

### CHAPTER 3 Relocation Payments – Families and Individuals

- 3-1 PURPOSE OF CHAPTER. This Chapter describes the relocation payments to be provided to a family or individual who is being displaced from a dwelling. Required advisory assistance is described in Chapter 2.
- 3-2 PAYMENT FOR MOVING AND RELATED EXPENSES.
- A. Any displaced residential owner-occupant or tenant-occupant who qualifies as a displaced person (defined at 49 CFR 24.2(a)(9)); see also Paragraph 1-4I of this Handbook) is entitled to a payment for his or her moving and related expenses, as the Agency determines to be reasonable and necessary. Generally, the displaced person may choose a payment for actual reasonable moving and related expenses, or a fixed payment for moving expenses.
- 1) Actual Reasonable Moving and Related Expenses (49 CFR 24.301(g)(1)-(7)). A displaced person's actual, reasonable and necessary moving expenses for moving personal property from a dwelling may be determined based on the cost of one, or a combination of the methods described at 49 CFR 24.301(b). For moves from a mobile home, also see 49 CFR 24.301(g)(8)-(10) and Paragraph 3-8 of this Handbook. (**NOTE:** Reasonable moving expenses for a person with disabilities might cover the cost of moving assistive equipment that is the personal property of the tenant, the furnishings and personal belongings of a live-in aide, and/or other reasonable accommodations.)
  - 2) Fixed Payment for Moving Expenses (49 CFR 24.302). This payment shall be determined according to 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 (which may include outbuildings), all moving and related expenses, and takes into consideration whether the displaced person owns and must move the furniture. If a room contains an unusually large amount of personal property (e.g., a crowded basement), the Agency may increase the payment accordingly (e.g., count it as two rooms). Copies of the schedule are available from the FHWA website at: <http://www.fhwa.dot.gov/realestate/fixsch96.htm>, or from HUD Offices.
    - a) Occupant of Dwelling with Congregate Sleeping Space. The moving expense and dislocation allowance for a person who is displaced from a dwelling (defined at 49 CFR 24.2(a)(10) and Paragraph 1-4K.) with congregate sleeping space ordinarily utilized by three or more

unrelated persons shall be limited to the amount stated in the most recent edition of the Fixed Residential Moving Cost Schedule (see FHWA website at: <http://www.fhwa.dot.gov/realestate/fixsch96.htm>).

- b) Homeless Persons. A displaced "homeless" person (e.g., the occupant of an emergency shelter) is not considered to have been displaced from a dwelling (defined at 49 CFR 24.2(a)(10) and Paragraph 1-4K.) and, therefore, is not entitled to a fixed payment for moving expenses. (Such a person may, however, be eligible for a payment for actual costs for moving their possessions. See 49 CFR 24.301 and Paragraph 3-2A.1 above.)

- B. Displaced Public Housing Tenants. Whenever a tenant is displaced from a public housing unit but is offered the opportunity to relocate to a comparable replacement public housing unit, the Public Housing Authority (PHA) has the option to choose the type of moving assistance to be provided to the displaced tenant. The PHA may elect to perform the move itself, using force account labor or a moving company, at no cost to the individual or family being displaced. In such cases, the individual or family is also entitled to a moving expense and dislocation allowance which shall be limited to the amount in the most recent edition of the Fixed Residential Moving Cost Schedule (see FHWA website at: <http://www.fhwa.dot.gov/realestate/fixsch96.htm>). If the PHA does not elect to perform the move itself, the tenant may have the option to choose either a payment for actual moving and related expenses (49 CFR 24.301) or the PHA will pay directly to the tenant the applicable and current fixed payment for moving expenses required under 49 CFR 24.302.

**(NOTE:** This policy covers displacement under the URA and not "general transfers." It does not apply to moves by displaced public housing tenants to other subsidized or private housing. (Moving expenses for such displaced public housing tenants are described in Paragraphs 3-2A.1 and 3-2A.2 above.)

- 1) A displaced public housing tenant who elects to be reimbursed for actual moving expenses (49 CFR 24.301) will receive assistance for all necessary moving services, including packing and unpacking of personal belongings. For displaced public housing tenants who prefer to pack their own personal possessions and items of value, the PHA may provide packing instructions, boxes, markers, and tape to assist the displaced public housing tenant.
- 2) Reasonable moving costs include not just the cost of packing, moving, and unloading, but also disconnecting, dismantling, removing, reassembling, and reinstalling relocated household appliances and other personal property. This would include costs for deinstallation, moving, and reinstallation services for tenant-provided equipment or amenities such as fans, air conditioners, personal computers, etc. When force account is used for a move and does not include these services, a PHA may determine whether or not it will hire an independent contractor to do this

work, or reimburse a displaced public housing tenant on an actual cost basis (all costs for these methods must be documented). A PHA cannot require that a displaced public housing tenant pay for these services on his/her own. A PHA must adequately inform a displaced public housing tenant accordingly.

- 3) The PHA must also provide direct payment or reimbursement for all disconnection and reconnection of necessary utilities (i.e., water, sewer, gas, and electricity) either by: 1) paying the expenses directly to the applicable utility company on behalf of the tenant, or 2) reimbursing the displaced public housing tenant for the cost of transferring utility services to the replacement unit. (Documentation of the cost must be provided to the PHA by the displaced public housing tenant). This payment does not include any reimbursement for new or increased utility deposits since deposits are refundable and not considered a cost. However, the PHA may elect to advance funds for such deposits to a displaced public housing tenant under a repayment agreement. If the displaced public housing tenant had cable service at the displacement unit, the PHA should reimburse the displaced public housing tenant for the cost of transferring service, if any.

- C. Optional Claim Form. A copy of Form HUD-40054, "Residential Claim for Moving and Related Expenses," is contained in Appendix 11. The form is optional; however, if the form is not used, documentation must be included in the Agency's files to support the amounts claimed and paid (see Chapter 6).

### 3-3 ESTABLISHING UPPER LIMIT OF REPLACEMENT HOUSING PAYMENTS.

- A. Determining Cost of Comparable Replacement Dwelling (49 CFR 24.403(a)). The upper limit of a replacement housing payment shall be based on the cost of a comparable replacement dwelling (49 CFR 24.2(a)(6)). If available, at least three comparable replacement dwellings shall be examined (including internal and external inspection) to ensure that the replacement dwelling is decent, safe and sanitary as defined at 49 CFR 24.2(a)(8). The upper limit of the replacement housing payment shall be established on the basis of the cost for the comparable replacement dwelling that is most representative of, and equal to, or better than, the displacement dwelling.
- 1) For purposes of establishing the payment limit, comparable replacement dwellings shall, to the extent feasible, be selected from the neighborhood in which the displacement dwelling is located or in nearby similar neighborhoods where housing costs are generally the same or higher. An obviously overpriced dwelling (e.g., luxury housing, if the displacement dwelling is non-luxury housing) may be ignored.

- 2) A copy of Form HUD-40061, Selection of Most Representative Comparable Replacement Dwelling for Purposes of Computing a Replacement Housing Payment, is included as Appendix 12. The form is optional; however, if the form is not used, other reasonable documentation must be maintained.

**NOTE:** When selecting the most representative comparable replacement dwelling for a person with disabilities, reasonable accommodation is to be determined on a case-by-case basis. The range of accessible unit features in Appendix A, 49 CFR 24.2(a)(8)(vii) is offered as an illustrative list only.

- 3) The Agency may limit the amount of replacement housing payment to the amount required to obtain a comparable replacement dwelling only if it gives a timely written notice (referral) of such comparable replacement dwelling. If the Agency fails to offer a comparable replacement dwelling before the person enters into a lease or purchase agreement for, and occupies, a decent, safe and sanitary replacement dwelling, HUD may require the replacement housing payment be based on the cost of such decent, safe and sanitary replacement dwelling, or take such other corrective action as may be deemed necessary to mitigate (to the extent possible) the adverse consequences of the deficiency.

3-4 REPLACEMENT HOUSING PAYMENT FOR 180-DAY HOMEOWNER-OCCUPANTS (49 CFR 24.401).

A. Eligibility (49 CFR 24.401(a)). A displaced person is eligible for a replacement housing payment for a 180-day homeowner-occupant if the person:

- 1) Actually owned and occupied the displacement dwelling for not less than 180 days immediately prior to the initiation of negotiations. A person is considered to have met the requirement to own the displacement dwelling if the person meets the definition of "Owner of a dwelling" at 49 CFR 24.2(a)(20); and
- 2) Purchases and occupies a decent, safe and sanitary replacement dwelling within one year after the later of:
  - a) the date the person receives final payment for the displacement dwelling; or
  - b) in the case of condemnation, the date the court award of just compensation is deposited with the court; or
  - c) a comparable replacement dwelling has been made available to the person.

The Agency shall extend this period for good cause. A displaced person is considered to have met the requirement to purchase a replacement dwelling if the person meets the requirements at 49 CFR 24.403(c), Purchase of Replacement Dwelling.

- B. Amount of Payment (49 CFR 24.401(b) and 49 CFR 24.404. See also Paragraph 3-3A3).
- C. Computation of Replacement Housing Payment. The calculation for a replacement housing payment under 49 CFR 24.401(b) shall be the sum of:
- 1) The purchase price differential (49 CFR 24.401(c)). This is the amount by which the cost of a comparable replacement dwelling exceeds the acquisition cost of the displacement dwelling, and
  - 2) Increased Mortgage Interest Costs (49 CFR 24.401(d)), and
  - 3) Incidental Expenses (49 CFR 24.401(e)).
- D. Issues Affecting Acquisition Cost. For purposes of calculating the replacement housing payment under 49 CFR 24.401(b), consideration must be given to the following when determining the acquisition cost:
- 1) Comparable Replacement Dwelling Lacks Major Exterior Attribute (49 CFR 24.403(a)(2)). If the site of the comparable replacement dwelling lacks a major exterior attribute of the displacement dwelling site (e.g., the site is significantly smaller or does not contain a swimming pool), the value of such attribute shall be subtracted from the acquisition cost of the displacement dwelling for purposes of computing the purchase price differential payment.
  - 2) Mixed-use and Multifamily Properties (49 CFR 24.403(a)(7)). If the displacement dwelling was part of a property that contained another dwelling unit and/or space used for nonresidential purposes, only that portion of the acquisition payment which is actually attributable to the displacement dwelling shall be considered its acquisition cost when computing the purchase price differential. The Agency should ask its appraiser to make this determination at the time of the appraisal of the displacement property.
  - 3) Insurance Proceeds (49 CFR 24.403(g)). To the extent necessary to avoid duplicate compensation, the amount of any insurance proceeds received by a person in connection with any real property damages or other loss to the displacement dwelling due to a catastrophic occurrence (e.g., fire, flood,

etc.) shall be included in the acquisition cost of the displacement dwelling when computing the purchase price differential.

4) **Owner Retention of Displacement Dwelling (49 CFR 24.401(c)(2)).** If the homeowner retains ownership of his or her dwelling, moves it from the displacement site and reoccupies it on a replacement site, the purchase price of the replacement dwelling shall be deemed to be the sum of:

- (a) The cost of moving and restoring the dwelling to a condition comparable to that prior to the move; and
- (b) The cost of making the unit a decent, safe and sanitary replacement dwelling (defined at 49 CFR 24.2(a)(8) and Paragraph 1-4H); and
- (c) The estimated current fair market value for residential use of the replacement site (appraisal not required), unless the claimant rented the displacement site and there is a reasonable opportunity for the claimant to rent a suitable replacement site; and
- (d) The retention value of the dwelling, if such retention value is reflected in the "acquisition cost" used when computing the replacement housing payment.

5) **Partial Acquisition Leaves Buildable Remainder (49 CFR 24.403(a)(3)).** If the acquisition of a portion of a residential property causes the displacement of the owner from the dwelling and the remainder is a suitable, buildable residential lot, the Agency may offer to purchase the entire property. If the owner refuses to sell the remainder to the Agency, the fair market value of the remainder may be added to the acquisition cost of the displacement dwelling for purposes of computing the replacement housing payment.

E. **Optional Claim Form.** A copy of Form HUD-40057, "Claim for Replacement Housing Payment for 180-Day Homeowner," is contained in Appendix 13. The form is optional; however, if the form is not used, documentation must be included in the Agency's files to support the amounts claimed and paid (see Chapter 6).

F. **Maintaining Tenure of 180-day Homeowner.**

1) **Owner of Entire Fee Interest.** A 180-day homeowner-occupant who owns fee simple title to the displacement dwelling and thus will receive all net acquisition proceeds must have the opportunity to purchase a comparable replacement dwelling without incurring an increase in the total outstanding mortgage debt, or an increase in the number of, or amount of, mortgage principal/interest payments.

2) Owner of Fractional Interest (49 CFR 24.404(b)). The Agency is not required to provide to a person who owned only a fractional interest in the displacement dwelling a greater level of assistance to purchase a replacement dwelling than the Agency would be required to provide if the person owned the entire interest in the displacement dwelling. If such assistance is not sufficient to enable the person to buy a replacement dwelling, the Agency may provide additional purchase assistance or it may elect to offer rental assistance. Generally, the amount offered as rental assistance should not be less than the amount available for purchase assistance under 49 CFR 24.401(b).

G. Rental Assistance for 180-day Homeowner (49 CFR 24.401(f)). A displaced 180-day homeowner who elects to rent, rather than buy, a replacement dwelling is eligible for rental assistance as described in 49 CFR 24.401(a). If, within one year after receiving final payment for the displacement dwelling, such displaced homeowner-occupant subsequently elects to again purchase and occupy a decent, safe and sanitary replacement dwelling, the replacement housing payment may be converted to purchase assistance. (See also Paragraph 3-7C.)

### 3-5 REPLACEMENT HOUSING PAYMENT FOR 90-DAY OCCUPANT (49 CFR 24.402).

#### A. Eligibility (49 CFR 24.402(a)).

1) Timeliness in Determining Eligibility. When a displaced person's eligibility has not been determined in a timely manner (e.g., a person's ineligibility determination has been appealed and/or reversed) the person's current income (i.e., income at the time the original determination is reversed or appeal is decided) should be used when calculating the rental assistance payment. Information on the monthly rent and estimated average monthly utility costs for the displacement dwelling and the comparable replacement dwelling should be based on prevailing rates at the time the assistance is offered.

#### B. Rental Assistance Payment (49 CFR 24.402(b)).

1) Amount of Payment (49 CFR 24.402(b)(1) and 24.404). See also Paragraph 3-3A3).

2) Base Monthly Rent (49 CFR 24.402(b)(2)).

3) Government Housing Assistance. If the displaced person did not receive government housing assistance before displacement, he/she cannot be required to accept government assisted housing in lieu of a cash

replacement housing payment under Paragraph 3-4B. Agencies may help eligible low-income displaced tenants obtain a housing voucher for rental assistance provided by a local Public Housing Agency (PHA) and offer referrals to suitable replacement dwellings with landlords who are willing to participate in the housing voucher program, or can provide referrals to other government assisted housing programs. If the displaced person accepts the government housing assistance, the rental assistance payment should be based on the person's actual out-of-pocket costs. For example, where the replacement dwelling rent/utility cost is more than the payment standard under the voucher program, or the initial rent/utilities burden exceeds 30 percent of the tenant's average monthly gross household income, the tenant may be eligible for a 42-month cash supplement to cover the gap. (See also Paragraph 2-6A.) The Agency, however, remains obligated to inform the displaced person of his/her options under 49 CFR Part 24 (e.g., referrals to comparable replacement dwellings available on the private market).

- 4) Determination of Utility Costs (49 CFR 24.2(a)(30)).<sup>1</sup>
  - a) Displacement Dwelling. For purposes of computing rental assistance, the average monthly utility costs (defined at 49 CFR 24.2(a)(30)) at the displacement dwelling are 1/12 of the utility costs over a 12-month period. The determination may be based on the 12-month period immediately prior to the date of displacement, using statements/bills of actual cost.
  - b) Replacement Dwelling. The estimated average monthly utility costs at the replacement dwelling should be based on actual 12-month utility data for that unit to the extent possible, or some shorter period of time, if necessary. Agencies may establish their own procedures to be used for determining the estimated cost of utilities if the procedures are used uniformly and reflect current reasonable costs.
- 5) Determination of Average Monthly Gross Household Income (to be used in calculating Rental Assistance Payments for low-income displaced person(s) only). The average monthly gross household income for a low-income displaced person is 1/12 of the gross household income (see 49 CFR 24.2(a)(14)).

**NOTE:** The provisions in Paragraphs 3-5B(4) and 3-5B(5) are applicable to the calculation of a displaced tenant's replacement housing payment under the URA only and are not intended to cover the calculation of the government housing assistance payment (e.g., public housing or Section 8 Housing Choice

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<sup>1</sup> See also HUD Relocation Assistance Policy newsletter at <http://www.hud.gov/offices/cpd/library/relocation/policyandguidance/hudrap/vol2no2.pdf>

Voucher) itself. Government housing assistance payments are subject to applicable program requirements.

- C. Downpayment Assistance Payment (49 CFR 24.402(c)). An eligible displaced person who was a renter may elect to receive a lump sum amount for a downpayment to purchase a replacement dwelling.
- 1) Amount of Payment (49 CFR 24.402(c)(1)).
  - 2) Application of Payment (49 CFR 24.402(c)(2) and Appendix A, 49 CFR 24.402(c)).
- D. Optional Claim Form. A copy of form HUD-40058, "Claim for Rental or Downpayment Assistance," is contained in Appendix 14. The form is optional; however, if the form is not used, documentation must be included in the Agency's files to support the amounts claimed and paid (see Chapter 6).
- 3-6 **REPLACEMENT HOUSING PAYMENT FOR PERSON WHO IS NOT A 90-DAY OCCUPANT.**
- A. Background. A person who is displaced from a dwelling that he/she did not occupy for at least 90 days before the initiation of negotiations is not entitled to a replacement housing payment under 49 CFR 24.401 or 24.402. (This includes tenants who moved into the displacement dwelling after the initiation of negotiations as well as those moving into a unit less than 90 days before the initiation of negotiations.) However, to comply with section 205(c)(3) of the URA, the Agency must provide the assistance necessary to enable such person to relocate to comparable rental housing within his/her financial means. (See 49 CFR 24.404(c)(3)). Section 206 of the URA (Last Resort Housing) authorizes the use of project funds for this purpose.
- B. Eligibility (49 CFR 24.404(c)). A displaced person who fails to meet the length of occupancy requirements under 49 CFR 24.401(a) or 24.402(a) qualifies for assistance under 49 CFR 24.404(c)(3) and this Paragraph 3-6.
- C. Amount of payment<sup>2</sup>
- 1) Person Rents Replacement Dwelling. A person who meets the eligibility requirements in Paragraph 3-6B and rents a replacement dwelling is entitled to assistance based on 49 CFR 24.402(b)(2)(i) or (ii) if the person is low-income. If the person is not low-income, the calculation is based on 49 CFR 24.402(b)(2)(i) only.
  - 2) Person Buys Replacement Dwelling (49 CFR 24.402(c)). A person who meets the eligibility requirements in Paragraph 3-6B may convert the

<sup>2</sup> See <http://www.fhwa.dot/gov/realestate/ua/uafaqs.htm>.

rental assistance payment in the above paragraph to a downpayment to purchase at the discretion of the Agency on a case-by-case basis. This payment cannot exceed the amount an owner would receive under 49 CFR 24.401(b) if he or she met the 180-day occupancy requirement.

### 3-7 ADDITIONAL RULES GOVERNING REPLACEMENT HOUSING PAYMENTS (49 CFR 24.403).

A. Inspection of Replacement Dwelling (49 CFR 24.403(b)). Before making a replacement housing payment or releasing a payment from escrow, the Agency or its designated representative shall make a thorough internal and external inspection of the replacement dwelling to determine whether it is decent, safe and sanitary (as defined at 49 CFR 24.2(a)(8)). A copy of the inspection report should be included with the pertinent claim form in the Agency's files. (See also Chapter 6, Paragraph 6-2C.1(h).)

**NOTE:** The definition of “decent, safe and sanitary” provides that replacement units must contain the accessibility features needed by displaced persons with disabilities. (See 49 CFR 24.2(a)(8)(vii); Appendix A, 24.2(a)(8)(vii); Chapter 1, Paragraph 1-9 of this Handbook; Exhibit 3-1, and HUD guidance on accessibility features needed by displaced person with disabilities.)

- 1) If the displaced person relocates to another community, the Agency may arrange for officials of that community to perform the inspection.
- 2) If the Agency determines that a replacement housing payment may have to be denied because the replacement dwelling selected by a displaced person is not decent, safe and sanitary (e.g., does not meet the local code), it must so notify the displaced person, determine if the property can be made decent, safe and sanitary, and/or assist the person to locate another replacement unit.

B. Occupancy Requirements for Displacement or Replacement Dwelling (49 CFR 24.403(d)). No person shall be denied eligibility for a replacement housing payment solely because the person is unable to meet the occupancy requirements set forth in this Handbook for a reason beyond his or her control, including: (i) a disaster, an emergency, or an imminent threat to the public health or welfare, as determined by the President, the Federal agency funding the project, or the Agency; or (ii) another reason, such as a delay in the construction of the replacement dwelling, military reserve duty, illness, or hospital stay, as determined by the Agency.

**NOTE:** Section 414 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1974, as amended, 42 U.S.C. §5181 (“Stafford Act”) provides that “Notwithstanding any other provision of law, no person otherwise eligible for any kind of replacement housing payment under the [Uniform Act] shall

be denied such eligibility as a result of his being unable, because of a major disaster as determined by the President, to meet the occupancy requirements set by such [Uniform Act]." By virtue of section 414 of the Stafford Act, replacement housing assistance should be provided to otherwise eligible residential displaced persons without regard to their inability to meet prescribed occupancy requirements due to a national disaster or a presidentially declared emergency. Contact your Regional Relocation Specialist for assistance in identifying HUD projects that may be affected by Section 414.

- C. Conversion of Payment (49 CFR 24.403(e)). A displaced person, who initially rents a replacement dwelling, receives rental assistance pursuant to 49 CFR 24.402(b) and later purchases a replacement dwelling, is eligible to receive a payment under 49 CFR 24.401 and 24.402(c) if he or she meets the eligibility criteria for such payment, including purchase and occupancy within the prescribed 1-year period. The amount of the purchase assistance payment shall be the amount calculated under 49 CFR 24.401(f) or 24.402(b)(1), minus any portion of the rental assistance that has already been disbursed. The entire purchase assistance payment must be applied, at closing, to the purchase of a decent, safe and sanitary replacement dwelling. (**NOTE:** In the event the displaced person purchases a decent, safe and sanitary replacement prior to converting his/her rental assistance payment to purchase assistance, the entire amount must be used to reduce the outstanding mortgage balance.)
- D. Manner of Disbursing Rental Assistance. Relocation assistance payments for residential tenants who are displaced for HUD projects are subject to 42 USC Sec. 3537c and must be disbursed in installments, except that lump sum payments may be made to cover (1) moving expenses, (2) a downpayment on the purchase of replacement housing, or incidental expenses related to (1) or (2) . Whenever the payment is made in installments, the full amount of the approved payment shall be disbursed in regular installments, whether or not there is any later change in the person's income or rent, or in the condition or location of the person's housing.

The frequency of these disbursements may be determined by the Agency. However, if not paid monthly, HUD recommends that there be no less than three installment payments, except when the rental assistance payment is \$500 or less. Where the rental assistance payment is \$500 or less, it is recommended that payment may be made in two installments with no less than a four-month interval between payments.

- E. Payment After Death (49 CFR 24.403(f)).
- 3-8 LAST RESORT HOUSING MEASURES (49 CFR 24.404). Whenever comparable replacement dwellings are not available within the monetary limits for displaced owner-occupants and tenants, the Agency must provide additional alternative assistance under the provisions of this section. (Also see Exhibit 3-1 of this Handbook.)
- A. Cash Assistance to Exceed Statutory Payment Caps. The Uniform Act requires that comparable replacement housing within a person's financial means be made available before the person may be displaced. Whenever the payment ceiling under section 203 of the URA (\$22,500 for displaced owner-occupants under 49 CFR 24.401(b)); \$5,250 for displaced renters under 49 CFR 24.402(b)<sup>3</sup> is insufficient to provide comparable replacement housing, additional or alternative assistance must be provided. Generally, this is accomplished by providing additional cash assistance which exceeds the above ceiling limits. Section 206 of the URA authorizes the use of project funds to provide such additional cash assistance.  
NOTE: Exceeding the payment ceilings at 49 CFR 24.401(b) and 24.402(b) is commonplace. To ensure that a displaced person is not unduly burdened financially, the Agency is required to provide additional cash or alternative assistance (see 49 CFR 24.404(c)(1)(i)-(iv)).
- B. Other Last Resort Housing Measures. Section 206 also authorizes Agencies to use project funds to undertake special measures, such as the construction, rehabilitation, or relocation of housing; the purchase of land and/or housing and later sale or lease to, or exchange with, the person; the provision of a direct loan; and the removal of barriers for persons with disabilities.
- C. Option of Displaced Person. The displaced person may enter into an agreement with the Agency to accept a decent, safe and sanitary replacement dwelling to be provided as a last resort housing measure. Absent such agreement, the Agency shall not require the displaced person to accept a dwelling provided by the Agency under the last resort housing provisions as an alternative to an acquisition payment or any relocation payment for which the person may otherwise be eligible.
- 3-9 SPECIAL REQUIREMENTS COVERING MOBILE HOMES (49 CFR 24, SUBPART F). This Paragraph 3-9 provides additional guidance to be followed when providing relocation payments to persons displaced from a mobile home and/or mobile home site. Generally, such persons are entitled to receive a moving expense payment in accordance with 49 CFR 24, Subpart D, and a replacement housing payment in accordance with 49 CFR 24, Subpart E to the same extent and

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<sup>3</sup> These caps were established in 1987 and may be revised in a future statutory update.

subject to the same requirements as persons displaced from conventional dwellings.

A. Payment for Moving and Related Expenses.

- 1) Eligibility. A displaced mobile home owner-occupant or tenant-occupant is eligible to receive a moving expense payment to the same extent and subject to the same requirements as persons displaced from conventional dwellings, except:
  - a) A displaced non-occupant owner of a mobile home that meets the definition of a business (see 49 CFR 24.2(a)(4)) is eligible for reimbursement of actual and reasonable moving and related expenses under 49 CFR 24.301(d), including the reasonable cost of moving the mobile home, only.
  - b) An owner-occupant who obtains a replacement housing payment under one of the circumstances described in 49 CFR 24.502(a)(3)(i)-(iv) is eligible for a payment for moving personal property from the mobile home, but is not eligible for payment for moving the mobile home.)
  - c) A displaced owner-occupant or tenant-occupant of a mobile home that is determined to be personal property and that is not relocated and reoccupied on a replacement site (e.g., mobile home cannot be moved due to age or condition), is eligible for the cost of one or a combination of the following: (1) actual moving and related expenses incurred for moving their personal property under 49 CFR 24.301(g)(1)-(7), (2) a fixed payment for moving expense under 49 CFR 24.302, or (3) a commercial move of their personal property performed by a professional mover.

**NOTE:** Neither the URA nor the implementing regulations provide payment for moving real property. The URA places the determination of real property under State law when the acquiring Agency is a State agency receiving Federal financial assistance. Federal and State laws require that those items considered to be real property under State law must be appraised and acquired as part of the real estate being acquired, while items considered to be personal property under state law must be moved in accordance with the URA. The determination of real property versus personal property is required during the appraisal stage (see 49 CFR 24.103(a)(2)(i)).

- 2) Moving and Related Expenses. Moving cost payments to persons occupying mobile homes are covered in 49 CFR 24.301(g)(1) through (g)(10). Additional eligible expenses include payment for:

- a) Moving the mobile home (including packing, securing and unpacking any items of personal property); and
  - b) Modifications to the replacement site, such as construction of a pad, drilling of a well, or installation of a septic tank, if the Agency determines that it is practical to do so.
- 3) Partial Acquisition of Mobile Home Park (49 CFR 24.501(b)).
- B. Replacement Housing Payments (49 CFR 24.502 and 24.503).
- 1) Replacement Housing Payment is Based on Dwelling and Site. Both the mobile home and mobile home site must be considered when computing a replacement housing payment. (A displaced mobile home occupant may have owned the displacement mobile home and rented the site, or rented the displacement mobile home and owned the site, or owned both the mobile home and the site, or rented both the mobile home and the site.) Also, a displaced mobile home occupant may elect to purchase a replacement mobile home and rent a replacement site, rent a replacement mobile home and purchase a replacement site, purchase both a replacement mobile home and replacement site, or rent both a replacement mobile home and site. In such cases, the total replacement housing payment shall consist of a payment for a dwelling and a payment for a site, each computed under the applicable requirements in 49 CFR 24.401 and 49 CFR 24.402.
    - a) Example No. 1. A displaced 180-day owner-occupant of a mobile home who rented the displacement site may be eligible for a replacement housing payment for a dwelling computed under 49 CFR 24.401 and a replacement housing payment for a site computed under 49 CFR 24.402.
    - b) Example No. 2. A displaced 180-day owner-occupant of both the mobile home and site who relocates the mobile home may be eligible for a replacement housing payment under 49 CFR 24.401 if the person purchases a replacement site. If such person elects to rent a replacement site, rather than buy, the person may qualify for a payment under 49 CFR 24.402(b) to help rent a site.
  - 2) Replacement Housing Payment for 180-Day Mobile Homeowner Displaced from a Mobile Home and/or from the Acquired Mobile Home Site (49 CFR 24.502).
  - 3) Replacement Housing Payment for 90-Day Mobile Home Occupants (49 CFR 24.503). A displaced 90-day mobile home occupant is eligible for a

replacement housing payment computed in accordance with 49 CFR 24.402.

- 3-10 TEMPORARY RELOCATION (See Paragraph 2-6). An owner-occupant or tenant-occupant who must move temporarily should be reimbursed for moving expenses to and from the temporary location, and payment of increased housing costs during the period of relocation.
- A. Optional Claim Form. A copy of the form “Claim for Temporary Relocation Expenses (Residential Moves),” is contained in Appendix 15. (**NOTE:** This form is a draft, pending OMB approval.) The form is optional; however, if the form is not used, documentation must be included in the Agency's files to support the amounts claimed and paid (see Chapter 6).