GIN notifications and obtaining receipts.
3. Applicant ↔ Subrecipient	Assesses households on the rent roll.	After funding award.
4. Subrecipient	Confirms which households qualify for temporary relocation assistance and which ones will be displaced.	Before executing the federal source contract with TDHCA. (“Initiation of Negotiations” date or “ION”)
5. Subrecipient	Issues Notice of Non-Displacement (“NND”) and Notice of Eligibility (“NOE”) 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 TDHCA federal source contract (at ION date).
6. Subrecipient	Executes the federal source contract with TDHCA covering the acquisition, rehabilitation, or demolition.	This event establishes ION date.
7. Subrecipient	Provides counseling and advice to tenants.	Beginning immediately after ION date.
8. Subrecipient	Issues 90-day notices advising tenants to move.	Stated number of days before actual move.
9. Subrecipient	Commences construction.	May begin on vacant units first, so some tenants may relocate on-site only once.
10. Subrecipient with TDHCA	Processes payments for moving, utility hook-ups, etc.	As expeditiously as possible upon approval.
11. Subrecipient	Notifies tenants of timeline to return to rehabilitated units.	Prior to completion of construction.
12. Tenants	Become “permanently” displaced.	If “temporary” relocation continues more than 12 months.
13. Tenants	Retain the right to appeal any decision affecting the tenant.	At any phase during the relocation process.
14. TDHCA	Releases final payment (retainage) to Subrecipient.	Upon satisfactory completion of all relocation requirements.

Subrecipient Relocation Obligations

Knowledge of Guidance and Technical Details – laws, rules, rights

Federal law requires Subrecipients to minimize dislocation and to compensate tenants fairly for relocation, when using federal funds. Low-income renters represent a particularly vulnerable population. For that reason, TDHCA provides, and in some cases mandates, the use of TDHCA spreadsheet templates to capture occupancy data and tools to assist in the calculation of tenant relocation payments and project relocation budgets. Many of the requirements under URA and 104(d) involve notifying residents of their rights and the processes involved. TDHCA uses HUD guidelines to create templates for the most common relocation notices.

TDHCA staff strives to post all important guidance and examples on the TDHCA relocation website: <http://www.tdhca.state.tx.us/program-services/ura/index.htm>. The site contains training materials; direct links to URA and Section 104(d) regulations; and to HUD Handbook 1378 to advise Subrecipients of state and federal mandates. For specific questions, contact the URA specialist, identified on the Program Services Staff page: <http://www.tdhca.state.tx.us/program-services/contacts.htm>.

Notify Tenants

Subrecipients must provide formal notices to the tenants at several points during the relocation process. For example, Subrecipients must notify tenants of:

- a. The project: scope, purpose, funding source (federal program).
- b. Their legal rights, under URA, Section 104(d), who to contact with questions.
- c. Potential assistance and benefits.
- d. Likely time frames for moving.
- e. Procedures for obtaining payments or reimbursements.
- f. Notification delivery must be:
 - i. Hand-delivered or sent via certified mail, return receipt requested.
 - ii. In plain language, legible format.
 - iii. Understandable for the tenant. For tenants with limited English proficiency or other situations, translate notice into appropriate language, Braille, or sign language. Subrecipient must arrange a reader to communicate with illiterate tenants.
 - iv. Notices must include a phone number, or other means, for tenants to obtain information.

Minimize Displacement

Subrecipients must minimize the displacement of persons from their homes by planning construction activities to allow tenants to remain in their units as long as possible and by rehabilitating empty units or buildings first.

In order to assist tenants to fully participate in the relocation process, reasonable accommodations must be made for persons with disabilities and language assistance must be made available for persons with limited English proficiency and Subrecipients must inform tenants of the availability of this assistance.

Subrecipients must provide tenants auxiliary aides, written translation, oral interpretation, or other assistance requested in order to fully participate in the relocation process.

Provide Relocation Assistance

Relocation assistance for eligible households includes notification of rights, timelines and procedures; advisory and support services; identification of comparable decent, safe and sanitary housing; reimbursement of moving expenses; and payments for the added costs of renting or purchasing replacement housing.

Collect Documentation

Subrecipients must maintain documentation of compliance with all relocation requirements. TDHCA monitoring staff tests for compliance with URA and Section 104(d) during on-site and desk reviews. See sections in this document titled: “Records to keep” and “Monitoring and Compliance.”

Relocation Events: Detailed Descriptions

At Application Submission, Applicant must provide:

A. *Rent Roll.* Submit a list of all property occupants at time of application submission.

Rent Roll must include for each tenant: name, unit number and type, household income, gross rent (if tenant pays own utilities, use household unit monthly utility allowance – if available). Applicants may use Appendix 10 Rent Roll with Relocation Benchmarks.

B. *Relocation Plan.* Submit a relocation plan answering the following questions:

1. Which tenants may be affected and to what degree?
2. Who will gather household data; prepare relocation notices, process payments, etc.?
3. What are the income and household characteristics of the occupants?
4. When do the units need to be vacated, and when will they be ready for re-occupancy?
5. Where are the temporary and/or permanent replacement units located, and how will tenants secure temporary housing?
6. How much will this cost?
7. If property includes a business that must be moved, follow guidelines noted in CPD 14-09 (<https://www.hudexchange.info/resource/3853/notice-cpd-14-09-effective-date-for-map-21-changes-to-ura>)

C. *General Information Notice (“GIN”), Appendix 3.*

Distribution of the GIN must be completed prior to submission of application for funding. Deliver this notice and obtain signed receipt from each tenant before submitting funding application. Inform tenants an application has been submitted to TDHCA to use federal funds to rehabilitate the project that, if awarded, may displace tenant.

1. Tell tenants not to move now and inform them that eligibility notification will follow. Tell tenants that if they move before they receive further instructions from management, they may be ineligible to receive relocation assistance.
2. Tell tenants they must continue to comply with lease obligations.

3. Inform tenants, “Pursuant to Public Law 105-117, aliens not lawfully, present in the United States are not for relocation assistance, unless ineligibility would result in exceptional and extremely unusual hardship to a qualifying spouse, parent, or child. All persons seeking URA relocation assistance will be required to certify that they are a United States citizen or national, or an alien lawfully present in the United States. Public Law 105-117, does not apply to benefits under Section 104(d).
4. Describe relocation assistance eligibility and advisory services; 90-day Notice to Vacate; payment for moving expense; and replacement housing assistance.

D. Total Relocation Budget Worksheet, Appendix 4.

1. Analyze the proposed project’s most recent rent roll to determine total number of households that income-qualify to return to project. Households that are ineligible to return to project may qualify for permanent displacement assistance. There is no Rental Assistance Payment (“RAP”) maximum for HOME, 811 PRA, or NSP multifamily projects.
2. Conduct assessment of other available units in area to identify comparable units and assess if rents and utilities will affect RAP budget estimates.
3. Estimate permanent displaced tenants’ RAP payments according to applicable URA or Section 104(d) mandates, Appendix 6 (Household Relocation Assistance Budget Calculator):
 - URA: 42 months X increased rent/utilities for low-income households at 80% Area Medium Income (“AMI”); or
 - Section 104(d): 60 months X increased rent/utilities.
4. Estimate tenant service needs such as storage, telephone re-connection, cable/internet re-connection, and any other reasonable costs.
5. Estimate moving costs:
 - Fixed Residential Moving Cost Schedule (FRMCS) located at: http://www.fhwa.dot.gov/real_estate/uniform_act/relocation/moving_cost_schedule.cfm;
 - Tenant self-move (moving company or truck rental); or
 - Using property management staff.

E. Relocation Brochure

Issue to tenants that the project will permanently displace (if known), HUD brochures cover URA or Section 104(d) in both English and Spanish:

- Relocation Assistance to Tenants Displaced From Their Homes (HUD-1042-CPD), or
- Relocation Assistance to Persons Displaced from Their Homes (Section 104(d) (HUD-1365-CPD).

F. Relocation and Acquisition Disclosure to the Seller with a Voluntary Arm’s Length Disclosure Agreement, when applicable, Appendix 2. Distributed to owner of property at the time a purchase offer is made. .

After Funding Award: Household Needs Assessment

The Subrecipient (formerly known as the Applicant) is responsible for ensuring that each household is assessed for their level of relocation assistance. During the household needs assessment, the Subrecipient must confirm each household’s post-rehabilitation program eligibility to return to the development. The Subrecipient must identify displaced and non-displaced households and calculate the total amount of assistance for each household. The TDHCA Household Relocation Assistance Budget Calculator (Appendix

6) will assist in the calculation of eligible assistance for each household. See sections in this document titled: “Eligibility Determination: What does the tenant qualify for?” and “How to Calculate Rental Assistance Payments.”

Note: HUD considers all tenants who vacate units without receipt of required relocation notifications as “permanently displaced” persons who may be eligible to receive relocation assistance even after project completion.

At Initiation of Negotiations (“ION”) Date

The Initiation of Negotiations date is defined as the date of the execution of the TDHCA federal source contract. The ION date serves as a milestone in determining a person’s eligibility for relocation assistance, including moving costs and a replacement housing payment. HUD regulations establish program-specific definitions of ION. The ION date is the trigger for issuance of the Notice of Eligibility for Relocation Assistance (“NOE”) or Notice of Non-displacement (“NND”).

For the HOME Program, see 24 CFR 92.353(c)(3): “...to a tenant displaced...as a result of private-owner rehabilitation, demolition, or acquisition...the execution of the agreement covering the acquisition, rehabilitation, or demolition.” For CDBG and NSP, see 24 CFR 570.606(b)(3): “...if the displacement is the result of privately undertaken rehabilitation, demolition, or acquisition...the execution of the grant or federal source contract between the grantee (or State or state Recipient, as applicable) and the person owning or controlling the real property.” For ESG, see 24 CFR 576.59(f)(2): “...to a residential tenant displaced...as a result of privately undertaken rehabilitation, demolition, or acquisition...execution of the agreement between the grantee and HUD.”

Submit or include the following in tenant file documentation:

1. *Rent Roll*. Submit a list of all property occupants at time of ION date. Rent Roll must include for each tenant: name, unit number and type, household income, gross rent (if tenant pays own utilities, use household unit monthly utility allowance, if available). Subrecipients may use the TDHCA Rent Roll with Relocation Benchmarks, Appendix 10.
2. *Total Relocation Budget Worksheet, Appendix 4*. Submit updated worksheet if revised between time of application and execution of federal source agreement.
3. *Copies of the NNDs and NOEs* sent with confirmation of receipt by each tenant.
4. *Household Relocation Assistance Budget Calculators* for each displaced (temporary and permanent) tenant.

For Non-displaced Tenants

- A. ***Notice of Non-displacement (“NND”)*** signed by tenant, Appendix 7. Issue prior or upon execution of TDHCA federal source contract.
1. Tell tenant federal award is approved and notify when rehabilitation will begin.
 2. Tell tenant the project will not displace household but rehabilitation work will require temporary move, if applicable.
 3. Tell tenant “don’t move” until a 90-day Notice to Vacate is received. For NND only, a 30-day notice is permitted under special circumstances.

4. Tell tenant they must continue to comply with lease obligations or risk losing eligibility and relocation assistance.
 5. Describe 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 for moving expenses: to 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).
 6. Describe right-to-appeal process.
- B. **30-day notice to move**, and receipt signed by tenant.
- C. **Ineligibility documentation**: For each non-displaced tenant who permanently relocated anyway, left without notice, or was evicted, tenant file should contain documentation affirming their ineligibility to receive relocation assistance.
- D. **Complaint or appeal**: Copy of documents for any tenant complaint or appeal.
- E. **Move-in Notice** signed by any tenants who moved in after distribution of GIN, Appendix 5 (Housing Choice Voucher and Section 8 project-based tenants are excluded).
1. Subrecipients must advise any tenants moving in after the distribution of the GIN that they might not be able to receive the same relocation benefits as other residents.
 2. The Move-In Notice informs potential new tenants that: (1) construction work might begin soon; (2) the project may require tenants to move; (3) relocation may involve temporary or permanent displacement; (4) tenants who move into the property after delivery of the GIN will not qualify for relocation assistance (Housing Choice Voucher and Section 8 project-based tenants are excluded); (5) proposed property improvements may result in rent increase.
 3. New tenants must acknowledge receipt of notice in writing.

For Displaced Tenants

- A. **Notice of Eligibility (“NOE”)** signed by tenant, identifies comparable household unit, and describes the basis used to establish the cost limit of the replacement housing payments (Appendix 8). Issue to tenant prior or upon execution of TDHCA federal source contract.
1. Tell tenant of federal award approval and notify when rehabilitation will begin.
 2. Confirm displacement status.
 3. Tell tenant “don’t move” until a 90-day Notice to Vacate is received.
 4. Tell tenant to continue to comply with lease obligations or risk losing eligibility to receive relocation assistance.
 5. Describe relocation assistance eligibility and benefits:
 - a. Advisory services: assistance with completing forms locating comparable units, legal rights, and assistance provided if household had special needs.
 - b. Payment for moving expenses: Reimbursement or Fixed Residential Moving Cost.
 - c. Rental Assistance Payment (“RAP”):
 - o Rent/utilities of selected comparable replacement unit vs. rent/utilities at current unit;

- If tenant qualifies as low-income (80% or less AMFI), RAP calculation uses 30% of average monthly gross income, which may substitute for “existing housing costs” in the calculation;
 - RAP is based on difference between old unit and selected comparable unit that accommodates household size and needs;
 - Maximum RAP may use URA (42 months) or Section 104(d) (60 months); and
 - At a minimum, three comparable units, if possible, should reflect tenant’s choices. The description of the selected replacement unit, that best-fits the tenant’s needs should include address, rent/ utility costs, and if unit is in area of high minority concentration.
- d. Homeownership alternative
- If eligible, tenant has right to pursue homeownership in lieu of renting.
 - URA - Down-payment assistance is limited to RAP maximum eligible amount.
 - Section 104(d) – Down payment assistance is limited by statute to securing participation in a housing cooperative or mutual housing association.
6. Describe inspection of Decent, Safe, Sanitary Standards (“DSS”) for replacement unit (rent or purchase) to receive RAP or down-payment.
7. Describe right to appeal process.
- B. **Relocation Brochure** to tenants, HUD brochures cover URA or 104(d) (English and Spanish):
- Relocation Assistance to Tenants Displaced From Their Homes (HUD-1042-CPD), or
 - Relocation Assistance to Persons Displaced from Their Homes (Section 104(d) (HUD-1365-CPD).
- C. **90-Day Notice to Vacate**, signed by tenant, Appendix 9.
- Before sending 90-Day Notice Subrecipient must send tenant the eligibility notice and identify three comparable dwellings.
 - Include the tenant’s move-out date, at least 90 days after receipted delivery of written notice to vacate.
- Exceptions:
- For extreme health and safety reasons Subrecipient may require tenants to move in less than 90 days.
 - If tenant makes an informed decision and relocates self, requirement for 90-day notice might not apply.
- D. **Decent, Safe and Sanitary Inspection** report for replacement unit (with date of inspection), Appendix 11.
- E. **Household Relocation Assistance Budget Calculator** or *Form 40058 - Claim for Rental Assistance or Down-payment Assistance*, if applicable, Appendix 15.
- F. Copy of **approved claim form**, evidence that tenant received payment.
- G. Copy of **lease**.
- H. Copy of any **tenant complaint or appeal**.

Eligibility Determination: What does the tenant qualify for?

Eligibility determination involves several criteria and allows tenants some choices.

Section 104(d) Relocation Assistance Compared to URA

URA: Any displaced tenant – family or individual, qualifies for relocation assistance when forced to move as a result of rehabilitation, demolition, or acquisition, for a project which uses Federal funds.

Section 104(d): For lower-income persons (family or individual) forced to move as a direct result of conversion or demolition of a dwelling unit involving NSP, 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/ moderate income rental unit (within HUD's Fair Market Rent limits) can qualify certain low-income displaced tenants for Section 104(d) assistance, in addition to assistance under URA.

Similarities between URA and 104(d):

- Notices required (GIN, NND or NOE, 90-day, etc.) and documentation.
- Subrecipients must offer displaced tenants comparable units.
- Tenants must receive access to advisory services and appeal process.
- Equivalent moving expenses (actual expenses or fixed payment).

Differences between URA and 104(d)

Criterion	Uniform Relocation Act	Section 104(d)
Displaced Person(s)	Residential tenants and owner-occupants	Only residential tenants covered
Income Requirements	Covers persons of all income levels	Only low-income (LI) 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	Monthly difference between lesser of: <ul style="list-style-type: none"> • Old rent + utility costs • 30% of gross monthly income (if Low-income tenant) If tenant income exceeds 80% of AMFI, monthly rent + utility costs for lesser of: <ul style="list-style-type: none"> • Comparable or • DSS replacement unit 	Monthly difference between Total Tenant Payment (TTP), the greater of: <ul style="list-style-type: none"> • 30% of adjusted income • 10% of gross income Rent+utility costs for the lesser of: <ul style="list-style-type: none"> • Comparable or • DSS replacement unit
Government Housing Assistance (Vouchers, Section 8, etc.)	If available, tenant may choose voucher in lieu of required RAP cash payment. If tenant already occupies a government-assisted unit, owner must offer another assisted unit, unless one is not available.	Offering Housing Choice Voucher assistance in lieu of cash RAP is permitted. LI tenants may request URA calculated assistance instead.

Criterion	Uniform Relocation Act	Section 104(d)
Homeownership Assistance Amount	Subrecipient may issue down payment in lump sum, limited to rental assistance payment	Statute limits down payment assistance to participation in housing cooperative or mutual housing association

Temporary Relocation and Permanent Relocation

Temporary Relocation

Temporary relocation means that the tenant vacates their present residence and occupies a comparable dwelling during the rehabilitation or reconstruction of the housing unit. Subrecipients must provide temporary relocation assistance to non-displaced households (those not permanently displaced from the project site). Subrecipients must budget for temporary relocation costs. A temporary relocation budget must include moving expenses from the unit and returning to the unit, utility connection fees, non-refundable deposits, and rent increases at both the temporary unit during the period of relocation.

Temporarily relocated tenants who remain on-site or move off-site the project must receive:

- Temporary unit that meets standards of a decent, safe and sanitary (DSS) dwelling.
- If tenant is moved to an off-site temporary unit and current address is designated as an area of high minority concentration, tenant may be entitled to be offered at least one unit in a non-minority concentrated area. Note: temporary occupancy must not exceed 12 months or household qualifies as “permanent” displacement.
- Advance written notice of move-out date and length of temporary move.
- Documented terms and conditions of return to rehabilitated property.
- Reimbursement of all reasonable out-of-pocket expenses including cost of moving to and from temporary unit and any increase in monthly rent/utility costs at temporary unit.

Very short-term: During temporary relocation of less than 30 days, the Subrecipient may accommodate the household in a hotel, if the hotel provides functional equivalence to the tenant’s existing dwelling. For instance, if the household vacated a fully-occupied three bedroom unit, the project must provide three hotel bedrooms – either separately or in a suite. If the hotel lacks kitchen facilities that conform to DSS standards, the Subrecipient must provide a per-diem meal allowance to each household member. TDHCA follows per-diem guidance issued by the Texas Comptroller of Public Accounts, as in the following table:

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

Process to document appropriate expenditures: When selecting comparable units to create a budget, the Subrecipient may use HUD Form 40061: Selection of Most Representative Comparable Replacement Dwelling for Purposes of Computing a Housing Relocation Payment (Appendix 12).

Tenant voids 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 NND, effectively relinquish their eligibility for either displacement or relocation benefits.

Permanent Relocation

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 displaced resident chooses to purchase a home. Subrecipients cannot use HUD funds for relocation assistance if the replacement unit does not meet the definition of DSS housing, whether a rental or owned unit.

Permanently relocated, or displaced, tenants must receive:

- Replacement unit that meets suitable standards of a decent, safe and sanitary (DSS) dwelling.
- If the address of the project is designated as a high minority concentration area, the comparable units offered to the household must include at least one unit in a non-minority concentrated area.
- Advance written notice of move-out date.
- Documented terms and conditions of benefit eligibility.
- Reimbursement of all reasonable 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).

When selecting comparable units for the purposes of creating a budget, the Subrecipient may utilize HUD Form 40061: Selection of Most Representative Comparable Replacement Dwelling for Purposes of Computing a Housing Relocation Payment (Appendix 12). If a household is a minority household, they must be offered at least one comparable unit in a non-minority concentrated area.

Tenants who receive Housing Choice Vouchers (“HCV”) as relocation assistance must adhere to the URA and Section 104(d) HCV relocation assistance mandates. To calculate HCV and Section 8 project-based relocation assistance payments, the completion of the Claim for Rental Assistance or Down Payment Assistance (form HUD-40058) form HUD-40058 (Appendix 15) is required. In addition, the replacement comparable unit must comply with the HUD Housing Quality Standards (“HQS”) inspection standards instead of DSS.

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 are entitled to receive “permanent displacement” relocation assistance in accordance with URA and Section 104(d) regulations (HOME program only).

Moving and Related Expenses

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

Fixed Payment for Moving Expenses (49 CFR 24.302)

Use the applicable Fixed Residential Moving Cost Schedule published by the Federal Highway Administration (FHWA). 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, TDHCA guidance and direction is required to ensure

compliance with 49 CFR 24.301(c) and the 1378 Handbook. 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 (“FHWA”). (HUD 1378 Handbook, Chapter 3, 3-2 (B)).

Resident Options

- Low-income households who qualify for Section 104(d) may choose either URA or Section 104(d).
- Renters who choose to move into a project property after the ION date (see definitions) may not receive relocation benefits.
- Households of all income levels may select either the comparable unit recommended by the property manager or a unit of their own choosing that meets the same quality and cost criteria.
- Certain qualifying tenants may choose to use their rental assistance benefits as a down payment to buy a house.
- Residents who disagree with any decision that affects them may appeal that decision. The appeals process is described in Chapter 1 of the HUD Relocation Handbook (HUD-1378), paragraph 1-10.

Find a link to the handbook on this web site:

http://portal.hud.gov/hudportal/HUD?src=/program_offices/administration/hudclips/handbooks/cpd/13780.

Conditions Affecting Tenant Eligibility and Benefits

- **Type of Project:** Federally-funded acquisition, rehabilitation, conversion or demolition of occupied dwelling unit. Funding programs include NSP, ESG, CDBG, 811 PRA, and HOME programs. The Department’s 811 PRA fund awards do not trigger URA mandates until the Rental Agreement Contract (RAC) is signed, which typically occurs after construction is complete. Because of this, Subrecipients that receive 811 PRA funding may not be subject to URA mandates since rental assistance is not provided until tenants are identified in a project deemed eligible and a completed unit is available.
 - a. Available vacant units on the property may help minimize displacements.
 - b. Demolition, conversion, or change of income eligibility may cause more displacements. (Note: 811 PRA funds are not subject to Section 104(d) demolition or conversion mandates)
- **Tenure of tenant:** 90-day occupant (49 CFR 24.402); occupancy of less than 90 days prior or after the initiation of negotiation, which is triggered at the time the agreement is executed, does not qualify for full URA benefits. They might qualify for “Last Resort Housing”, under (49 CFR 24.404(c)). Note: URA disqualification of 90-day occupant does not apply if tenant is low-income nor does it exclude tenant entitlement to receive moving allowance payment.
- **Temporary relocation or permanent displacement of tenants:** Tenant’s relocation status will affect the level of assistance.
- **Time:** Temporary relocation longer than 12 months qualifies as “permanent” displacement.
- **Program:** Income eligibility varies among programs and may displace some low-income renters.
- **Resident Income (Exception 811 PRA):** Residents who earn 80% or less of HUD median household income qualify for Section 104(d). Program eligibility set at 60% of median household income will

displace households earning between 61% and 80%, even if they qualified for assistance at 80% before the project.

- **Fair Market Rent (FMR – derived by HUD):** influences definition of “affordable housing unit” or “conversion” to “market rate” – implying unaffordable to low-income households. This cost standard will generally exceed rent in the displacement (pre-existing) housing – if subsidized or substandard. Market/actual rent for replacement housing often exceeds FMR. The difference between market/actual rent and FMR influences the replacement housing payment amount.
- **Last Resort Housing Measures:** If a Subrecipient cannot find a comparable replacement dwelling, within established monetary limits, the Subrecipient must provide alternative assistance under 49 CFR 24.404.
- **Mobile home occupants displaced:** must follow rules under 49 CFR Part 24, Subpart F. The determination of relocation assistance of a mobile home occupant is complex and costly. If a proposed project involves the relocation of mobile home occupant(s), Applicant must seek TDHCA guidance and direction.
- **URA Only:** Tenants who exceed 80% Area Median Family Income (“AMFI”) are entitled to relocation assistance. RAP eligibility is calculated based on the difference between the [rent plus utilities] paid at the displaced unit and [rent plus utilities] paid at replacement unit.
- **Homeownership –** Although both URA and 104(d) offer down payment assistance options, typically it will be to the advantage of an eligible household to use URA assistance rather than section 104(d) because URA offers more housing options available:
 - URA – Down payment assistance is paid in lump sum and limited to the amount of rental assistance payment.
 - Section 104(d) – Down payment is limited by statute to securing participation in a housing cooperative or mutual housing association.

How to Calculate Rental Assistance Payments (“RAP”) for Permanent Relocation

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

To select the most representative comparable replacement dwelling, which will establish a maximum replacement housing payment, TDHCA recommends Form HUD-40061. Base the estimate on at least three comparable units, if possible.

URA: Rental Assistance Payment Calculation

- Step 1. Determine the lesser monthly amount: \$ _____
- a. comparable unit offered to tenant (rent + utilities) \$ _____
 - b. actual unit tenant moved into (rent + utilities) \$ _____
- Step 2. Determine the lesser monthly amount: \$ _____
- a. tenant’s prior (displacement unit) (rent + utilities) \$ _____

b. 30% of tenant's gross monthly income (LI tenant)¹ \$ _____

Step 3. Calculate:

The difference between the answer to 1 and the answer to 2 \$ _____

a. Multiply by 42 (months) to find the URA rental assistance payment \$ _____

Prior Unit (rent + utilities)	Comparable Unit (rent + utilities)	Actual Unit (rent + utilities)	Gross Annual Income
\$470 + \$65	\$600 + \$65	\$675 + \$65	\$24,000

A.	B.	C.
Step 1. Comparable Unit Cost (rent + utilities) \$600+\$65=\$665	Actual Replacement Unit Cost (rent + utilities) \$675+\$65=\$740	Lesser of A & B = \$665
Step 2. Displacement Unit Costs \$470+\$65=\$535	30% of tenant's monthly gross (\$24,000×0.3)÷12=\$600	Lesser of A & B = \$535
Step 3. Monthly RAP Need	Subtract line 2 from line 1	= \$130
Total RAP eligibility	Multiply line 3 by 42 months	= \$5,460

Section 104(d): Rental Assistance Payment Calculation

Step 1. Determine the lesser monthly amount: \$ _____

a. comparable unit offered to tenant (rent + utilities) \$ _____

b. actual unit tenant moved into (rent + utilities) \$ _____

Step 2. Determine the greater monthly amount: \$ _____

c. 30% of tenant's monthly adjusted income \$ _____

d. 10% of tenant's gross monthly income \$ _____

Step 3. Calculate:

e. The difference between the answer to 1 and the answer to 2 \$ _____

f. Multiply by 60 (months) to find the 104(d) rental assistance payment \$ _____

Comparable Unit (rent + utilities)	Actual Unit (rent + utilities)	Gross Annual Income	Adjusted Annual Income
\$600 + \$65	\$675 + \$65	\$24,000	\$22,000

¹ Tenants who exceed 80% AMFI are entitled to relocation assistance (URA only, not Section 104(d)). RAP is calculated as the difference between the rent plus utilities at the displaced unit and rent plus utilities at replacement unit.

A.	B.	C.
Step 1. Comparable Unit Cost (rent + utilities) $\$600 + \$65 = \$665$	Actual Replacement Unit Cost (rent + utilities) $\$675 + \$65 = \$740$	Lesser of A & B = \$665
Step 2. 30% of tenant's monthly adjusted income (TTP) $(\$22,000 \times 0.3) \div 12 = \550	10% of tenant's monthly gross income $(\$24,000 \times 0.1) \div 12 = \200	Greater of A & B = \$550
Step 3. Monthly RAP Need	Subtract line 2 from line 1	= \$115
Total RAP eligibility	Multiply line 3 by 60 months	= \$6,900

For Section 104(d), use HUD form 40072, Appendix 27 in HUD Relocation Handbook, "Claim for Rental or Purchase Assistance". For URA, use TDHCA Appendix 6: Household Relocation Assistance Budget Calculator.

Refer to "Definition" section for explanation of calculation example terminology.

Claim Forms for Reimbursement

Moving Expenses

Households that wish to be reimbursed for moving expenses must submit HUD Form 40054: Residential Claim for Moving and Related Expenses (HUD 1378 Handbook - Appendix 11) to be reimbursed for those expenses. The Subrecipient will provide this form to the household prior to the temporary or permanent relocation. The form may be attached to the NND, NOE or 90-day notice. The Subrecipient must submit this form to TDHCA if requesting to be reimbursed from TDHCA funds.

Temporary Relocation Expense Claim

To receive reimbursement for temporary relocation expenses, households must submit HUD Form 40030: Claim for Temporary Relocation Expenses (HUD 1378 Handbook - Appendix 15). The Subrecipient provides this form to the household prior to temporary relocation. The property manager may attach the form to the 90-day notice. The Subrecipient submits this form to TDHCA to request TDHCA funds. The Subrecipient must inspect the unit before paying tenant, to ensure compliance with DSS standards. An agent of the property manager must complete and execute DSS Inspection Form.

Housing Expenses for Displaced

Displaced households that wish to be reimbursed for housing expenses must submit HUD Form 40058 or 40058-S: Claim for Rental Assistance or Down payment Assistance (HUD 1378 Handbook - Appendix 14) or HUD Form 40072 - Claim for Rental or Purchase Assistance (Section 104(d) (HUD 1378 Handbook – Appendix 27). The Subrecipient will provide this form to the household prior to the displacement. The form may be attached to the 90-day notice. The Subrecipient must submit this form to TDHCA if requesting to be reimbursed from TDHCA funds. HUD Forms are located on the HUD website at:

http://portal.hud.gov/hudportal/HUD?src=/program_offices/administration/hudclips/handbooks/cpd/13780

Time Limits for Displacement Compensation

Displaced households must move in to a DSS 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 Subrecipient must provide an inspection of the unit prior to issuing payment to ensure that the unit meets the definition of DSS housing. If the unit does not meet the definition of DSS housing, the budget should be amended to allow for costs to bring the unit up to the DSS housing standard. The DSS Inspection Form (Appendix 12) must be completed and fully executed.

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 down payment on a homeownership unit may be issued as a lump sum payment (URA only).

Appeal Rights of Tenants

The Subrecipient must inform the tenant 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 Subrecipient shall provide such assistance directly or through an appropriate third party at no cost to the tenant.

The tenant has a right to appeal to TDHCA if they disagree with:

- a. Subrecipient's determination as a displaced person;
- b. Amount of relocation assistance offered; or
- c. Comparability of the identified replacement dwelling.

All appeals submitted to TDHCA must be in writing and include a copy of the complete case file. TDHCA will send the Subrecipient and person requesting the appeal receipt confirmation within fifteen days. TDHCA may request additional information from the Subrecipient or the person seeking TDHCA appeal at any stage during the review.

TDHCA's Relocation Specialist will facilitate the appeal and determine URA eligibility within thirty days unless the allegation investigative process demands more time. A copy of the determination will be sent to the Subrecipient and person requesting TDHCA review. If the complainant is not satisfied with TDHCA's Relocation Specialist determination, he/she has the right to request a second appeal before TDHCA's Relocation Administrative Team comprised of Program Services Director, Deputy Director and Federal Compliance Counsel. Complainant must submit second appeal request in writing no later than thirty days from receipt of TDHCA's determination.

TDHCA's final determination will be sent to Subrecipient and complainant within thirty days. If TDHCA's final determination is not deemed satisfactory to complainant, TDHCA Relocation Specialist will forward appeal including complete file to the HUD Regional Specialist in compliance with HUD CPD Notice 14-05.

When 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), TDHCA will refer appeal to the TDHCA Fair Housing area.

Direct appeals to TDHCA, by way of:

Carmen Roldan, Relocation Specialist
Texas Department of Housing and Community Affairs
P.O. Box 13941
Austin, TX 78711-3941
(512) 475-2215
Email: carmen.rolدان@tdhca.state.tx.us

Records to Keep

Subrecipients must maintain all records associated with relocation assistance, see HUD Handbook 1378 for more information. Maintain the following relocation documentation.

Documentation

- Relocation File: items such as the relocation plan, documentation of relocation budget.
- List of Occupants: name, address, and occupant characteristics for all persons occupying the property at key relocation milestones.
- Persons Not Displaced: copies of notices; evidence of delivery of notices; evidence of reimbursement of expenses; for tenants who elect to relocate, documentation supporting ineligibility for relocation payments as a displaced person; documentation to support eviction for cause; documentation to support determination that a person was not a legal occupant of the property; and copy of any appeal or complaint filed and response.
- Displaced Persons: copies of all notices; evidence of delivery of notices; verification of relocation needs and their eligibility for relocation assistance; demographic information; income documentation; legal residence/citizenship; unit information; rent and utility costs for comparable units; relocation needs and preferences; record of advisory services provided; referrals to comparable replacement dwellings; DSS inspections; moving cost estimates; claim forms; evidence of payment; documentation of hardship claim; purchase documentation for tenants receiving down payment assistance; reasonable accommodations needs and payment; copy of any appeal or complaint filed and response.

Record retention periods

All pertinent records shall be retained for the period specified in the applicable program regulations, but no less than three years after the latest of:

- The date by which all payments have been received by persons displaced for the project and all payments for the acquisition of the real property have been received;
- The date the project has been completed (i.e., date of Certificate of Occupancy or Certificate of Substantial Completion (AIA G704));
- The date by which all issues resulting from litigation, negotiation, audit, or other action (e.g., civil rights compliance) have been resolved and final action taken; or
- For real property acquired with HUD funds, the date of final disposition (24 CFR 200.311).

Monitoring and Compliance

TDHCA will monitor for compliance with the Uniform Relocation Act and Section 104(d). The Contract Monitoring section ensures that Subrecipients administer programs and expend funds in accordance with contract provisions and applicable state and federal rules, regulations, policies, and related statutes. Contract-monitoring responsibility includes the requirements of URA and Section 104(d) rehabilitation/demolition/ conversion projects using funds administered by TDHCA. Risk assessment determines which contracts to monitor and when. Other factors, such as complaints or special requests, may also recommend a contract for monitoring.

URA and Section 104(d) testing will examine all applicable notices, assessment of tenant needs for relocation services (including relocation assistance payment eligibility), and inspections for decent, safe and sanitary condition of temporary housing. TDHCA monitors focus their testing on TDHCA expenditures.

As a result of a monitoring activity, the Department will transmit findings of non-compliance to the Subrecipient, through a monitoring letter, within four weeks. If the monitoring letter does not list concerns or findings of non-compliance, no response from the Subrecipient is necessary. If the monitoring letter lists findings of non-compliance, the Subrecipient will have thirty days to provide a written response to the Compliance Contract Monitoring. The Subrecipient's written response will include evidence describing how, when, and to what degree the findings of non-compliance have been resolved.

Definitions

The following words and terms used in the TDHCA *Relocation Handbook* have the following meanings unless the context indicates otherwise. Other definitions may be found in 49 CFR Part 24, 24 CFR Part 42, and HUD Handbook 1378 CHG-5.

- (a) **Acquisition:** Purchase of a property by a public or private agency.
- (b) **Adjusted income:** Tenant's gross annual household income after allowable deductions. Monthly adjusted income is 1/12 of the adjusted annual income. Potential deductions include: \$480 each dependent, \$400 per elderly family, certain childcare costs and allowable medical expenses for elderly and disabled households.
- (c) **Advisory Services:** (under Section 104(d) or URA) Referrals to comparable and suitable replacement homes, inspection of replacement housing to ensure that it meets established standards, help in preparing claim forms for relocation payments, counseling and other assistance to minimize the disruption of the move.
- (d) **Affordable Rent** provides a standard of reasonable household expenditures. It means:
 - (i) No rent increase after rehabilitation.
 - (ii) For tenants with income less than or equal to HUD's 80% of area median, rent must not exceed the greater of:
 - a) 30% of adjusted household monthly income, or
 - b) 10% of gross household monthly income
 - (iii) For tenants with income greater than 80% of area median income, use the fair market rent, unless its use would result in a hardship because of the person's income or other circumstances.
- (e) **Comparable Replacement Dwelling Unit:** One that the project owner identifies and offers to the displaced person. One with these attributes: (1) Available for tenant to rent; (2) Decent, safe, and sanitary; (3) Equivalent or superior in size and function to the unit tenant will vacate; (4)

- Affordable by program standards; (5) Reasonably accessible to expected place of employment; (6) Location equally safe and convenient to public and commercial destinations, such as schools, shopping, medical care, public transportation – compared to existing location; (7) Free from unreasonable or adverse environmental conditions, natural or artificial hazards; (8) Equally available to all persons, regardless of race, color, religion, gender, or national origin.
- (f) **Conversion:** the unit had a "market rent" at or below the HUD Fair Market Rent (FMR) standard before the project; after construction work, either the market rent exceeds the FMR, or the unit no longer serves as a residence. HUD determines FMR for its programs by metropolitan area and by size of unit.
- (g) **Decent, Safe, and Sanitary:** TDHCA follows a standard of Decent, Safe, and Sanitary ("DSS") Housing. To qualify as DSS Housing, a dwelling unit must meet the following criteria:
- (i) Conforms to all local housing and occupancy codes;
 - (ii) Accommodates the displaced household with adequate number of rooms and area of living space. Number of persons occupying each habitable room used for sleeping purposes shall not exceed that permitted by local housing codes;
 - (iii) Structural soundness, weather tightness, and good repair;
 - (iv) Contains appropriate HVAC (heating, ventilation, & air conditioning) system able to maintain 70°F (winter) and 78°F (summer) in living area;
 - (v) Electrical wiring system meets applicable codes for adequacy and safety;
 - (vi) Separate from other dwellings, well lighted & ventilated bathroom facilities with sink bathtub/ shower and toilet (private (for household and individual), hot/cold water to sink & shower/tub, sewer connection, flush water closet, all in working order);
 - (vii) Kitchen facilities conform to DSS standards and local plumbing codes (hot/cold water to sink, connected to sewer, range/refrigeration space & utility connection, all in working order). If temporary relocation will not exceed 30 days (unless the Department grants a waiver), project owners may provide per diem for meals instead of kitchen facilities;
 - (viii) Tenants enjoy adequate, unobstructed egress (fire escape) to safe, open space at ground level; and
 - (ix) Complies with standards protecting occupants from lead-based paint hazards.
 - (x) If applicable, barrier-free accommodation for displaced person with a disability; or improvements will remove barriers to ingress, egress, or use of property, as required to accommodate persons with a disability, prior to occupancy.
- (h) **Dependent:** Household member younger than 18, person with disability, or full-time student.
- (i) **Displaced person:** Tenant, home or farm owner, or business owner, forced to relocate, permanently and involuntarily, as a consequence of acquisition, demolition, or rehabilitation involving federal funds. (49 CFR 24.2(a)(9))
- (j) **Displaced tenant:** Responding to a complaint or appeal, one who experiences:
- (i) Unintended consequence of a Sponsor/ landlord who tries to avoid relocation costs by not renewing lease or by telling tenant to move.
 - (ii) HUD says tenant moved because of project even if they moved before application for funding.
 - (iii) The sponsor delays or neglects to provide assistance and to advise tenants of their rights.
 - (iv) Sponsor fails to offer suitable and affordable replacement unit to temporarily relocated tenant.
 - (v) Landlord imposes unreasonable terms of temporary relocation.
 - (vi) No statute of limitations exists on claims for displaced tenants when their landlords do not fully inform them of their rights.
- (k) **Displacement** of a tenant happens if the Subrecipient cannot do these things:

- (i) Provide tenant with the same or other “suitable” unit in the property.
 - (ii) Provide tenant with a unit that complies with project income threshold mandates.
 - (iii) Meet standard of “decent, safe and sanitary” in temporary unit.
 - (iv) Keep tenant’s gross rent (rent plus utilities) “affordable” and prevent “rent burden”.
 - (v) Reimburse all reasonable out-of-pocket expenses including cost of moving to and from temporary unit and any increase in monthly rent/utility costs at temporary unit.
- (l) **Displacement unit:** Dwelling which tenant must vacate, as a result of project activity.
 - (m) **Economic Displacement (HOME Only):** Tenants, who move permanently from a project after rehabilitation because they cannot afford the higher rent. Economic displacement entitles a tenant to receive permanent displacement relocation assistance. TDHCA uses the definition of “economic displacement” under 24 CFR 92.353(c)(2)(C) HOME Program and 24 CFR 570.606(b)(2)(D) for both URA and 104(d) covered projects.
 - (n) **Expense of moving, calculation basis:** Displaced tenants can decide if they want to be paid for actual (receipted) moving expenses or receive a fixed amount according to the Residential Moving Expenses and Dislocation Allowance Payment Schedule.
 - (o) **HQS:** (Housing Quality Standard) Minimum housing standard established by HUD, to protect tenants by PHAs. \ Replacement units must pass HQS before funding agency may make replacement housing payments.
 - (p) **Income Verification:** uses third-party documents, any of three methods may prove household income of tenants: 1) Third party (e.g., employer, DHS) documents; 2) Review of source documents; 3) Self-certification (notarized affidavit).
 - (q) **ION:** Initiation of Negotiations: trigger for issuance of either Notice of Eligibility for Relocation Assistance or Notice of Non-displacement, generally based on the execution date of the agreement covering the acquisition, rehabilitation, or demolition.
 - (r) **Low Income Household:**
 - (i) Under URA, a household earning 80% or less than Area Median Family Income for their county, as defined by HUD under 49 CFR 24.2(a)(14). This includes total gross income received for a 12-month period from all sources (earned and unearned) including, but not limited to wages, salary, child support, alimony, unemployment benefits, worker’s compensation, social security, or the net income from a business. It does not include income earned by dependent children and full-time students under 18 years of age.
 - (ii) Under 104(d), a household that earns at or below 80% of the Area Median Family Income for the county in which they reside, as defined by HUD under 24 CFR Part 5.
 - (s) **NND:** Notice of non-displacement, issued to households who may relocate on the premises or off-site temporarily (less than 12 months)
 - (t) **NOE:** Notice of Eligibility (to receive benefits for permanent relocation)
 - (u) **Non-displacement:** Refers to tenants who can remain in the property when the HOME project is completed. Non-displaced tenants may relocate temporarily during rehab.
 - (v) **Not a displaced person (causes for ineligibility):**
 - (i) Tenant evicted for cause and with due process.
 - (ii) Illegal tenant or one not on the lease.
 - (iii) Tenant who moved in just to get relocation assistance.
 - (iv) New tenant correctly given Move-In Notices (see Relocation Notices & Requirements).
 - (v) Tenant who, though fully informed of rights, signs assistance waivers
 - (vi) Owner-occupant who sells or rehabilitates property voluntarily.
 - (w) **RAP:** Rental Assistance Payment

Tenant must occupy the dwelling 90 days prior to ION to receive replacement housing payment (unless qualified as low-income tenant).

- (x) **Residential Relocation:**
Per CPD 14-09 effective October 1, 2014 home-owner-occupant Replacement Housing Payment eligibility was reduced from 180 days to 90 days [42 U.S.C 4623(a)(1) and 42 U.S. C. 4624(b)]
- (y) **Non Residential Relocation (Businesses, Farms and Nonprofit Organizations)**
 - (i) Maximum Reestablishment Expense Payment increased from \$10,000 to \$25,000 [42 U.S.C. 4622(a)(4)]
 - (ii) Maximum Fixed Moving Expense increased from \$20,000 to \$40,000
- (z) **Rent Burden:** Housing cost which exceeds affordable standards described in (2) and (3) above. If Subrecipient cannot lower expected rents or provide a rental subsidy to tenants, rent-burdened tenants will become displaced and therefore eligible for relocation assistance.
- (aa) **Subrecipient:** Development Owner or Developer who received an award of federal funds for acquisition and rehabilitation, reconstruction, or conversion of residential housing units.
- (bb) **Rent-Burdened:** Experience of tenant whose rent (plus utilities) will exceed “Affordable Rent” (defined above) and thereby cause their displacement.
- (cc) **Replacement unit:** The unit into which the displaced person moves.
- (dd) **Statute of limitations:** None on claims for displaced tenants who Subrecipient did not fully inform of their rights.
- (ee) **Temporary relocation:** tenant occupancy of a comparable dwelling unit, for less than 12 months, during construction, prior to returning to a new or renovated unit.
- (ff) **Vacant Occupiable:** Condition of dwelling unit with no present tenant, (1) in standard condition; (2) in substandard condition but suitable for rehabilitation; (3) in any condition, occupied (except by a squatter) at any time within 90 days before execution of the agreement by the Subrecipient covering the rehabilitation or demolition. TDHCA uses the definition within 49 CFR Part 24 for both URA and 104(d) covered projects.

Rules and Regulations

TDHCA relies on the following legal documents as the basis for this handbook:

Actual Reasonable Moving and Related Expenses (49 CFR 24.301(g)(1)-(7))

Community Development Block Grants, Eligible Activities, General Policies (24 CFR Part 570)

Federal Highway Administration (FHWA), Fixed Residential Moving Cost Schedule,

<http://www.fhwa.dot.gov/realestate/fixsch96.htm>

HOME Investment Partnership (24 CFR 92)

Real Estate Acquisition and Relocation Policy and Guidance Handbook (HUD Handbook 1378):

<http://www.tdhca.state.tx.us/program-services/ura/index.htm> or HUD website at:

http://portal.hud.gov/hudportal/HUD?src=/program_offices/administration/hudclips/handbooks/cpd/13780

Section 104(d), Housing and Community Development Act of 1974 (24 CFR Part 42)

Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (“Uniform Act” or “URA” – 49 CFR Part 24)

Upper Limit: Cost of Comparable Replacement Dwelling (49 CFR 24.403(a)), HUD Form 40061 - Selection of Most Representative Comparable Replacement Dwelling for Purposes of Computing a Replacement Housing Payment, (HUD 1378 Handbook – Appendix 12),

http://portal.hud.gov/hudportal/HUD?src=/program_offices/administration/hudclips/handbooks/cpd/13780

HUD CPD 14-09 Effective October 1, 2014 – Changes to Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (URA) payment Limits and Replacement Housing Payment Eligibility Criteria

<http://portal.hud.gov/hudportal/documents/huddoc?id=14-09cpdn.pdf>

(http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/library/relocation/policyandguidance)

Appendices

Forms and Notices in TDHCA Relocation Handbook

<http://www.tdhca.state.tx.us/program-services/ura/relocation.htm>

1. **Relocation Time line**
2. **Voluntary Acquisition Notification - Seller Voluntary Arm's Length Disclosure Agreement**
3. **General Information Notice (GIN)**
4. **Total Relocation Budget Worksheet**
5. **Move-in Notice**
6. **Household Relocation Assistance Budget Calculator**
7. **Notice of Non-displacement (NND)**
8. **Notice of Eligibility for Relocation Assistance (NOE)**
9. **90-Day Notice to Move**
10. **URA Rent Roll with Relocation Benchmarks (tenant circumstances)**
11. **Decent, Safe, & Sanitary (DSS) Relocation Dwelling Certification (DSS) (DOT Inspection Form)**
12. **Housing Quality Standards (HQS) Inspection Checklist for Housing Choice Voucher Program, form HUD-52580 (3/2001) ref Handbook 7420.8**
Scroll to form 52580 at bottom of list (HUD.GOV)
http://portal.hud.gov/hudportal/HUD?src=/program_offices/administration/hudclips/forms/hud5
13. **Booklet: HUD-1043-CPD Relocation Assistance to Displaced Businesses, Nonprofit Organizations and Farms -**
https://www.hud.gov/program_offices/comm_planning/library/relocation/publications

Forms and Notices HUD Relocation Handbook

TDHCA recommends using these forms as published by HUD.²

http://portal.hud.gov/hudportal/HUD?src=/program_offices/administration/hudclips/handbooks/cpd/13780 The following appendix numbers match: “Tenant Assistance, Relocation and Real Property Acquisition Handbook (1378.0)”.

- 1. Form Appendix 3A - General Information Notice – Nonresidential Tenant to be Displaced**
- 2. Form Appendix 7 – Notice of Eligibility for URA Assistance for Nonresidential Tenant**
- 3. Form 40054: Residential Claim for Moving and Related Expenses**
- 4. Form 40061: Selection of Most Representative Comparable Replacement Dwelling for Purposes of Computing a Housing Relocation Payment**
- 5. Form 40058 or 40058-S: Claim for Rental Assistance or Down-payment Assistance**
- 6. Form 40030: Claim for Temporary Relocation Expenses**
- 7. Form 40072: Claim for Rental or Purchase Assistance (Section 104[d])**

² As of this publication date, HUD Handbook 1378 has not been updated to reflect CPD Notice 14-09.