

Uniform Relocation and Real Property Acquisition Policy

7.5.2024

Version 2.0

CONTENT

- 1 Overview..... 1**
- 1.1 Introduction 1
- 1.2 Program Summary and URA Applicability 1
 - 1.2.1 Housing Rehabilitation Programs 1
 - 1.2.2 Buyout Programs 2
 - 1.2.3 New Construction Housing Programs..... 2
 - 1.2.4 Infrastructure Programs..... 3
- 1.3 Applicable Waivers..... 3
- 2 Uniform Relocation Act (URA) Requirements..... 4**
- 2.1 Triggering URA 4
- 2.2 Tenant Responsibilities 5
- 2.3 Lawful Presence 5
- 2.4 Voluntary vs. Involuntary Acquisition 7
- 2.5 Permanent vs. Temporary Relocation 8
- 2.6 Displaced vs. Non-Displaced 9
 - 2.6.1 Survey of Displaced Tenants 10
- 2.7 Notices..... 11
 - 2.7.1 General Information Notice 11
 - 2.7.2 Ninety-Day Notice 12
 - 2.7.3 Notice of Relocation Eligibility (NORE)..... 12
 - 2.7.4 Combined Notice (NORE and 90-Day Notice)..... 14
 - 2.7.5 Notice of Temporary Displacement 14
 - 2.7.6 30-day Move Out Notice..... 14
 - 2.7.7 15-day Return Notice 15
- 2.8 Claims for Relocation Payments 15
 - 2.8.1 Claim Forms..... 15
 - 2.8.2 Advanced Payments 16
 - 2.8.3 Deadline for Filing a Claim 17
 - 2.8.4 Notice of Denial of Claim..... 17
- 2.9 Other Requirements..... 17
 - 2.9.1 Prevention of Fraud, Waste, and Mismanagement..... 17
 - 2.9.2 Appeals..... 17



3 Advisory and Counseling Services18

3.1 Accessibility and Reasonable Accommodations..... 18

3.2 Individual Relocation Plan19

3.3 Relocation Advisory Services..... 19

3.4 Services for Temporary Tenant Relocation20

4 Residential Relocation.....21

4.1 Temporary Residential Relocation21

4.2 Permanent Residential Relocation22

4.2.1 Comparable Replacement Dwelling22

4.2.2 Public Housing Units22

4.2.3 Determining Cost23

4.2.4 Inspections.....23

4.3 Replacement Housing Payment (RHP) for Permanent Displacement24

4.3.1 90-Day Occupants24

4.3.2 Base Monthly Rental for the Displacement Dwelling24

4.3.3 Person Who Is Not a 90-Day Occupant.....25

4.3.4 Determining Utility Costs25

4.3.5 Calculation of Replacement Housing Payment for Permanent Displacement25

4.4 Housing of Last Resort.....26

4.5 Down Payment Assistance.....26

4.6 Moving Expenses.....27

4.6.1 Eligible Moving Expenses27

4.6.2 Ineligible Moving Related Expenses.....27

4.6.3 Fixed Payment for Moving Expenses28

4.7 Rental Assistance Payments.....28

4.7.1 Conversion of Payment to Down Payment28

4.7.2 Payment after Death28

4.8 Occupancy Standards.....29

4.9 Relocation of MHUs29

4.9.1 Payments for Moving Related Expense.....30

5 Non-residential relocation30

5.1 Advisory Services31

5.2 Interviews and Market Study.....31

5.3 Lawful Presence31



5.4 Relocation Assistance32

5.5 Required Notices32

5.6 Moving Expenses.....32

 5.6.1 Actual and Reasonable Moving Costs.....33

 5.6.2 Signs for Advertising33

 5.6.3 Eligible Moving Expenses33

 5.6.4 Ineligible Expenses35

 5.6.5 Fixed Payment for Non-Residential Moving Expenses36

 5.6.6 Farm Operation37

 5.6.7 Non-Profit Organization.....37

 5.6.8 Average Annual Net Earnings37

5.7 Reestablishment Expenses.....37

 5.7.1 Eligible Expenses.....38

 5.7.2 Ineligible Expenses38

5.8 Relocation Claims38

6 Record Retention and Monitoring.....39

 6.1 Record Retention39

 6.2 Non-Compliance39

Definitions and Acronyms.....40

Appendix A: Residential Anti- Displacement and relocation assistance plan.....45

Appendix B: Income Certification.....50

Appendix C: Exhibits52

 Exhibit # 1 – General Information Notice (GIN)52

 Exhibit #2 - Tenant Interview/Survey Form.....53

 Exhibit #3 – Tenant Income Certification56

 Exhibit #4 – Individual Relocation Plan57

 Exhibit #5 – Notice of Temporary Relocation59

 Exhibit #6 – 15 Day Move Out Notice.....60

 Exhibit #7 – 15 Day Return Notice61

 Exhibit #9 – Notice of Eligibility for Relocation Assistance.....62

 Exhibit # 10 – 90 Day Move Notice65



Version History and Version Policy

The version history of the policy manual is tracked in the table below, with notes for each change. The dates of each publication are also tracked in the table.

The State will publish a new version after making substantive changes that reflect a policy change. The updated policy manual will be assigned a new primary version number such as 2.0, 3.0, etc.

After making non-substantial changes, such as minor wording and editing or clarification of existing policy that do not affect the interpretation or applicability of the policy, the State will publish a version of the document with a sequential number increase behind the primary version number such as 2.1, 2.2, etc.

Amendments made to policy may go into effect on the date of the revision or may be applied retroactively, depending on the applicant pipeline and status of applicants in the program intake and recovery process. Whether a policy will be applied proactively or retroactively will be detailed in the version history below and/or within the relevant program sections.

Version Number	Date Revised	Key Revisions
1.0	6.9.2023	Uniform Relocation and Real Property Acquisition Manual
2.0	7.5.2024	Policy updated to reflect Final Uniform Relocation Assistance and Real Property Acquisition regulation (89 FR 36944, May 3, 2024)



1 OVERVIEW

1.1 Introduction

The New Jersey Department of Community Affairs (DCA) through its Disaster Recovery Programs administer storm recovery efforts that are funded with Community Development Block Grant Disaster Recovery (CDBG-DR). This policy will apply to housing and infrastructure programs that involve the voluntary participation of property owners that apply for assistance. If a property owner has tenants, the tenants are considered involuntarily displaced. The displacement may be temporary or permanent depending on the type of recovery activity. URA will apply to both residential and non-residential tenants.

In order to assist displaced households and businesses and achieve compliance with the Uniform Relocation and Real Property Acquisition Policies Act of 1970 (URA), 49 CFR Part 24, as amended, and the U.S. Department of Housing and Urban Development's (HUD's) Handbook 1378, Tenant Assistance, Relocation and Real Property Acquisition. DCA has adopted a Residential Anti-Displacement and Relocation Assistance Plan (RARAP) that aligns with the URA policies. This Manual contains the policies regarding relocation assistance as required by federal regulations and HUD policies.

This policy will ensure, at a minimum, the following:

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

1.2 Program Summary and URA Applicability

The State is implementing several programs funded with CDBG-DR funds from the U.S. Department of Housing and Community Development (HUD). All DCA recovery programs will follow URA for displaced persons and businesses. Below is a brief summary of some of the different types programs and applicability of URA.

1.2.1 Housing Rehabilitation Programs

These types of programs will provide assistance for activities necessary to restore storm-damaged homes, rental properties, and multi-family housing properties which will include rehabilitation, elevation, and/or other mitigation activities. Those programs include but not limited to the below:



- Homeowner Assistance and Recovery Program
- Small Rental Repair Program
- Resilient Multifamily Housing Program

URA Requirements

URA requirements will apply in cases where there is a tenant living in a property where CDBG -DR funds are used to repair, or mitigate the property post-disaster. The program aims to follow the URA guidelines established in this manual for temporary, and when applicable, permanent relocation. Eligible tenants are not considered voluntary participants in the program and will be eligible for either temporary or permanent URA assistance depending on the number of months the Tenant must be displaced.

1.2.2 Buyout Programs

Buyout programs acquire properties located in the floodway, floodplain, or other Disaster Risk Reduction Area to reduce the risk from future flooding. After properties are acquired, CDBG-DR funds may be used to conduct demolition and debris removal activities to restore land as wetlands or open space.

URA Requirements

The property owner's participation is voluntary and does not require URA assistance. However, if the property or unit is leased to a Tenant, then the Tenant is not considered a voluntary participant and will require Permanent URA assistance once the Property Owner accepts an offer to sell the property. The sale of the property will result in the permanent displacement of the Tenant (whether persons, businesses, or farms). Eligible tenants will be evaluated for permanent relocation because once the leased property is purchased, it will be demolished, and the Tenant will not be able to return to the property. URA will assist the Tenant with finding comparable replacement property, paying for moving costs, and will cover increased cost of the replacement housing for forty-two (42) months if a residential tenant and reestablishment costs if non-residential.

1.2.3 New Construction Housing Programs

New construction housing programs, such as The Smart Move program, support the development of permanent affordable housing using CDBG-DR funds to acquire property on which permanent housing will be built using other resources, or to fund the installation or reconstruction of public improvements that will serve the affordable housing to be constructed. These programs also work with buyout programs to acquire properties located in a floodway, floodplain, or other Disaster Risk Reduction Area.

URA Requirements

The property owner's participation in these programs is voluntary and does not require URA assistance. Subrecipients must obtain the proper easements or voluntary acquisition of property to be eligible to participate in the Program. However, for municipalities that wish to use the power of eminent domain and the property is needed for a critical public service, DCA will review those applications on a case-by-case basis. If the property or unit is leased to a Tenant, then the Tenant is not considered a voluntary participant and will require Permanent URA assistance once the Property Owner accepts an offer to sell the property. The sale of the property will result in the permanent displacement of the Tenant (whether persons, businesses, or farms). Eligible tenants will be evaluated for permanent relocation because once the leased property is purchased, it will be demolished, and the Tenant will not be able to return to the property. URA will assist the Tenant with finding comparable replacement property, paying for moving costs, and will cover increased cost of the replacement housing for forty-two (42) months if a residential tenant and reestablishment costs if non-residential.

1.2.4 Infrastructure Programs

Infrastructure programs provide funding that helps impacted communities become more resilient to current and future natural hazards. An infrastructure activity includes any activity or group of activities (including acquisition or site or other improvements), whether carried out on public or private land, that assist the development of the physical assets that are designed to provide or support services to the general public.

URA Requirements

DCA does not anticipate engaging in projects that may result in involuntary participation. Subrecipients must obtain the proper easements or voluntary acquisition of property to be eligible to participate in the Program. However, for municipalities that wish to use the power of eminent domain and the property is needed for a critical public service, DCA will review those applications on a case-by-case basis.

DCA will consider the potential impacts on residents. If an identified project results in owner-occupants or tenants leaving their homes involuntarily (being displaced), the tenants may be eligible for Relocation Assistance under the URA. These requirements apply to the relocation of any displaced person as defined at 49 CFR § 24.2(a)(9). Displaced persons under this definition must be fully informed about their right and entitlement to relocation assistance and payments provided by the URA and its implementing regulations. For more information, refer to 49 CFR § 24, Subpart C.

1.3 Applicable Waivers

HUD has provided a series of waivers to promote the availability of decent, safe, sanitary housing and expedite disaster recovery and rehousing efforts. The critical waivers that affect the implementation of the State's URA efforts, as applicable, are in the following notices:

- First Allocation [87 FR 31636](#)
- Section Allocation [88 FR 3198](#)

A summary of the key waiver provisions affecting implementation of relocation assistance are as follows:

- In order to ensure that there are no discrepancies in relocation assistance based on conflicting regulations, HUD has determined that the URA regulations apply, rather than 24 CFR 42, subpart C, 104(d) regulations.
- The one-for-one replacement requirement under Section 104(d) is waived for lower income units, damaged by the disaster that meet NCORR's definition of "not suitable for rehabilitation" (see Definitions and Acronyms section).
- Section 414 of the Stafford Act and its implementing regulation at 49 CFR 24.403(d)(1) are waived by HUD in the Consolidated Notice (87 FR 6364, 2/3/22) to the extent that they would apply to real property acquisition, rehabilitation, or demolition of real property for a CDBG–DR funded project commencing **more than one year after the date** of the latest applicable Presidentially declared disaster undertaken by the grantees, or subrecipients, provided that the project was not planned, approved, or otherwise underway before the disaster. All DCA programs for Ida recovery will start after one year of the date of the disaster, therefore only current occupants are eligible for relocation assistance. DCA will monitor Subrecipient performance and compliance with URA. DCA will also provide technical assistance to subrecipients and homeowners to assess need.

2 UNIFORM RELOCATION ACT (URA) REQUIREMENTS

2.1 Triggering URA

As an initial step in all programs, a determination must be made whether program activities will cause a displacement of a person/household. Persons qualifying as displaced trigger URA requirements and must be provided with relocation advisory services and assistance with a goal towards minimizing permanent displacement.

Tenants who must move temporarily, for a period no longer than 12 months, due to program-sponsored activities must be provided temporary relocation assistance to ensure that they do not become permanently displaced by the Program. At a minimum, such temporary assistance should encompass reimbursement for moving expenses to and from the temporary replacement location, any increased housing costs incurred during the temporary residence, and any application fees or cost for a background check. DCA and its subrecipients must also verify that the rent for the rehabilitated unit does not increase unreasonably after the tenant's return and provide advance notice of temporary relocation.

Tenants participating under certain program(s) may be permanently displaced. Permanently displaced tenants will receive full URA benefits including advisory services, moving expenses, and housing payment assistance to cover increased cost of new housing unit for forty-two (42) months or if a non-residential tenant, will receive advisory services, moving expenses, and reestablishment costs at the new location. For more information refer to section 2.4 of this policy.

2.2 Tenant Responsibilities

The basic responsibility of tenants is to provide the information needed by the program in a timely manner to ensure that their relocation and housing needs are met. Tenants are required to inform the program immediately of any critical information such as changes to their income, family composition, housing needs, if they intend to move and other critical information needed for relocation planning.

Tenants must continue to comply with the terms of their lease or rental agreement throughout the period of relocation. Many costs associated with relocation are reimbursed to the tenant under URA or temporary relocation services. Tenants are required to obtain pre-approval of any relocation costs that they will want to have reimbursed. However, payments for costs that are ultimately returned to the tenant, such as a rental unit security deposit or utility deposit, are not payable by the program. Tenants must also work closely with their Relocation Specialist in order to assure a successful relocation. They must:

- Provide current and accurate contact information;
- Provide estimates or quotes of costs for reimbursement which must be pre-approved by the program, or the costs will not be reimbursed;
- Ensure the move is made according to the scheduled dates in move notice(s);
- Complete documentation in a timely manner for which reimbursement is requested such as claim forms, and provide proof of payment; and
- If permanently displaced, rent, or purchase a replacement dwelling within one year of their move and file a claim within 18 months of their move.

Should a tenant choose to opt-out of receiving some or all URA or relocation benefits, the tenant is required to notify the program.

2.3 Lawful Presence

Any person who is an alien not lawfully present in the United States is ineligible for relocation advisory services and relocation payments, unless such ineligibility would result in exceptional and extremely unusual hardship to a qualifying spouse, parent, or child.

The definition of an "alien not lawfully present in the United States" includes an alien present in the United States who has not been admitted or paroled into the United States pursuant to the Immigration and Nationality Act (8 U.S.C. 1101 *et seq.*) and whose stay in the United State has not been authorized by the United States Secretary of Homeland Security; and an alien who is present in the United States after the expiration of the period of stay authorized by the United States



Secretary of Homeland Security or who otherwise violates the terms and conditions of admission, parole or authorization to stay in the United States.

Each person seeking relocation payments or relocation advisory assistance shall, as a condition of eligibility, certify:

1. In the case of an individual, that he or she is either a citizen or national of the United States, or an alien who is lawfully present in the United States.
2. In the case of a family, that each family member is either a citizen or national of the United States, or an alien who is lawfully present in the United States. The certification may be made by the head of the household on behalf of other family members.
3. In the case of an unincorporated business, farm, or nonprofit organization, that each owner is either a citizen or national of the United States, or an alien who is lawfully present in the United States. The certification may be made by the principal owner, manager, or operating officer on behalf of other persons with an ownership interest.
4. In the case of an incorporated business, farm, or nonprofit organization, that the corporation is authorized to conduct business within the United States.

Verifying Lawful Presence

If, based on review of a person's documentation or other credible evidence, DCA has reason to believe that a person's certification is invalid, and that as a result, the person may not be lawfully present in the U.S, DCA will obtain the following information before making a final determination.

For a person who has certified that they are an alien lawfully present in the United States, DCA **shall obtain verification of the person's status** by using the Systematic Alien Verification for Entitlements (SAVE) program administered by USCIS to verify immigration status.

Relocation payments or relocation advisory assistance cannot be provided to a person who has not provided this certification or who has been determined to be not lawfully present in the United States, unless ineligibility would result in exception and extremely unusual hardship to a qualifying spouse, parent or child. An alien not lawfully present in the United States may claim an exceptional and extremely unusual hardship if the denial of relocation payments and advisory assistance to such a person will directly result in:

1. A significant and demonstrable adverse impact on the health or safety of a spouse, parent or child;
2. A significant and demonstrable adverse impact on the continued existence of the family unit of which such spouse, parent, or child is a member; or
3. Any other impact that DCA determines will have a significant and demonstrable adverse impact on such spouse, parent, or child.



2.4 Voluntary vs. Involuntary Acquisition

49 CFR Part 24, Subpart B sets forth the real property acquisition requirements for Federal and federally-assisted programs and projects under the URA. The URA regulations have different requirements for acquisitions of a voluntary nature and for acquisitions under threat or use of eminent domain (condemnation).

Voluntary

Voluntary acquisitions (transactions with no threat or use of eminent domain meeting the criteria set forth in 49 CFR 24.101(b)(1) through (3)). See below:

(1) The agency will not use the power of eminent domain to acquire the property, and the following conditions are met:

(i) No later than the time of the offer the agency informs the owner of the property or the owner's designated representative in writing of the following:

(A) The agency will not acquire the property if negotiations fail to result in an amicable agreement; and

(B) The agency's estimate of fair market value for the property to be acquired. (See appendix A to this part, sections [24.101\(b\)\(1\)\(i\)](#) and [24.101\(b\)\(1\)\(i\)\(B\)](#).)

(ii) Where an agency wishes to purchase more than one property within a general geographic area on this basis, all owners are to be treated similarly. (See appendix A to this part, [section 24.101\(b\)\(1\)\(ii\)](#).)

(iii) The property to be acquired is not part of an intended, planned, or designated project area where all or substantially all of the property within the area must be acquired within specific time limits. (See appendix A to this part, [section 24.101\(b\)\(1\)\(iii\)](#).)

(2) The acquisition of real property by a cooperative from a person who, as a condition of membership in the cooperative, has agreed to provide without charge any real property that is needed by the cooperative.

(3) Acquisition for a program or project that receives Federal financial assistance from the Tennessee Valley Authority or the Rural Utilities Service.

Involuntary

Involuntary acquisitions (acquisitions subject to threat or use of eminent domain). Under the URA, voluntary acquisitions which satisfy the requirements of 49 CFR 24.101(b)(1)-(3) are not subject to the acquisition requirements of 49 CFR Part 24 Subpart B. A common misconception is that a "willing seller" or "amicable agreement" means a transaction is "voluntary." This is not necessarily true under the URA and the applicable requirements of 49 CFR 24.101(b)(1)-(3) must be satisfied for a transaction to be considered a "voluntary acquisition" for purposes of the URA.



URA requirements for voluntary acquisitions and involuntary acquisitions differ significantly for property owners. While there are protections for property owners in both circumstances, only involuntary acquisitions trigger the full acquisition requirements of the URA found in 49 CFR Part 24 Subpart B. DCA programs will only use voluntary acquisitions for its programs and owners of those properties will not be considered displaced. If there is a change to policy and a homeowner is involuntarily displaced, the homeowner will receive full URA benefits and services.

2.5 Permanent vs. Temporary Relocation

Tenant and homeowner displacements can be permanent or temporary depending on the type of activity that is displacing the tenant or homeowner and the length of time they will be out of the property.

A displaced person will be determined to be permanently displaced if the property the tenant or homeowner has been occupying becomes no longer available through an action that is funded in whole or in part with federal funds. If the tenant or homeowner must leave the property for a temporary amount of time (i.e., less than a year) and the tenant will be able to return to the property after the federal activity has ended, then the tenant would be determined to be temporarily displaced.

URA Advisory services and moving expenses are the same whether permanently or temporarily displaced.

Permanent Relocation	Temporary Relocation
<ul style="list-style-type: none"> • Relocation Advisory Services • Rental Assistance Differential for 42 months or down payment assistance to purchase home if residential tenant • Re-imbusement for application fees and background checks up to \$1,000 • Re-establishment cost if non-residential • Moving expenses 	<ul style="list-style-type: none"> • Relocation Advisory Services • Rental Assistance Differential for up to 12 months • Moving expenses from residence to new temporary residence. • Re-imbusement for application and background checks up to \$1,000 • Storage while temporarily displaced • Moving expenses to move back to original unit

Note: If the tenant or homeowner is not able to return to their unit or another appropriate, affordable unit at the site within 12 months, they are considered permanently displaced and eligible for those benefits as defined by the URA. In this circumstance, the tenant or homeowner will be contacted by the Relocation Specialist and a revised notice of relocation eligibility will be issued, including the additional amount of 42 months of assistance that will be received.



2.6 Displaced vs. Non-Displaced

Displaced

The term “displaced person” under the URA is an individual, family, partnership, association, corporation, or organization, which moves either permanently or temporarily from their home, business, or farm, or moves their personal property, as a direct result of an involuntary acquisition, demolition or rehabilitation for a federally funded project. Eligible displaced persons are entitled to URA relocation advisory services and payments.

Non-Displaced

Persons not displaced are not eligible for relocation assistance under the URA. Examples of persons not displaced include, but are not limited to, the following:

- A person who moves before the initiation of negotiations (see [§ 24.403\(d\)](#)), unless the agency determines that the person was displaced as a direct result of the program or project.
- Illegal aliens; the URA prohibits providing relocation assistance to persons not lawfully present in the U.S.
- A person who initially enters into occupancy of the property after the date of its acquisition for the project.
- A person who has occupied the property for the purpose of obtaining assistance under the Uniform Act.
- A person who, after receiving a notice of relocation eligibility (described at [§ 24.203\(b\)](#)), is notified in writing that he or she will not be displaced for a project. This notification will only be issued if the tenant has not moved and the agency agrees to reimburse the person for any expenses incurred to satisfy any binding contractual relocation obligations entered into after the effective date of the notice of relocation eligibility.
- An owner-occupant who conveys his or her property, as described in [§ 24.101\(a\)\(2\)](#) or [\(b\)\(1\)](#) or [\(2\)](#), after being informed in writing that if a mutually satisfactory agreement on terms of the conveyance cannot be reached, the agency will not acquire the property. In such cases, however, any resulting displacement of a tenant is subject to the regulations in this part.
- A person who is determined to be in unlawful occupancy prior to or after the initiation of negotiations, or a person who has been evicted for cause, under applicable law, as provided for in [§ 24.206](#). However, advisory assistance may be provided to unlawful occupants at the option of the agency in order to facilitate the project.
- Temporary, daily, or emergency shelter occupants are in most cases not considered displaced persons. However, agencies may determine that a person occupying a shelter is a displaced person due to factors which could include reasonable expectation of a prolonged stay, or other extenuating circumstances. At a minimum, agencies shall provide advisory assistance to all occupants at initiation of negotiations. (See appendix A to this part, [section 24.2\(a\)](#), definition of *displaced persons*.)



2.6.1 Survey of Displaced Tenants

Upon determination that a property is tenant occupied, a Relocation Specialist will be assigned to the case. With assistance from the applicant-landlord, the Relocation Specialist will identify persons and perform interviews with each of those households early in the planning phase of the project. The purpose of this interview is to determine who is eligible for relocation assistance, their housing and financial needs, and other information to provide suitable, temporary or replacement housing. (See Exhibit #2)

Typical information obtained includes:

1. Names of tenants/occupants and their relationships, identification of head of household;
2. Exact address of dwelling;
3. Telephone number(s) of residents;
4. Email address;
5. Determination of language access assistance for persons with limited English proficiency;
6. Age, sex, marital status, and minority group classification of each person;
7. Date person first occupied the dwelling (documented by rent payment or utility receipt);
8. Housing data, including size of current dwelling by number of rooms and square feet;
9. Employment status and place of employment;
10. Family income and assets, broken down by each wage earner in the household;
11. Financial obligations and debts, including dependents, loans, charge accounts;
12. Current housing-related expenses;
13. Housing preferences (e.g., neighborhood, rental or purchase, subsidized housing);
14. Special housing needs (e.g., proximity to day care or medical facilities);
15. Health status and health coverage; and
16. Household problems and deficiencies (such information is generally obtained through observation, rather than direct questioning; for example, lack of furniture, drug addiction, alcoholism, poor housekeeping standards).

To accurately establish the family or individual's ability-to-pay for monthly housing costs, it will be necessary to verify the income information provided during the interview(s).

Once it is determined whether the tenants will only need temporary relocation assistance or they will need to be permanently and involuntary displaced, the Relocation Specialist will work with the property owner and tenants to ensure a compliant process and to provide all necessary and appropriate relocation



assistance (housing counseling, housing search assistance, or transportation assistance)

The Relocation Specialist will be primarily responsible for the following:

- Collecting documentation and verifying information from the Program tenants, who are currently occupying units.
- Working with the tenants to develop an “Individual Relocation Plan” for the subject property.
- Coordinating with the applicable Program staff on the construction schedule for project timeline and issuance of mandatory notices.

2.7 Notices

The following notices may be sent electronically as well as certified mail.

2.7.1 General Information Notice

Tenants who may be permanently or temporarily relocated will receive a General Information Notice (GIN) as soon as feasible in accordance with regulatory requirements (See Exhibit #1). Each program will provide the tenant with either a GIN for permanent relocation or for temporary relocation, depending on the circumstances which may impact the tenant. DCA will provide a GIN (and other required notices) to all potentially impacted tenants in programs involving acquisition, rehabilitation (other than minor repairs or minor rehab), reconstruction, or demolition to avoid any unintended displacement due to lack of program compliance. Provision of a GIN may occur later than required by each program if a tenant is not disclosed at application. Upon discovery of a tenant, the program will take steps to be in compliance with URA requirements and provide the tenant with a GIN. The GIN provides tenants with information and informs them of their potential rights under URA. The GIN includes the following information:

- That the tenant may be required to move due to the federally-funded activity that may impact their dwelling;
- Asks the tenant not to move until they receive official notice of eligibility for relocation assistance;
- Provides contact information for more assistance and to answer questions; and other important information.

The GIN provided for permanent relocation will note that a 90-Day Notice to Vacate will subsequently be provided to the tenant if relocation is needed, and if found eligible, advisory services will be provided as well as funds to cover moving expenses and replacement housing payments. In cases where DRM is informed that a tenant is in violation of their lease, a Modified GIN or Modified Notice of Eligibility (as applicable) will be issued to the tenant. The notice will outline the violation and serve as a notice to the tenant that they may be evicted for cause which would affect their eligibility for URA benefits, if the situation is not resolved.

Where a [verified] email address is on file, a GIN may be sent to the applicant by email. The applicant is asked to sign and return the GIN. DRM will document the email, return receipt, and signed GIN in the administrative record to show compliance with the applicable URA regulations. If an applicant does not sign and return an emailed GIN, DRM will send the GIN by certified or registered first-class mail, return receipt requested and document the mailing in agency files.

2.7.2 Ninety-Day Notice

Tenants will receive a written notification of the earliest date by which they must move at least 90 days in advance as required by URA regulations. This means that a tenant may move sooner than 90 days if desired, but that the earliest they will be required to move is 90 days from the receipt of the letter.

The 90-day notice shall either state a specific date as the earliest date by which the occupant may be required to move, or state that the occupant will receive a further notice indicating, at least 30 days in advance, the specific date by which he or she must move. If the 90-day notice is issued before a comparable replacement dwelling is made available, the notice must state clearly that the occupant will not have to move earlier than 90 days after such a dwelling is made available.

The 90-day Notice to Vacate will not be provided to a tenant when:

- The occupant made an informed decision to relocate and vacated the property without prior notice to the property owner;
- The tenant is not eligible for URA; or
- When a permanent move is not required because the property owner has withdrawn from the Program, the owner is found ineligible for a Program, or an award or offer is not made by the program or accepted by the owner.

Urgent Need Provision

The urgent need provisions of URA permit DRM to require an occupant to vacate on less than 90-Day Notice to Vacate under certain conditions. DRM will only provide a notice with a shorter period when there is an urgent need that involves potential danger, health, or safety issues, or if the person will be temporarily relocated for a short period of time.

2.7.3 Notice of Relocation Eligibility (NORE)

The URA regulations require that persons who are eligible for relocation assistance under URA receive a notice of eligibility. DRM will provide the tenant with the required Notice of Eligibility (NOE), which informs that tenant of their eligibility for URA relocation assistance.



Eligibility for relocation assistance shall begin on the earliest of:

- the date of a notice of intent to acquire, rehabilitate, and/or demolish (described in the definitions section of this document);
- the initiation of negotiations (defined in [§ 24.2\(a\)](#));
- the date that an agreement for voluntary acquisition becomes binding (defined in [§ 24.2\(a\)](#)); or
- actual acquisition.

When this occurs, the agency shall promptly notify all occupants in writing of their eligibility for applicable relocation assistance.

Voluntary acquisitions. A tenant who moves as a direct result of a voluntary acquisition is eligible for relocation assistance when there is a binding written agreement between the agency and the owner that obligates the agency, without further election, to purchase the real property. Federal Funding agencies should develop policies identifying the types of agreements used in its programs or projects which it considers to be binding and which would therefore trigger eligibility for tenants as displaced persons. Agreements such as options to purchase and conditional purchase and sale agreements are not considered a binding agreement within the meaning of this [paragraph \(iii\)](#) until all conditions to the agency's obligation to purchase the real property have been satisfied. Provided that, the agency may determine that a tenant who moves before there is a binding agreement is eligible for relocation assistance once a binding agreement exists allowing establishment of eligibility.

The NOE will describe the available relocation assistance, the estimated amount of assistance based on the tenant's individual circumstances and needs, and contact information in accordance with the requirements of the URA, each program will include in the Notice of Relocation Eligibility the following:

- Project name;
- Owner contact person and contact information;
- Relocation Specialist contact name and contact information;
- The nature and extent of advisory and counseling services available;
- The amounts and types of financial assistance available;
- A clear statement that the chosen replacement unit must be inspected to ensure that it is decent, safe, and sanitary, and free from unreasonable adverse environmental hazards, as defined by the HUD HQS.
- Relocation payments will only be eligible for replacement housing that passes inspection;
- A clear statement that the household will not be required to relocate without at least ninety (90) days advance written notice for permanent relocation;



- A clear statement that self-relocation without coordination with the Relocation Specialist may jeopardize the availability of relocation assistance; and
- Appropriate Fair Housing information and housing counseling services.

The program will ensure that all tenant notices have acknowledgment of receipt and that a copy must be maintained by the Relocation Specialist in the relocation file.

2.7.4 Combined Notice (NORE and 90-Day Notice)

When time to begin work on the project is critical, HUD permits a NORE and a 90-Day Notice to be combined into one Notice and issued on or before the initiation of negotiation (e.g., where moving tenants before snowfall will enable the project to move forward with roof replacements). All persons must still be provided with a minimum of 90 days' notice prior to requiring that they move, unless the urgent need provisions in 49 CFR 24.203(c)(4) are met.

2.7.5 Notice of Temporary Displacement

If a person does not qualify as a permanently displaced person, but will be temporarily relocated, the Program will provide the tenant with a required Notice of Temporary Displacement – (NTD) to advise them of the program's determination, their eligibility for temporary relocation services, and their right to appeal. Under temporary relocation requirements, tenants have the right to re-occupy the dwelling post-construction under reasonable terms and conditions, which includes the amount of rent to be charged. This notice will include:

- The date and approximate duration of the temporary relocation
- Address of the suitable, decent, safe and sanitary dwelling to be made available.
- The lease terms and conditions upon return including rent/tenant utilities.
- Any costs that may be reimbursed.
- The advisory services which will be available to them.

The Notice of Temporary Displacement is required to explain the reasonable terms and conditions under which the tenant may continue to lease and occupy the property upon completion of the project, including the rent and tenant paid utilities.

2.7.6 30-day Move Out Notice

This notice will be sent to the tenant at least thirty (30) days prior to the date by which the property must be vacated. If a notice is sent in anticipation of a construction start date and there are unforeseen delays, the Relocation Specialist will inform the tenant of the delay and indicate the expected date that a property must be vacated.



2.7.7 15-day Return Notice

The 15-Day Return Notice is to be sent to a tenant at least fifteen (15) days once the Housing Quality Standards Checklist or equivalent have been completed. The Relocation Specialist is to obtain confirmation of receipt that the tenant received the 15-Day Return Notice. The evidence of receipt should either be signed by the tenant on the original copy of the 15-Day Return Notice, or if that is not possible, then a separate Certification of Receipt that acknowledges that the notice was delivered. The Relocation Specialist must obtain the receipt from the tenant and include it in the relocation file.

Upon completion of the rehabilitation of the unit(s) in program assisted properties and approval of the dwelling unit for occupancy by the local municipality (as applicable), the Relocation Specialist or designated Program representative shall send this notice to confirm that the property is available for occupancy by the tenant. Further, the notice will provide the date that the tenant should move from the property where they have been living during the rehabilitation period and return to their primary residence.

2.8 Claims for Relocation Payments

Any claim for a relocation payment shall be supported by such documentation as bills, certified prices, appraisals, or other evidence of such expenses. A displaced person must be provided reasonable assistance necessary to complete and file any required claim for payment. Relocation Specialists will assist tenants with the completion and filing of all required claims for payment. Tenants must complete and sign the proper claim form to be reimbursed for pre-approved relocation expenses, replacement housing and/or a down payment. In order to receive funds from a claim residents and landlords must register for [NJSTART](#). All payments will be made by check.

For additional assistance on how to register for NJSTART please contact your Relocation Specialist.

2.8.1 Claim Forms

Based upon documentation provided by the tenant, the Relocation Specialist should prepare the following claim forms for assistance on behalf of the tenant.

- Claim for Rental Assistance or Down-Payment Assistance (**HUD Form 40058**)
- Residential Claim for Moving and Related Expenses (**HUD Form 40054**)

Supplemental to the HUD Claim Forms for assistance, the additional forms must be prepared and obtained by the Relocation Specialist, including but not limited to:

- Electronic Payment Request Form for the tenant, if applicable
- W-9 Taxpayer ID Form (must be completed by all displaced persons and vendors)

The **HUD Form 40058** "Claim for Rental Assistance or Down Payment Assistance" must be accompanied by a copy of one of the following as applicable:

- Executed Lease for the tenant's post-relocation unit; or
- Disclosure Statement showing the purchase price of the replacement dwelling or Deed.

In addition, for rental assistance, a printout showing the average monthly utilities for each unit must also be attached as these costs are the basis for the calculation of the tenant's Replacement Housing Payment (RHP) (i.e., the difference between rent and utilities at the pre-relocation unit and the temporary unit).

The **HUD Form 40054** "Residential Claim for Moving and Related Expenses," allows for claims of either fixed or actual expenses. Actual self-move expenses should be accompanied by two (2) quotes from moving companies, proof of the actual expenses incurred by the tenants (bill from the moving company), and proof of payment.

2.8.2 Advanced Payments

When it is determined that a tenant can avoid or reduce a hardship that will be caused by the required relocation, in accordance with 49 CFR 24.207(c), advanced payments will be made for relocation related expenses such as:

- Rental security deposit not to exceed two months (including deposits for pets, parking, etc.). The amount of the deposit may not exceed the amount of the monthly rental housing payment;
- Utility service connection and/or reconnection;
- Cost of actual expenses for application fees and credit reports up to \$1,000.
- Cost of a commercial moving service (may include packing materials and packing), unless it can be paid under the Program's direct payment agreements;
- Storage; and/or
- Other relocation related expenses as approved.

Hardship is defined as an undue financial burden that would either deplete the financial resources of the tenant household, or in those cases where the tenant household's lack of financial resources or poor credit would preclude the household from relocating in a timely manner.

Advanced payments will be made directly to the provider of the service or directly to the tenant.

2.8.3 Deadline for Filing a Claim

Relocation assistance claims must be filed no later than 18 months after the date the tenant was displaced or temporarily moved. Extensions for filing a claim will be reviewed on a case-by-case basis.

2.8.4 Notice of Denial of Claim

If DRM disapproves all or part of a payment claimed or refuses to consider the claim on its merits because of untimely filing or other grounds, it shall promptly notify the claimant in writing of its determination, the basis for its determination, and the procedures for appealing that determination.

2.9 Other Requirements

2.9.1 Prevention of Fraud, Waste, and Mismanagement

DRM will follow its Fraud, Waste, and Abuse (FWA) Policy in administering relocation benefits described in this manual and will make efforts to recapture funds when appropriate. The program will take appropriate measures to carry out acquisition, rehabilitation, and relocation efforts in a manner that minimizes fraud, waste, and abuse.

2.9.2 Appeals

All tenants will have an opportunity to file an appeal in accordance with the URA regulations at 49 CFR 24.1. Written complaints and appeals must be submitted in writing. The time limit to file an appeal is sixty (60) days after written notification of a program determination.

Actions That May Be Appealed

Persons being displaced may file an appeal if they believe the Relocation Specialist has:

- Made a mistake in determining eligibility for payment;
- Made an error in figuring the amount of payment;
- Been unfair in refusing to waive the time limit for filing a claim or the purchase and occupancy requirements;
- Not provided a reasonable choice of comparable replacement housing;
- Not properly inspected the replacement housing; or
- Failed to comply with the provisions concerning the notice of right to continue in occupancy.

Appeals are limited to actions or decisions that the individual making the appeal (petitioner) believes to be in conflict with stated Program policies or to be based on contestable facts. Program policies established by DRM are not appealable.



Appeals Process

An appeal may be filed in any case in which the person believes that DCA has failed to properly consider the person's application for assistance. Initial review of the appeal will be conducted by a three (3) person panel, made up of Legal and Regulatory Affairs staff. This staff is independent from the group that originally made the decision being appealed. Each appeal will be reviewed against Program policies and requirements. The panel will make a recommendation to the Deputy Commissioner of DCA who will make the final determination.

An appeal must be filed within 60 days after the person receives written notification of the DCA's determination of the person's claim. Appeals must be submitted by tenants in writing to Department of Community Affairs, Attn: URA Appeals, Disaster Recovery and Mitigation Division, 101 South Broad Street, P.O. Box 823, Trenton, NJ 08625. The request must contain the following information:

- Tenant's name;
- Tenant's mailing address;
- Tenant's telephone number;
- Tenant's email address (if available);
- The reason(s) the decision or action is being appealed;
- Documentation that supports the request to overturn the decision or action; and
- Application number.

3 ADVISORY AND COUNSELING SERVICES

All advisory services are designed to keep households informed of their status, options, and choices. Advisory services include information provided orally and in writing. The Relocation Specialist and Housing Counseling Agency will work with the property owners and tenants to develop a sound rapport with those affected by the project to minimize the possibility of confusion and concern.

3.1 Accessibility and Reasonable Accommodations

Program staff and the Relocation team will ensure that advisory relocation services and all implementation of URA requirements will be accessible to all persons with special needs and will operate in a manner that does not discriminate or limit access to URA services and benefits to persons with disabilities. So that URA services are operated in compliance with Section 504 requirements of the Rehabilitation Act of 1973 and the Americans with Disabilities Act (ADA), DCA will:

- Provide facilities that are readily accessible and usable by persons with disabilities where they may have interaction with program staff.
- Provide written and verbal communication assistance to tenants with a disability or limited proficiency with the English language, including sign language, braille, interpreters, etc.
- Consider home visits or other similar alternatives to assist tenants who are homebound .
- Provide accommodations as soon as practicable to any tenant with an apparent hearing, visibility, or mobility limitation.
- Work with an authorized designee of a tenant or household member, when needed, such as those designees with a valid power of attorney or legally authorized representative.

All services listed above will be provided upon verbal or written request from the tenant or the tenant's designated representative. Tenants who require reasonable accommodations should contact their designated Relocation specialist. In addition, DCA complies with Section 508 requirements regarding the accessibility to electronic and information technology for individuals with disabilities.

3.2 Individual Relocation Plan

The Relocation Specialist will be responsible for the coordination of the following activities as needed to guide the relocation process and the development of the Individual Relocation Plan (See Exhibit #4):

- Personally interview each household to be displaced,
- Determine specific relocation needs and preferences,
- Explain the relocation assistance and advisory services to be provided,
- Explain the procedures for obtaining relocation assistance and advisory services;
- Facilitate transportation services for persons who are to be relocated to comparable dwelling units that do not have access to transportation;
- Ensure that prior to displacement, comparable replacement dwellings will be available for displaced persons;
- Supply information concerning federal and state housing programs and services; and
- Ensure that the relocation process does not result in different or separate treatment on account of race, color, religion, national origin, sex, age, familial status, handicap, or source of income.

3.3 Relocation Advisory Services

In accordance with all requirements, Programs will provide relocation advisory services to displaced tenants. In addition to providing the required notices, the Relocation Specialist will contact the impacted displaced household(s) to schedule an interview, to obtain tenant supporting documentation, and to ensure that tenants understand their rights and responsibilities. During this interview, the program will inform the displaced household of advisory services. These services include:



- Determining the needs and preferences of displaced persons;
- An explanation of available relocation assistance (such as moving costs and replacement housing), eligibility requirements, and the process for obtaining such assistance;
- An explanation of a tenant's right to appeal if they are not satisfied with Program decisions, including written appeal procedures;
- An offer to provide transportation to inspect the housing to which they are referred;
- Information about other assistance (e.g., legal services, financial services, housing counseling, etc.);
- Information on current and ongoing listings of available comparable dwellings for residential displacements;
- Informing the displaced person in writing of the comparable dwelling unit;
- The tenant will be informed that they cannot be required to move unless at least one comparable replacement dwelling is made available;
- Inspection of the dwelling to determine if it meets decent, safe, and sanitary requirements;
- Providing counseling and other assistance to minimize hardship in adjusting to relocation; and
- Other required and appropriate assistance.

3.4 Services for Temporary Tenant Relocation

Relocation specialists will provide advisory services to tenants who are required to temporarily relocate.

Temporary relocation advisory services will include:

- Communication including an explanation of temporary relocation requirements and services
- Personal interviews to objectively assess tenant's specific needs (unit size, location, accessibility, pets, etc.)
- Timely program notifications
- Appeal procedures provided and explained
- Written advance notice of the move and return home
- Referral to suitable, available rental unit, hotels, or extended stay facility
- Move-in inspection of the temporary unit to ensure decent, safe, and sanitary (DSS)
- Moving, packing, and storage arrangements
- Claims and reimbursement policies and procedures that are timely and fair
- Assistance with filing claims and appeals may be provided
- Reimbursement for the following as applicable: storage and packing/moving payments; utility connection and reconnection; the transfer of phone, internet, cable; application or background check fees up to \$1,000, and other out of pocket moving expenses
- Reimbursement for any cost of the temporary dwelling unit
- Referrals for housing counseling

4 RESIDENTIAL RELOCATION

4.1 Temporary Residential Relocation

Programs will provide temporary relocation as stipulated in the HUD Handbook 1378: Tenant Assistance, Relocation and Real Property Acquisition, subsequent HUD notices, and in URA regulations (49 CFR Part 24), as applicable.

Eligible homeowners and tenants residing in properties participating in Programs that involve reconstruction, replacement or rehabilitation (including elevation) will receive temporary relocation assistance if they must move temporarily (less than 12 months). In these cases, program activities will be planned and carried out in a manner that minimizes any hardships for households residing in storm-damaged properties.

The temporary relocation housing choices available to occupants will be based on the anticipated length of temporary relocation, scope of work for the property undergoing construction, housing availability in the area, and the occupants' individual circumstances, such as having children who need to go to a nearby school, being close to medical facilities or employment, or other considerations. Whenever feasible, tenants will be asked to choose the type of housing for their temporary relocation. Housing choices may include a hotel stay, a rental unit with cooking facilities, to live with family and friends, etc.

Relocation Specialists will identify at least one temporary dwelling that will be available for the household. All temporary units must also be up to local building codes, be suitable in nature to the displaced person's current dwelling, and must pass a decent, safe, and sanitary (DSS) inspection.

Temporary relocation process is as follows:

- Property owner submits application to Program, a displaced occupant is identified;
- Occupant receives *GIN* (Exhibit X) notice and contact information for Relocation Specialist;
- Initial Site Inspection
- Scope of Work determined
- Owner signs agreement
- Occupants receive a *Notice of Non Displacement-Temporary Relocation Assistance* (Exhibit X)
- Occupant receives *30-Day Move Out Notice* (Exhibit X)
- Move and storage is coordinated by Relocation Specialist
- Construction is completed of displacement unit and certified for occupancy
- Occupant receives *15-Day Return Notice* (Exhibit X) and coordinates the move back with Relocation Specialist
- Occupant submits all final claim forms for URA assistance, **HUD form 40030** - Claim for Temporary Relocation Expenses (Residential Moves)



To ensure that tenants are provided with all necessary assistance, Relocation Specialists will assess the household needs of those being temporarily relocated to provide relocation assistance established under the URA.

4.2 Permanent Residential Relocation

4.2.1 Comparable Replacement Dwelling

For permanent relocations, the Relocation Specialist will identify three comparable replacement dwellings for a displaced person; however, no displaced person shall be required to move unless at least one comparable replacement dwelling unit is made available. A comparable replacement dwelling will be considered available to a tenant when the Program:

- Informs the tenant of the unit's location;
- Provides sufficient time for the tenant to enter into a purchase agreement or lease for the property; and
- Subject to reasonable safeguards, the tenant is assured of receiving relocation assistance and payments in sufficient time to complete the purchase or lease of the property (49 CFR 24.204(a)).

When identifying a comparable replacement dwelling, the Program will ensure that the dwelling is:

- Decent, safe, and sanitary;
- Functionally equivalent to displacement dwelling;
- Adequate size for displaced occupants;
- In an area that is outside of the floodway or 100-year floodplain (unless no other option exists upon approval on a case-by-case basis);
- Within the financial means of the displaced person;

If a tenant believes they are unable to buy or rent a housing unit because of discriminatory or unlawful practices by a real estate broker, rental agent, landlord or a property owner, the Relocation Specialist will discuss options with the tenant, including referral of a discrimination complaint to the appropriate federal, State or local fair housing agency.

4.2.2 Public Housing Units

A public housing unit may qualify as a comparable replacement dwelling only for a person displaced from a public housing unit. A privately owned dwelling with a housing program subsidy tied to the unit may qualify as a comparable replacement dwelling only for a person displaced from a similarly subsidized unit or public housing.

A housing program subsidy that is paid to a person (not tied to the building), such as a HUD Section 8 Housing Voucher Program, may be reflected in an offer of a comparable replacement dwelling to a person receiving a similar subsidy or occupying a privately owned subsidized unit or public housing unit before displacement.



4.2.3 Determining Cost

At least one (1) and no more than three (3) comparable replacement dwellings will be provided to the household to establish the payment threshold for the occupant's Replacement Housing Payment (RHP). The upper limit of a replacement housing payment shall be based on the cost of a comparable replacement dwelling in accordance with the following requirements:

- If available, at least three comparable replacement dwellings shall be examined and the payment computed on the basis of the dwelling most nearly representative of, and equal to, or better than, the displacement dwelling.
- 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 overpriced dwelling (e.g., luxury housing, if the displacement dwelling is non-luxury housing) will not be considered as a comparable replacement dwelling.
- The Relocation Specialist will complete **Form HUD-40061**, Selection of Most Representative Comparable Replacement Dwelling for Purposes of Computing a Replacement Housing Payment indicating the costs and characteristics of comparable units.

4.2.4 Inspections

Before making a replacement housing payment or releasing a payment from escrow, the Program will make a thorough internal and external inspection of the selected replacement dwelling to determine whether it is decent, safe, and sanitary. Comparable replacement dwellings shall contain the accessibility features needed by displaced persons with disabilities.

If the displaced person relocates to an area that is in another state, the Program may arrange for officials of the local or state government to perform the inspection.

If the Program determines that a replacement housing payment may have to be denied because the comparable replacement dwelling selected by a displaced person is not decent, safe and sanitary (e.g., does not meet the local code), it will notify the displaced person of the denial and the reason for it, determine if the property can be made decent, safe and sanitary, and/or assist the person to locate another comparable replacement dwelling.



4.3 Replacement Housing Payment (RHP) for Permanent Displacement

4.3.1 90-Day Occupants

If eligible, a permanently displaced person is entitled to a payment for rental assistance or down payment assistance (see section 4.5). In order to be eligible for either payment, the displaced person must:

- Has lawfully occupied the displacement dwelling for at least 90 days immediately prior to the initiation of negotiations; and
- Rent or purchase, and occupy a decent, safe, and sanitary comparable replacement dwelling within 1 year of the displacement (i.e., from the date the tenant moves from the displacement dwelling)

A replacement housing payment will be calculated, and payment(s) will be made to an eligible tenant when there is an increased cost associated with the cost of the replacement dwelling. The payments will either be rental assistance payments or a lump-sum down payment to purchase a home. The rental assistance payment amount will be calculated as 42 times the amount obtained by subtracting the base monthly rental for the displacement dwelling from the lesser of:

- The monthly rent and estimated average monthly cost of utilities for a comparable replacement dwelling; or
- The monthly rent and estimated average monthly cost of utilities for the decent, safe, and sanitary replacement dwelling actually occupied by the displaced person.

4.3.2 Base Monthly Rental for the Displacement Dwelling

The base monthly rental for the displacement dwelling is the lesser of:

- The average monthly cost for rent and utilities at the displacement dwelling for one year or the payment period if less than one year, prior to displacement
 - For an owner-occupant, the fair market rent for the displacement dwelling will be used in calculations.
 - For a tenant who paid little or no rent for the displacement dwelling, the fair market rent will be used unless its use would result in a hardship because of the person's income or other circumstances.
- Thirty (30) percent of the displaced person's average monthly gross household income if the amount is classified as "low income," by HUD's Section 8 Program, which means that a household's income is 80% of AMI or less, or;
 - **NOTE:** The base monthly rental will be established using the methodology under bullet one above for households with incomes exceeding the "low income" limits of 80% of AMI as



set by the HUD Section 8 Programs, for persons refusing to provide appropriate evidence of income, and for persons who are dependents. A full-time student or resident of an institution may be assumed to be a dependent unless the person demonstrates otherwise.

- The total of the amounts designated for shelter and utilities if the displaced person is receiving a welfare assistance payment from a program that designates the amounts for shelter and utilities

4.3.3 Person Who Is Not a 90-Day Occupant

Persons that do not meet the 90-day in-occupancy requirements are not entitled to a replacement housing payment unless that person is not able to relocate to comparable replacement housing within financial means. The Housing of Last Resort section of the URA authorizes the use of project funds to cover the cost of such rental increases (see section 4.4). The assistance provided will be for a 42-month period.

4.3.4 Determining Utility Costs

Displacement Dwelling - For purposes of computing rental assistance, the Relocation Specialist will examine the average monthly utility costs at the displacement dwelling. The determination will be based on 12-months or the current rent payment period, whichever is less, prior to displacement.

Replacement Dwelling – The Relocation Specialist will estimate the average monthly utility costs at the comparable replacement dwelling and should be based on actual 12-month utility data for that unit if possible. Subrecipients 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.

4.3.5 Calculation of Replacement Housing Payment for Permanent Displacement

Instructions: “**CRD**” means “Comparable Replacement Dwelling” and “**MRU**” stands for “Monthly Rent Plus Utilities.”

Table 1: Base Monthly Rent Calculation

Rental Assistance Payment	
MRU of replacement dwelling or CRD, whichever is less	\$1,000
MRU of displacement dwelling	\$800
Monthly Need	\$200.00
Total for 42 months	\$8,400.00



Table 2: 30% LMI Income Rent Calculation

Low-income Rental Assistance Payment	
MRU of replacement dwelling or CRD, whichever is less	\$1,000
MRU of displacement dwelling	\$800
30% of monthly income for LMI household	\$700
Monthly Need	\$300.00
Total for 42 months	\$12,600.00

4.4 Housing of Last Resort

In accordance with the requirements found at 49 CFR 24.404(a)(2), this determination to exceed the monetary limits (\$9,200) established under the provisions found at 49 CFR 24.401 or 24.402 and provide, as appropriate, additional assistance, is based on the following:

In the counties that have been identified as a disaster-eligible impacted areas, there is little, if any, comparable replacement housing available for households who will be deemed “displaced” from units receiving assistance.

Due to the damage and immediate impact relating to the loss of decent, safe, and sanitary, affordable rental housing, an assisted property cannot advance to completion and satisfy the timeliness requirements imposed by HUD in the CDBG-DR grant award without last resort housing assistance.

The provision of additional assistance that exceeds the monetary limits established under the URA is the most cost reasonable, as tenant-based or project-based housing subsidies are not available. Additionally, the last resort housing assistance is cost effective as special measures such as new construction, physical relocation of housing, and purchase of land and/or housing exceeds the CDBG-DR resources allocated to the Program.

Table 2 above shows a calculation where an LMI tenant will require \$12,600 of rental assistance to ensure the household does not pay more than 30% of their household income. This amount exceeds the statutory cap of \$9,200 and a Housing of Last resort documentation will need to be included in the file.

4.5 Down Payment Assistance

Instead of a rental assistance payment, an eligible displaced person may receive a down payment assistance payment to purchase a home. The maximum down payment assistance allowed is currently \$9,570. The full amount of the replacement housing payment for down payment assistance must be applied to the purchase price of the comparable replacement dwelling and related incidental expenses.



4.6 Moving Expenses

Any owner-occupant or tenant who qualifies as a displaced person and who moves from a dwelling (including a mobile home) or who moves from a business, farm or nonprofit organization is entitled to payment of actual moving and related expenses, that are determined to be reasonable and necessary.

4.6.1 Eligible Moving Expenses

Actual moving expenses may include:

- Transportation of the tenant's belongings and tenant's family (up to 50 miles);
- Packing, moving, and unpacking of household goods;
- Disconnecting and reconnecting household appliances and other personal property (e.g., electricity, cable, internet, and phone); Up to \$1,000 of actual costs for application fees and credit reports;
- Storage of household goods (maximum of 12 months, extensions will be considered on a case-by-case basis);
- Insurance for the replacement value of the property in connection with the move and necessary storage; and,
- The replacement value of property that is lost, stolen or damaged in the process of moving where insurance covering such losses is not reasonably available.
- Professional services for:
 - Planning the move
 - Moving the property
 - Installing property at the replacement location

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.

4.6.2 Ineligible Moving Related Expenses

A displaced person may not claim or receive payment for the following moving and related costs for either residential move types:

- Relocation Expenses Not Pre-approved in writing;
- Interest on a loan to cover moving expenses;
- Personal injury;
- Any legal fee or other cost for preparing a claim for a relocation payment or for representing the claimant;
- Expenses for searching for a replacement dwelling (except those costs for application fees and credit reports up to \$1,000);



- Costs for storage of personal property on real property already owned or leased by the displaced person; and
- Refundable security and utility deposits

4.6.3 Fixed Payment for Moving Expenses

This payment will 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), DCA may increase the payment accordingly (e.g., count it as two rooms).

See FHWA website for cost schedule:

https://www.fhwa.dot.gov/real_estate/uniform_act/relocation/moving_cost_schedule.cfm

4.7 Rental Assistance Payments

4.7.1 Conversion of Payment to Down Payment

A displaced person, who initially rents a replacement dwelling and receives rental assistance payment may later purchase a replacement dwelling. The remaining rental assistance payment may be converted to a down payment if the eligibility criteria are met for such payment, including purchase and occupancy within the prescribed 1-year period. The amount of the purchase assistance payment will be the amount calculated under section 4.3.2, 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 the rental assistance payment to purchase assistance, the entire amount must be used to reduce the outstanding mortgage balance

4.7.2 Payment after Death

Upon the death of a displaced person, the undisbursed portion of any replacement housing payment shall not be paid to the heirs or assigns, except that:

- The amount attributable to the displaced person's period of actual occupancy of the replacement housing will be paid. Actual occupancy is defined as the full month in which the person becomes deceased.
- Any remaining payment shall be disbursed to the remaining family members of the displaced household in any case in which a member of a displaced family dies.



- Any portion of a replacement housing payment necessary to satisfy the legal obligation of an estate in connection with the selection of a replacement dwelling by or on behalf of a deceased person shall be disbursed to the estate.

4.8 Occupancy Standards

The term *decent, safe, and sanitary dwelling* means a dwelling which meets local housing and occupancy codes. The replacement dwelling will:

- Be structurally sound, weather tight, and in good repair;
- Contain a safe electrical wiring system adequate for lighting and other devices;
- Contain a heating system capable of sustaining a healthful temperature for a displaced person, except in those areas where local climatic conditions do not require such a system;
- Be adequate in size with respect to the number of rooms and area of living space needed to accommodate the displaced person. The number of persons occupying each habitable room used for sleeping purposes shall not exceed that permitted by local housing codes or, in the absence of local codes, the policies of DCA. In addition, DCA will follow the requirements for separate bedrooms for children of the opposite gender included in local housing codes or in the absence of local codes, the Program policies;
- There shall be a separate, well lighted and ventilated bathroom that provides privacy to the user and contains a sink, bathtub or shower stall, and a toilet, all in good working order and properly connected to appropriate sources of water and to a sewage drainage system. In the case of a housekeeping dwelling, there shall be a kitchen area that contains a fully usable sink, properly connected to potable hot and cold water and to a sewage drainage system, and adequate space and utility service connections for a stove and refrigerator;
- Contains unobstructed egress to safe, open space at ground level; and
- For a displaced person with a disability, be free of any barriers which would preclude reasonable ingress, egress, or use of the dwelling by such displaced person.

4.9 Relocation of MHUs

Eligible residential tenants involuntarily displaced either temporarily or permanently by the participation of a Mobile Home or Manufactured Housing Unit (both referred to here as MHU) owner in a Program will receive relocation assistance. Such displaced tenants will be entitled to permanent or temporary relocation services if they meet eligibility requirements. A displaced MHU tenant is eligible to receive advisory services, moving expense payment and replacement housing payments in the same manner and subject to the same requirements as persons displaced from conventional dwellings.



If the tenant rents the land and the structure, or only the structure, and meets URA eligibility criteria, they will be entitled to URA advisory services and relocation assistance (coverage of actual or fixed moving expense, utility connection expenses, replacement housing payments, etc.).

4.9.1 Payments for Moving Related Expense

A non-occupant owner of a rented mobile home is eligible for actual cost reimbursement to relocate the mobile home. If the mobile home is not acquired as real estate, but the homeowner-occupant obtains a replacement housing payment, the home-owner occupant is not eligible for payment for moving the mobile home, but may be eligible for a payment for moving personal property from the mobile home.

Eligible moving expenses include those listed in section 4.6 and:

- The reasonable cost of disassembling, moving, and reassembling any appurtenances attached to a mobile home, such as porches, decks, skirting, and awnings, which were not acquired, anchoring of the unit, and utility hookup charges.
- The reasonable cost of repairs and/or modifications so that a mobile home can be moved and/or made decent, safe, and sanitary.
- The cost of a nonrefundable mobile home park entrance fee, to the extent it does not exceed the fee at a comparable mobile home park, if the person is displaced from a mobile home park or DCA determines that payment of the fee is necessary to effect relocation.

5 NON-RESIDENTIAL RELOCATION

When a non-residential property is to be voluntarily acquired and demolished for a buyout activity, any eligible tenant occupying that property will be considered permanently displaced. Under the URA, displaced businesses are entitled to relocation benefits and advisory services to assist with displacement. Businesses under the URA are defined as:

- A for-profit enterprise, engage in a lawful activity;
- A non-profit organization (church or social service agency); and
- A farm.

When dealing with a business that will be displaced as the direct result of a federally assisted activity, there are differences and similarities between residential displacements. While businesses are entitled to moving expenses and advisory services, they do not qualify for a “replacement occupancy payment” similar to the Replacement Housing Payment (RHP). Instead, they are eligible for re-establishment payment and moving expenses. If the site a business relocates to is more expensive than the business’ current location, there is no obligation to provide assistance to address the difference, as required in residential displacement. In addition, upon notice to vacate, there is no requirement that DCA provides a comparable site, however, advisory services include assistance to locate alternative locations and reimbursement for the search.



5.1 Advisory Services

The Relocation Specialist must meet with the business owner to discuss business relocation and eligibility for various benefits. The Relocation Specialist will provide information about the general relocation process during several personal visits and contacts and review the timeframe or project schedule to inform the business how long they may remain at the current location. The Relocation Specialist will be available during the relocation process to answer questions and assist in relocation efforts.

At a minimum, the business owner will be provided with at least ninety (90) day notice prior to the date required to move. The business will not be displaced unless at least one available, comparable replacement property is presented.

5.2 Interviews and Market Study

As a first step in the relocation process, the Relocation Specialist will interview the business owner as part of the development of the project-wide relocation plan that addresses the business and relocation needs for the project.

The relocation plan provides a market analysis of available business properties considered comparable to the current business (subject) site, including purchase or lease terms, if applicable and other contractual obligations and the financial ability of the business to accomplish the move. A comparable property is a property that is:

- adequate for the needs of the business
- reasonably similar in all major characteristics
- functionally equivalent
- meets applicable federal, state and local codes
- within reasonable proximity of the subject site
- suitable for the same type of business

During the interview, the relocation specialist will review project timelines and possible relocation benefits and provide the business owner with necessary contact information.

5.3 Lawful Presence

Under federal law, in order to qualify for relocation services and payments, the business owner must certify that they are a legal citizen or lawfully present in the United States. The relocation specialist will review this policy and require the owner to sign a certification form. Any person who is not lawfully present in the U.S. is not eligible for relocation advisory services and payments, unless ineligibility would result in exceptional and unusual hardship to a qualifying spouse, parent, or child.



5.4 Relocation Assistance

Once the appraisal for the property has been approved, negotiations will be initiated for the purchase of the property by providing a written financial offer to the business owner. At this time, formal notification of eligibility of the relocation assistance will be provided that includes a summary of all relocation benefits available in the program. This package will include a re-establishment business payment calculation; available comparable business locations; and other information, as appropriate. The business owner shall be required to sign a form acknowledging receipt of the documents.

5.5 Required Notices

When a business is to be displaced it is to be provided proper and timely information regarding the nature and extent of the project. Specifically tailored notices must include the following:

- General Information Notice (GIN)
- Initiation of Negotiation (ION)
- Notice of Eligibility for Relocation Assistance
- 90-day Notice to Move

In addition to notifying a business of its rights and entitlement to benefits, the GIN should describe the obligations of the business owner to assist and to be eligible to receive relocation assistance and advisory services. These obligations include:

- Allow inspections to current and replacement sites
- Provide notice of date and time of move
- Provide a list of property to be moved or sold

A Relocation Specialist will be present at the time of the move to ensure that it occurs, it is done at reasonable cost, to secure a detailed inventory of personal property moved, and to provide any other technical assistance necessary.

5.6 Moving Expenses

When a business must move, it is eligible for actual reasonable moving expenses and it may choose between a fixed payment and actual expenses. Additionally, a business may choose to use a professional mover or perform a self-move, however, in neither case may the cost exceed that of the lowest acceptable bid from a moving company. Depending on the nature and complexity of the business, moves may require special handling, equipment or technicians, and may have to be based on actual cost on a time and material basis. Generally, eligible costs include:

- Transportation;
- Packing, crating, unpacking;
- Disconnecting, dismantling, reinstalling equipment;
- Storage for up to 12 months;
- Insurance;
- Licenses, permits or certification;



- Professional services for searching for replacement site;
- Re-lettering signs and stationary; and
- Disposal cost of items not to be moved

Additional benefits that may be provided to businesses, depending the circumstances, are a “direct loss” payment and a “substitute equipment” payment. A direct loss payment is reimbursement for loss of personal property, after a good faith effort to liquidate inventory, due to closing or moving the business. A substitute equipment payment is made when personal property is left in place and promptly replaced at the new site.

5.6.1 Actual and Reasonable Moving Costs

The business owner may choose to receive reimbursement for the actual, reasonable cost of moving personal property to the new business location. The relocation specialist will work with the business owner to prepare an inventory of personal property items that will be moved. She/he will contact at least two commercial movers to provide moving estimates based on this inventory. Reimbursement is provided, once the business has vacated the premise, in a lump sum based on the lower of the two moving estimates.

The business owner will have the choice of either receiving reimbursement for the moving costs by using a commercial mover or a self-move. If the displaced occupant elects to self-move, a claim must be filed to take a lump sum payment based upon the lesser of 2 commercial moving estimates. The occupant must have vacated the property in order to receive the funds.

5.6.2 Signs for Advertising

Signs for advertising is an eligible expense. The amount of a payment for direct loss of an advertising sign, which is personal property shall be the lesser of:

1. The depreciated reproduction cost of the sign, as determined by DCA, less the proceeds from its sale; or
2. The estimated cost of moving the sign, but with no allowance for storage.

5.6.3 Eligible Moving Expenses

Actual non-residential moving expenses include:

- Transportation of the displaced person and personal property. Transportation costs for a distance beyond 50 miles are not eligible, unless DCA determines that relocation beyond 50 miles is justified.
- Packing, crating, unpacking, and uncrating of the personal property.
- Disconnecting, dismantling, removing, reassembling, and reinstalling relocated household appliances and other personal property. For businesses, farms or nonprofit organizations this includes machinery, equipment, substitute personal property, and connections to utilities available within the building; it also includes modifications to the personal property, including those mandated by Federal, State or local

law, code or ordinance, necessary to adapt it to the replacement structure, the replacement site, or the utilities at the replacement site, and modifications necessary to adapt the utilities at the replacement site to the personal property.

- Storage of the personal property for a period not to exceed 12 months, unless DCA determines that a longer period is necessary.
- Insurance for the replacement value of the property in connection with the move and necessary storage.
- The replacement value of property lost, stolen, or damaged in the process of moving (not through the fault or negligence of the displaced person, his or her agent, or employee) where insurance covering such loss, theft, or damage is not reasonably available.
- Any license, permit, fees or certification required of the displaced person at the replacement location. However, the payment may be based on the remaining useful life of the existing license, permit, fees or certification.
- Professional services DCA determines to be actual, reasonable and necessary for:
 - Planning the move of the personal property;
 - Moving the personal property; and
 - Installing the relocated personal property at the replacement location.
- Re-lettering signs and replacing stationery on hand at the time of displacement that are made obsolete as a result of the move.
- Actual direct loss of tangible personal property incurred as a result of moving or discontinuing the business or farm operation. The payment shall consist of the lesser of:
 - The fair market value in place of the item, as is for continued use, less the proceeds from its sale; or
 - The estimated cost of moving the item as is, but not including any allowance for storage; or for reconnecting a piece of equipment if the equipment is in storage or not being used at the acquired site. If the business or farm operation is discontinued, the estimated cost of moving the item shall be based on a moving distance of 50 miles.
- The reasonable cost incurred in attempting to sell an item that is not to be relocated.
- Purchase of substitute personal property. If an item of personal property, which is used as part of a business or farm operation is not moved but is promptly replaced with a substitute item that performs a comparable function at the replacement site, the displaced person is entitled to payment of the lesser of:
 - The cost of the substitute item, including installation costs of the replacement site, minus any proceeds from the sale or trade-in of the replaced item; or
 - The estimated cost of moving and reinstalling the replaced item but with no allowance for storage.



- Searching for a replacement location. A business or farm operation is entitled to reimbursement for actual expenses, not to exceed \$5,000, as DCA determines to be reasonable, which are incurred in searching for a replacement location, including:
 - Transportation;
 - Meals and lodging away from home;
 - Time spent searching, based on reasonable salary or earnings;
 - Fees paid to a real estate agent or broker to locate a replacement site, exclusive of any fees or commissions related to the purchase of such sites;
 - Time spent in obtaining permits and attending zoning hearings; and
 - Time spent negotiating the purchase of a replacement site based on a reasonable salary or earnings.
- The DCA may, on a program wide or project basis, allow a one-time payment of \$1,000 for search expenses with minimal or no documentation as an alternative payment method.
- Low value/high bulk. When the personal property to be moved is of low value and high bulk, and the cost of moving the property would be disproportionate, the allowable moving cost payment shall not exceed the lesser of: The amount which would be received if the property were sold at the site or the replacement cost of a comparable quantity delivered to the new business location. Examples of personal property covered by this provision include, but are not limited to, stockpiled sand, gravel, minerals, metals and other similar items of personal property as determined by DCA.

5.6.4 Ineligible Expenses

The following expenses are considered ineligible for reimbursement as "actual moving expenses":

- Additional expenses incurred because of doing business in a new location
- Cost of moving structures, improvements or other property purchased or when the displace reserved ownership. This includes items which have been included in the acquisition of the property and paid for as part of the real property and items retained by the owner
- Modification of personal property, except when necessary to adapt personal property to the replacement site or structure
- Costs for storage of personal property on real property you already own or lease
- Physical changes to the real property at the replacement location of a business, except for the modification and adaptation of utilities to the personal property at the replacement site
- Interest on loans or the money borrowed to cover moving expenses
- Loss of good will, business, profits or trained employees
- Personal injury



- Refundable Utility Deposits
- Refundable Security Deposits

5.6.5 Fixed Payment for Non-Residential Moving Expenses

The owner of a discontinued or relocated business may be eligible to receive a fixed payment for moving expenses. This is an optional payment that may be selected in lieu of all other moving expense payments, such as actual moving expenses, re-establishment expenses, and search costs. The maximum amount eligible for a fixed move payment is between \$1,000 and \$53,200 and will depend on supporting documentation.

To be eligible for a fixed move payment, a business must meet five (5) criteria:

1. The business must own or rent personal property which must be moved in which move expenses would be incurred.
2. The business would not be able to relocate without a substantial loss of its existing patronage.
3. The business must have contributed materially to the income of the displaced person during the two taxable years prior to displacement. "Contribute materially" means the income from the business: 1) had an average annual gross receipts of at least \$5,000; 2) had an average annual net earnings of at least \$1,000; or 3) contributed at least one-third of the owner's average annual gross income from all income sources.
4. A business must not be part of a commercial enterprise having more than three other entities not being acquired, and which are under the same ownership and engaged in the same/similar business activities.
5. The business is not eligible for a fixed move payment if it is operated at the subject site solely for the purpose of renting to others (a landlord owner, renting the property to a business).

Documentation for this payment calculation is required, including a complete copy of the previous two (2) years of federal tax returns and schedules. The fixed payment is calculated using the business owner's average annual net earnings of the business during the two taxable years immediately before the taxable year in which the business is relocated.

If the business owner received reimbursement for actual move expenses and decides later to take a fixed payment, the fixed payment calculation would subtract those amounts previously paid. If the business discontinues at a replacement site within two (2) years of the vacate date, the business may be entitled to an additional benefit through the fixed move payment in addition to actual moving expenses already reimbursed.

5.6.6 Farm Operation

A displaced farm operation (defined at § 24.2(a)(12)) may choose a fixed payment, in lieu of the payments for actual moving and related expenses and actual reasonable reestablishment expenses, in an amount equal to its average annual net earnings as computed in accordance with paragraph (e) of this section, but not less than \$1,000 nor more than \$53,200. In the case of a partial acquisition of land, which was a farm operation before the acquisition, the fixed payment shall be made only if the Agency determines that:

- (1) The acquisition of part of the land caused the operator to be displaced from the farm operation on the remaining land; or
- (2) The partial acquisition caused a substantial change in the nature of the farm operation.

5.6.7 Non-Profit Organization

A displaced nonprofit organization may choose a fixed payment of \$1,000 to \$53,200, in lieu of the payments for actual moving and related expenses and actual reasonable reestablishment expenses, if DCA determines that it cannot be relocated without a substantial loss of existing patronage (membership or clientele). Any payment in excess of \$1,000 must be supported with financial statements for the two 12-month periods prior to the acquisition. The amount to be used for the payment is the average of 2 years annual gross revenues less administrative expenses.

5.6.8 Average Annual Net Earnings

The average annual net earnings of a business or farm operation are one-half of its net earnings before Federal, State, and local income taxes during the 2 taxable years immediately prior to the taxable year in which it was displaced. If the business or farm was not in operation for the full 2 taxable years prior to displacement, net earnings shall be based on the actual period of operation at the displacement site during the 2 taxable years prior to displacement, projected to an annual rate. Net earnings include any compensation obtained from the business or farm operation by its owner, the owner's spouse, and dependents. The displaced person shall provide proof of net earnings through income tax returns, certified financial statements, or other reasonable evidence determined by DCA.

5.7 Reestablishment Expenses

While business relocation assistance does not include any additional cost to the business at the replacement sites, certain small businesses (less than 500 employees) are eligible for up to a maximum of \$33,200. It is important to properly document all costs related to assistance and moving expenses to ensure that they are reasonable and appropriate.



5.7.1 Eligible Expenses

Reestablishment expenses must be reasonable and necessary, as determined by the Agency. They include, but are not limited to, the following:

- Repairs or improvements to the replacement real property as required by Federal, State or local law, code or ordinance.
- Modifications to the replacement property to accommodate the business operation or make replacement structures suitable for conducting the business.
- Construction and installation costs for exterior signing to advertise the business.
- Redecoration or replacement of soiled or worn surfaces at the replacement site, such as paint, paneling, or carpeting.
- Advertisement of replacement location.
- Estimated increased costs of operation during the first 2 years at the replacement site for such items as:
 - Lease or rental charges;
 - Personal or real property taxes;
 - Insurance premiums; and
 - Utility charges, excluding impact fees.

5.7.2 Ineligible Expenses

The following are reestablishment expenditures not considered to be reasonable, necessary, or otherwise eligible:

- Purchase of capital assets, such as, office furniture, filing cabinets, machinery, or trade fixtures.
- Purchase of manufacturing materials, production supplies, product inventory, or other items used in the normal course of the business operation.
- Interest on money borrowed to make the move or purchase the replacement property.
- Payment to a part-time business in the home which does not contribute materially (defined at § 24.2(a)(7)) to the household income.
- Construction costs for a new building at the business replacement site, or costs to construct, reconstruct or rehabilitate an existing building.

5.8 Relocation Claims

In order to receive reimbursement for eligible relocation items, each claim will be reviewed (signed form plus supporting documentation) and determine whether the request is reasonable and necessary. Acceptable documentation includes paid invoices, receipts, and photos.

The submission of a claim does not guarantee reimbursement.

Reimbursement depends on the following:



- Eligibility for reimbursement is allowable under the provisions of state and federal laws, codes and policies.
- The claim for reimbursement of incurred costs is considered to be actual, reasonable and necessary.
- Documentation that verifies payment and eligibility for reimbursement, such as copies of business taxes, paid invoices/receipts, photographic documentation.

Business owners have two (2) years from the date to vacate from the subject site to file claims for reimbursement of relocation benefits. Legal fees are ineligible for reimbursement in the relocation program.

6 RECORD RETENTION AND MONITORING

6.1 Record Retention

DCA and its agents will follow the records retention rules as stated in 2 CFR 200.333–200.337, which require financial records, supporting documents, statistical records applicant records, and all other pertinent records be maintained for five (5) years after closeout of the grant between HUD and DCA. The State and its agents will meet all HUD cross-cutting requirements outlined in 2 CFR Part 200 Appendix II, including record keeping requirements. Tenants receiving relocation services and payments will be advised to also retain their records of receipts and cost estimates, requests for reimbursement, and program correspondence and documents for their own files for a period of five years beyond project closeout.

The Relocation Specialist must maintain files for each displaced person for at least five (5) years after project closeout or after the person has received his/her final relocation payment, whichever is later.

Each separate relocation case file shall be documented sufficiently to demonstrate full compliance with the information specified in this policy.

6.2 Non-Compliance

If tenants are identified as being displaced or potentially displaced by any Program, the Relocation Specialist must proactively address any non-compliance as soon as possible and fully document program files for issues including, but not limited to, the following:

- Tenants identified as residing in a Program assisted unit where temporary relocation was required and did not occur due to the tenant moving out.
- Tenants identified as not returning to a rehabilitated unit after the work was completed.
- Tenants who did not receive the URA benefits that they were entitled to receive or were underpaid or moved permanently from the unit.
- Tenants who were evicted (improperly) for the landlord to initiate construction work.



- Tenants who did not return to the unit due to increases in rent or other unreasonable conditions but who were not provided with permanent relocation services.
- Applicants or tenants who did not sign required forms.
- Tenants who did not receive all required URA notifications.
- Tenants who weren't fully informed regarding the benefits they may have been entitled to receive.

If non-compliance with policies and program requirements is documented, this could result in the following:

- Recapture of grant funds
- Ineligibility for future grant assistance
- Any other actions deemed appropriate by the Relocation Specialist

For more program specific information on non-compliance please refer to the program policies and procedures located on DRM's website here: [nj.gov/dca/ddrm/programs/ida/index.shtml](https://www.nj.gov/dca/ddrm/programs/ida/index.shtml)

DEFINITIONS AND ACRONYMS

The following words and terms used in this section have the following meanings, unless indicated otherwise. Additional applicable definitions may be found in 49 CFR § 24.2 (<https://www.ecfr.gov/current/title-49/subtitle-A/part-24?toc=1>) and HUD Handbook 1378 Chapter 5 (CH-5).

30 Day Notice to Vacate: A letter issued to a Tenant that states the specific date, at least 30 days in advance, by which a beneficiary must vacate the property. The urgent need provisions described in 49 CFR 24.203(c)(4) permit an Agency to require an occupant to vacate on less than 90 days notice. However, an Agency may not artificially create an "urgent need" (e.g. by issuing a notice to proceed to a demolition contractor, then using the imminent demolition to substantiate a danger to the Tenant's health and safety in order to cut short the notice period which is otherwise required).

90 Day Notice to Vacate: Required by 49 CFR § 24.203(c), this is a letter issued to a Tenant, at least 90 days in advance, that informs the Tenant of the date by which they will be required to relocate from the property.

Alien not lawfully present in the United States: The phrase "alien not lawfully present in the United States" means an alien who is not lawfully present in the United States as defined in 8 CFR 103.12 and includes:

- An alien present in the US who has not been admitted or paroled into the U.S. pursuant to the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) and whose stay in the US has not been authorized by the United States Secretary of Homeland Security; and,
- An alien who is present in the US after the expiration of the period of stay authorized by the US Secretary of Homeland Security or who otherwise violates the terms and conditions of admission, parole, or authorization to stay in the US. Citizen. The term Citizen means both citizens of the United States and noncitizen nationals.



Appeal: A written request from a Tenant, regardless of form, for a review and revision of a determination made by any DCA program.

Applicant: Any individual who submits an application for assistance to DCA Programs.

Appraisal: The term appraisal means a written statement independently and impartially prepared by a qualified appraiser setting forth an opinion of defined value of an adequately described property as of a specific date, supported by the presentation and analysis of relevant market information.

Base Monthly Rent: The average monthly cost for rent and utilities at the displacement dwelling for a reasonable period prior to displacement, as determined by the Agency. For a Tenant who paid little or no rent for the displacement dwelling, the program will use the fair market rent as the base rent (unless its use would result in a hardship because of the person's income or other circumstances).

Business: Any lawful activity (except a farm operation) that is conducted:

- Primarily for the purchase, sale, lease, and or rental of personal and/or real property, and/or any other personal property or
- Primarily for the sale of services to the public; or
- Primarily for outdoor advertising display purposes that have to be moved
- By a nonprofit organization that has established its nonprofit status under applicable State Law

Community Development Block Grant-Disaster Recovery (CDBG-DR): A federal program administered by the US Department of Housing & Urban Development (HUD) which provides grant funds to local and state governments to assist with eligible recovery efforts after a natural disaster which may include such activities as homeowner and rental repairs and elevations, acquisition or buyout of damaged or at-risk properties, and infrastructure repairs.

Comparable Replacement Dwelling: Must be an unsubsidized unit available on the private market and within the financial means of the displaced person.

Decent, Safe, and Sanitary Dwelling (DSS): A dwelling which meets local housing and occupancy codes. However, any of the following standards which are not met by the local code shall apply unless waived for good cause by the Federal Agency funding the project. Minimum property standards as established by HUD and defined by 25 CFR 700.55.

- Be structurally sound, weathertight and in good repair
- Contain a safe electrical wiring system adequate for lighting and other divides
- Contain a heating system capable of sustaining a healthful temperature (of approximately 70 degrees) for a displaced person;
- Be adequate in size with respect to the numbers and area of living space needed to accommodate the displaced person. The number of persons occupying each habitable room used for sleeping purposes shall not exceed local housing codes or in the absence of local codes the policies or such Agencies;
- There shall be a separate, well-lit and ventilated bathroom which provides privacy to the user and contains a sink, bathtub or shower stall and a toilet all in



good working order and property connected to appropriate sources of water and to a sewage drainage system;

- Contains unobstructed egress to safe, open space at ground level; and
- For a disabled person with a disability be free of any barriers which would preclude reasonable ingress, egress, or use the dwelling by such displaced person.

Department of Housing and Urban Development (HUD): The Federal department through which the CDBG-DR and CDBG-MIT Program funds are administered, monitored, and distributed to grantees.

Displaced Person: Any person (family, individual, business or non-profit organization) who moves either permanently or temporarily from real property or moves personal property from the real property as a direct result of an acquisition, rehabilitation, or demolition by a federally assisted program.

Disability: For the purposes of the Program, “disability” is consistent with federal law under the Social Security Act, as amended, 42 U.S.C. 423(d), The Americans with Disabilities Act of 1990, as amended, 42 U.S.C. 12102(1)-(3), and in accordance with HUD regulations at 24 CFR 5.403 and 891.505.

Dwelling: The place of permanent or customary and usual residence of a person, according to local custom or law, including a single-family house; a single-family unit in a two-family, multi-family, or multipurpose property; a unit of a condominium or cooperative housing project; a non-housekeeping unit; a manufactured housing unit (or mobile home); or any other residential unit.

Elderly: A person at least 62 years of age. [24 CFR 5.100]

Fair Housing: Housing recovery Programs must fully comply with all U.S. Department of Housing and Urban Development (HUD) regulations governing Fair Housing and Equal Opportunity. No person shall, on the grounds of race, color, sex, religion, national or ethnic origin, familial status, or disability shall be excluded from participation in, be denied benefits of, or otherwise be subjected to discrimination during the implementation of any housing assistance or housing recovery Programs. Any relocated households who believe that they have suffered illegal discrimination should contact DCA or the Subrecipient immediately for review and assistance in filing a complaint with the HUD Office of Fair Housing and Equal Opportunity.

Fair Market Rent: Fair Market Rents (FMR) are used to determine payment standard amounts for HUD rental assistance programs and include the shelter rent plus all utilities. The FMR is used in the determination of comparable units for replacement housing payments in URA.

General Information Notice (GIN): Required under 49 CFR 24.203(a), this required notice informs potentially displaced individuals (either permanently or temporarily) that they may be displaced, not to move, and covers general URA requirements and rights.

Head of Household: The adult member of the family who is the head of the household for the purposes of determining income eligibility, rent, or participation in Programs, and as outlined in 24 CFR 5.504



Household: All persons occupying the same housing unit, regardless of their relationship to each other. The occupants could consist of a single-family, two or more families living together, or any other group of related or unrelated persons who share living arrangements. Upon identification of a tenant that may be eligible for temporary or permanent relocation assistance, all persons who reside in the household must be identified so that appropriate relocation resources and assistance can be provided.

HUD Housing Quality Standards (HQS): HUD's housing quality standard as defined by 24 CFR 982.401.

Initiation of Negotiations Date (ION): The ION date is the trigger for issuance of the Notice of Eligibility for Relocation Assistance ("NORE") or Notice of Non-displacement ("NND").

In the case of permanent relocation of a tenant as a result of a voluntary-acquisition of real property described in [§ 24.101\(b\)\(1\)](#) the tenant is not eligible for relocation assistance under this part, until there is a binding written agreement between the agency and the owner that obligates the agency, without further election, to purchase the real property. (See appendix A to this part, [section 24.2\(a\)](#).) Agreements such as options to purchase and conditional purchase and sale agreements are not considered a binding agreement within the meaning of this part unless such agreements satisfy the requirements of the Federal agency providing the Federal financial assistance or until all conditions to the agency's obligation to purchase the real property have been satisfied.

Landlord: A person or organization that owns and leases apartments, building space, buildings, or land to others.

Limited English Proficiency (LEP): A designation for persons who do not speak English as their primary language and who have a limited ability to speak, read, write, or understand English because it is not their primary language.

Mobile Home or Manufactured Housing Unit (MHU): A dwelling unit is composed of one or more components substantially assembled in a manufacturing plant and designed to be transported to a building site on its own chassis for placement on a supporting structure. An MHU is constructed in accordance with the standards established in the U.S. Department of Housing and Urban Development's building code for manufactured housing. An MHU is not constructed in accordance with the standards established in the state and local building codes that are applicable to site-built homes. The term mobile home may be used interchangeably with the term manufactured housing unit (MHU), however the manual generally uses the term MHU to refer to both types of housing.

Modular Home: A dwelling unit is composed of two or more components substantially assembled in a manufacturing plant and transported to a building site by truck for final assemble on a permanent foundation. A modular home must be constructed in accordance with the standards established in the state and local building codes that are applicable to site-built homes. Modular homes do not include mobile homes.

Notice of intent to acquire, rehabilitate, and/or demolish. A notice of intent to acquire, rehabilitate, and/or demolish is an agency's written communication that is provided to a person to be displaced, including persons required to temporarily move,



which clearly sets forth that the agency intends to acquire, rehabilitate, and/or demolish the property. A notice of intent to acquire, rehabilitate, and/or demolish establishes eligibility for relocation assistance prior to the initiation of negotiations and/or prior to the commitment of Federal financial assistance to the activity. (See § 24.2 (a).)

Power of Attorney (POA): An authorization to act on someone else's behalf in a legal or business matter.

Reconstruction: Demolition and re-building of a housing unit on the same lot in substantially the same footprint and manner.

Rehabilitation: Repair or restoration of housing units in the disaster-impacted areas to applicable construction codes and standards.

Reasonable Accommodation: In certain circumstances, displaced households require reasonable accommodation to fully benefit from temporary or permanent relocation activities undertaken in conjunction with housing assistance programs. Displaced households who require reasonable accommodation should notify their housing program staff immediately. All forms, written materials, and verbal messages used to communicate with displaced households are made available in the household's primary language, should the household indicate that they have a Limited English Proficiency (LEP).

Review Appraisal: A qualified professional who meets the requirements of a review appraiser as determined by DCA and required in 24 CFR 103(d)(1) and is responsible for reviewing and ensuring that all appraisals of property for the buyout programs meet professional standards.

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

Tenant: A person who has the temporary use and occupancy of property owned by another (24 CFR 24.2(a)(26)).

Tenancy: A situation that arises when one individual conveys real property to another individual by way of a lease. The relation of an individual to the land he or she holds that designates the extent of that person's estate in real property.

The Uniform Act (URA) 24 CFR 24.2(a)(26): The term Uniform Act means the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Pub. L. 91-646, 84 Stat. 1894; 42 U.S.C. 4601 et seq.) (URA), and subsequent 42 U.S.C., and North Carolina (General Statutes G.S. 133-5 through 133-18 in accordance certain objectives.

APPENDIX A: RESIDENTIAL ANTI-DISPLACEMENT AND RELOCATION ASSISTANCE PLAN

Purpose

In accordance with the Housing and Community Development Act of 1974, as amended (HCDA), and U.S. Department of Housing and Urban Development (HUD) regulations at 24 CFR 42.325 and 570.440 (1), use of Community Development Block Grant Disaster Recovery (CDBG-DR) funds must minimize adverse impacts on persons of low and moderate-income. The purpose of this Residential Anti-displacement and Relocation Assistance Plan (RARAP) is to provide guidance on complying with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (URA), (Pub. L 91-645, 42 U.S.C. 4601 et seq) and section 104(d) of the HCD Act (42 U.S.C. 5304(d))(Section 104(d)). The implementing regulations for the URA are at 49 CFR part 24. The regulations for section 104(d) are at 24 CFR part 42, subpart C.

This plan serves as a supplement to the acquisition and relocation requirements cited herein. This plan is not intended to limit the ability to conduct buyouts for destroyed and extensively damaged units or those in a floodplain or floodway.

Guidance

The NJ Department of Community Affairs (CAP) RARAP serves as a supplement to the acquisition and relocation requirements stated in the URA. Subrecipients may adopt this plan or develop their own for DCA approval. The approved plan must be made publicly available once approved. The plan shall indicate the steps that will be taken consistent with other goals and objectives of the program, to minimize the displacement of families and individuals from their homes and neighborhoods as a result of any assisted activities.

Waivers

For the purpose of promoting the availability of decent, safe, and sanitary housing, HUD waived the following URA and section 104(d) requirements with respect to the use of CDBG-DR funds, as applicable:

- **Section 104(d) one-for-one replacement of lower income dwelling units:** DCA is adopting the waiver provided through 87 FR 31626 Section IV.F.1 of the Consolidated Notice. The notice waives the one-for-one replacement requirements for owner-occupied, lower-income dwelling units that are damaged by the disaster and not suitable for rehabilitation. For the purpose of complying with this alternative requirement, DCA is defining a property as “not suitable for rehabilitation” from the one-for-one replacement housing requirements of 24 CFR 42.375 if any of these conditions apply:



- The property is declared a total loss;
- Repairs would exceed 50% of the cost of reconstruction;
- Repairs would exceed 50% of the pre-disaster fair market value;
- Repairs exceed a dollar threshold specified by DCA in its policies and procedures;
- Homes cannot be rehabilitated or reconstructed under existing agency policies and award caps due to legal, engineering, or environmental constraints, such as permitting, extraordinary site conditions, or historic preservation.

Tenant-occupied and vacant occupiable lower-income dwelling units demolished or converted to another use other than lower-income housing in connection with a CDBG-DR assisted activity are generally subject to one-for-one replacement requirements at 24 CFR 42.375 and that those particular provisions are not waived.

Before entering into a contract committing DCA to provide funds for a project that will directly result in demolition or conversion of lower-income dwelling units, DCA will make public a “One-for-One Unit Replacement Plan”, that will be submitted to the HUD that will include the following information in writing:

1. A description of the proposed assisted project;
 2. The address, number of bedrooms, and location on a map of lower-income dwelling units that will be demolished or converted to a use other than as lower-income dwelling units as a result of an assisted project;
 3. A time schedule for the commencement and completion of the demolition or conversion;
 4. To the extent known, the address, number of lower-income dwelling units by size (number of bedrooms) and location on a map of the replacement lower-income housing that has been or will be provided. NOTE: See also 24 CFR 42.375(d).
 5. The source of funding and a time schedule for the provision of the replacement dwelling units;
 6. The basis for concluding that each replacement dwelling unit is designated to remain a lower-income dwelling unit for at least 10 years from the date of initial occupancy; and
 7. Information demonstrating that any proposed replacement of lower-income dwelling units with smaller dwelling units (e.g., a 2-bedroom unit with two 1-bedroom units), or any proposed replacement of efficiency or single-room occupancy (SRO) units with units of a different size, is appropriate and consistent with the housing needs and priorities identified in the HUD-approved Consolidated Plan and 24 CFR 42.375(b).
- **Waiver of Section 414 of the Stafford Act:** DCA intends to utilize the waiver set out in 87 FR 31636 Section IV.F.6 of the Consolidated Notice. The Stafford Act provides that no person who is otherwise eligible for any kind of replacement housing payment under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 will be denied such eligibility as a result of their being unable, because of a major disaster to meet the occupancy requirements set forth by URA. Homeowner occupants



and tenants that have been displaced from their homes as a result of the disaster may become eligible for replacement housing payment notwithstanding their inability to meet occupancy requirements set forth in the URA. This waiver applies to real property acquisition, rehabilitation, or demolition of real property for a CDBG-DR funded project commencing more than one year after the date of the latest applicable Presidentially declared disaster provided that the project was not planned, approved, or otherwise underway before the disaster. DCA will follow the definition of notice regarding determining when a project is determined to be commenced. This waiver will not apply with respect to persons that meet the occupancy requirements to receive a replacement housing payment under URA, nor does it apply to persons displaced or relocated temporarily by other HUD-funded programs or projects. Such persons' eligibility for relocation assistance and payments under the URA is not impacted by this waiver.

Policy

Low-income households permanently displaced as a result of CDBG-DR activities will be provided with relocation assistance under the HCDA and URA. Those households that are displaced but not low-income may be provided relocation assistance as needed, within the limitations of the allocation and to the extent that it is allowed as per the URA and implementing regulations at 49 CFR Part 24.

Relocation Assistance

A displaced person may choose to receive advisory services, reasonable moving expenses and security deposits and credit checks, interim living costs for actual, reasonable out-of-pocket costs incurred in connection with the displacement including moving expenses, and replacement housing assistance as described above and in the New Jersey Guide to Affordable Housing ([NJ Department of Community Affairs](#)). DCA will provide relocation assistance for lower-income tenants who, in connection with an activity assisted under the [CDBG and/or HOME] Program[s], move permanently or move personal property from real property as a direct result of the demolition of any dwelling unit or the conversion of a lower-income dwelling unit in accordance with the requirements of 24 CFR 42.350. A displaced person who is not a lower-income tenant, will be provided relocation assistance in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and implementing regulations at 49 CFR Part 24.

This will be achieved through:

- Promote coordination and cooperation among government agencies, neighborhood groups and affected parties to inform displaced persons of available assistance and resources.)
- Early consultation with persons to be displaced.
- Early identification of comparable available replacement housing during project planning.
- Focused relocation advisory services
- Prompt / timely relocation assistance and payments (advanced, if necessary); and
- Use of Housing of Last Resort.



Minimizing Displacement

The following steps will be taken, where applicable, to minimize direct and indirect displacement of persons from their homes. Subrecipients must include the steps noted below in their local Residential Anti-displacement and Relocation Plan (RARAP). Applicability of items on this checklist is dependent upon the project objectives and related feasibility of each action.

1. Coordinate code enforcement with rehabilitation and housing assistance programs.
2. Determining the accessible features of housing from which persons with disabilities will be displaced, as well as any other accessible housing needs.
3. Ensuring that communications are effective (24 CFR 8.6) and that facilities for meetings, counseling, and other informational activities are accessible (24 CFR 8.21).
4. Providing reasonable accommodations (e.g., providing transportation assistance to locate comparable housing) at the request of a displaced person who is disabled (24 CFR 8.4)
5. If comparable replacement housing is not available on a timely basis, using replacement housing of last resort (49 CFR 24.404)
6. Inspecting replacement housing to ensure that it is decent, safe, and sanitary – e.g., free of barriers to the person’s ingress, egress, adequate in size to accommodate the occupants, and includes other features to meet the accessibility needs of the displaced person with disabilities (49 CFR 24.2(a)(8)(vii))
7. Evaluate housing codes and rehabilitation standards in reinvestment areas to prevent undue financial burden on established owners and tenants.
8. Consider effect of tax policies which impact property tax assessments for lower income owner-occupants or tenants affected by the disaster.
9. Adopt policies which provide reasonable protections for tenants residing in affected properties.
10. Stage rehabilitation of apartment units to allow tenants to remain in the building/complex as long as possible during and after rehabilitation, working with empty units first.
11. Arrange for facilities to house persons who must be relocated temporarily during rehabilitation.
12. Adopt policies to identify and mitigate displacement resulting from intensive public investment in neighborhoods.
13. Establish or utilize approved local counseling centers to provide homeowners and tenants with assistance to understand their options and implement their choices in the face of displacement.
14. If feasible, demolish or convert only dwelling units that are not occupied or vacant occupiable “dwelling units” (as defined in 24 CFR 42.305).
15. Where feasible, give priority to rehabilitation of housing, as opposed to demolition, to avoid displacement.



16. Target only those properties deemed essential to the need or success of the project to avoid displacement that is necessary.
17. Maintaining records of the above steps and making them available for inspection by HUD (24 CFR 8.55).

Contacts

DCA's Disaster Recovery and Mitigation Division is responsible for tracking the replacement of lower income dwelling units and ensuring that they are provided within the required period.

DCA's Disaster Recovery and Mitigation Division is responsible for coordinating relocation payments and other relocation assistance to any lower-income displaced by the demolition of any dwelling unit or the conversion of lower-income dwelling units to another use.

APPENDIX B: INCOME CERTIFICATION

Applicant Name:		Business Name:					
Application ID#:		Business Address:					
SECTION 1: ALL FAMILY MEMBERS							
1A: Family Members with Earned & Unearned Income <i>Included in Adjusted Gross Income (AGI)</i>		Relation to HoH	Date of Birth	Supporting Income Documentation Provided*			
a				<input type="checkbox"/> Most current IRS 1040 <input type="checkbox"/> Other:			
b				<input type="checkbox"/> Most current IRS 1040 <input type="checkbox"/> Other:			
c				<input type="checkbox"/> Most current IRS 1040 <input type="checkbox"/> Other:			
d				<input type="checkbox"/> Most current IRS 1040 <input type="checkbox"/> Other:			
e				<input type="checkbox"/> Most current IRS 1040 <input type="checkbox"/> Other:			
*For each family member providing Other Supporting Income Document(s), a Adjusted Gross Income Worksheet must be submitted along with any applicable income and expense documents listed in the Income Information section of the Application Document Checklist .							
1B: Family Members with NO Income <i>NOT included in the family Adjusted Gross Income (AGI)</i>		Relation to HoH	Date of Birth	Supporting Income Documentation Provided**			
1				<input type="checkbox"/> N/A – Minor/Dependent <input type="checkbox"/> Certification of Zero Income			
2				<input type="checkbox"/> N/A – Minor/Dependent <input type="checkbox"/> Certification of Zero Income			
3				<input type="checkbox"/> N/A – Minor/Dependent <input type="checkbox"/> Certification of Zero Income			
4				<input type="checkbox"/> N/A – Minor/Dependent <input type="checkbox"/> Certification of Zero Income			
5				<input type="checkbox"/> N/A – Minor/Dependent <input type="checkbox"/> Certification of Zero Income			
**Family members that are <i>Minors</i> (under age 18) or are claimed as a qualified <i>Dependent</i> on a Tax Return require NO further documentation. All other family members claiming zero income must submit a Certification of Zero Income .							
Total Family Members:							
SECTION 2: ANNUAL ADJUSTED GROSS INCOME (AGI)							
	Family Members with Earned & Unearned Income						Total (Sum a-f)
	a	b	c	d	e	f	
Household AGI***	\$ 0.00	\$0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$0.00
If a Adjusted Gross Income Worksheet is completed, AGI is from <u>row 31</u> on the Adjusted Gross Income Worksheet .							



SECTION 3: CERTIFICATION SIGNATURE(S)		
<p>Warning: Any person who knowingly makes a false claim or statement to HUD may be subject to civil or criminal penalties under 18 U.S.C. 287, 1001 and 31 U.S.C. 3729. Under penalties of perjury, I/we certify that the information presented above is true and accurate to the best of my/our knowledge and belief. I/We further understand that providing false representations herein constitutes an act of fraud. False, misleading or incomplete information may result in my ineligibility to participate in this program or any other programs that will accept this document. Title 18, Section 1001 of the U.S. Code states that a person is guilty of a FELONY if he/she knowingly and willfully makes a false statement to any department of the United States Government.</p>		
<p>APPLICANT: I/We certify that the information presented on this form is true and complete to the best of my/our knowledge and belief. I/We agree to provide income source verification to XXXXX upon request. I/We understand that this certification is part of the application process and does not guarantee eligibility for the XXXX Program.</p>		
<i>Signature - Applicant</i>	<i>Signature - Co-Applicant</i>	<i>Date</i>
<p>SUBRECIPIENT: I have reviewed, verified, and confirmed the information presented on this form in accordance with the requirements of the XXXX Program. I hereby certify that the information presented herein is complete and accurate to the best of my knowledge.</p>		
<i>Signature – Program Representative</i>		<i>Date</i>

Page 1 of 1
Income Self-Certification



APPENDIX C: EXHIBITS

Exhibit # 1 – General Information Notice (GIN)

1378 CHG-6
Appendix 2

GUIDEFORM GENERAL INFORMATION NOTICE RESIDENTIAL TENANT NOT DISPLACED

Grantee or Agency Letterhead

(date)

Dear _____:

(City, County, State, Public Housing Authority (PHA), other) _____, is interested in rehabilitating the property you currently occupy at _____ (address) _____ for a proposed project which may receive funding assistance from the U.S. Department of Housing and Urban Development (HUD) under the _____ program.

The purpose of this notice is to inform you that you will not be displaced in connection with the proposed project.

If the project application is approved and federal financial assistance provided, you may be required to move temporarily so that the rehabilitation can be completed. If you must move temporarily, suitable housing will be made available to you and you will be reimbursed for all reasonable out of pocket expenses, including moving costs and any increase in housing costs. You will need to continue to pay your rent and comply with all other lease terms and conditions.

Upon completion of the rehabilitation, you will be able to lease and occupy your present apartment or another suitable, decent, safe and sanitary apartment in the same building/complex under reasonable terms and conditions. *

If federal financial assistance is provided for the proposed project, you will be protected by a federal law known as the Uniform Relocation Assistance and Real Property Acquisition Policies Act (URA). One of the URA protections for persons temporarily relocated is that such relocations shall not extend beyond one year. If the temporary relocation lasts more than one year, you will be contacted and offered all permanent relocation assistance as a displaced person under the URA. This assistance would be in addition to any assistance you may receive in connection with temporary relocation and will not be reduced by the amount of any temporary relocation assistance previously provided. You will also have the right to appeal the agency's determination, if you feel that your application for assistance was not properly considered.

(NOTE: Pursuant to Public Law 105-117, aliens not lawfully present in the United States are not eligible for relocation assistance, unless such ineligibility would result in exceptional hardship to a qualifying spouse, parent, or child. All persons seeking relocation assistance will be required to certify that they are a United States citizen or national, or an alien lawfully present in the United States.)

App. 2-1

[10/06]



Exhibit #2 - Tenant Interview/Survey Form

DATE OF INTERVIEW:

Name:	Current Address:
Unit #:	Telephone No:
Number of Bedrooms: Number of Rooms:	Current rent: \$ /month Utilities: \$ /month
Rental Assistance: Housing Grants: Yes <input type="checkbox"/> No <input type="checkbox"/> Section 8: Yes <input type="checkbox"/> No <input type="checkbox"/> Other: Yes <input type="checkbox"/> No <input type="checkbox"/>	
Month to month lease Yes <input type="checkbox"/> No <input type="checkbox"/>	Long term Lease Yes <input type="checkbox"/> No <input type="checkbox"/>
Expiration Date:	

1 Complete the chart below with the name, date of birth, sex, and relationship to Head of Household (HOH) for each person who occupies this unit.

#	Name	Date of Birth	Age	Sex	Relationship to Head of Household	Fulltime Student (18+)	Disabled	Child (17 or below)	E (
HOH						<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
2						<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
3						<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
4						<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

2. Does anyone in the household receive any of the following income types?

- | | |
|---|---|
| <p>a. Earn income from a job (fulltime, part-time, seasonal, temporary, self-employed, or commission)? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>b. Unemployment Benefits? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>c. Disability/Worker's Compensation? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>d. Social Security or SSI Disability? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>e. Pension/Retirement? Yes <input type="checkbox"/> No <input type="checkbox"/></p> | <p>f. TANF? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>g. Alimony/Child Support? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>h. Foster Care/Adoption Assistance? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>i. Cash assistance from family/friends? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>j. Scholarships? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>k. Veteran Administration Benefit? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>l. Other income? Yes <input type="checkbox"/> _____ No <input type="checkbox"/></p> |
|---|---|

For each 'Yes' selected above, list the income amount received by each household member:

Household Member Name	Income Type	Employer/Income Source Name	Amount	Frequency Rece



7. Did any household member give away or sell an asset for less than fair value within the last two years? **Yes** **No**
 If yes, please explain the value of the asset and how much it was sold for:

TOTAL ANNUAL GROSS INCOME: \$ _____

TOTAL ADJUSTED INCOME: \$ _____

AREA MEDIAN INCOME (%) _____

8. What is the racial group and ethnicity for each household member? We need to know this for statistical purposes.

	Name	Race	Ethnicity (Hispanic or Latino)
HOH			Yes <input type="checkbox"/> No <input type="checkbox"/>
2			Yes <input type="checkbox"/> No <input type="checkbox"/>
3			Yes <input type="checkbox"/> No <input type="checkbox"/>
4			Yes <input type="checkbox"/> No <input type="checkbox"/>

Race	
American Indian/Alaskan Native	
American Indian/Alaskan Native & Black/African American	
American Indian/Alaskan Native & White	
Asian	
Asian & White	
Black/African American	
Black/African American & White	
Native Hawaiian/Other Pacific Islander	
Other multi-racial	
Unknown	
White	

9. What language do you speak in your home? _____

10. Do you or someone in your household speak/read English? **Yes** **No**

11. Is there any information that you can provide that will enable us to better serve your housing needs?
 (disability, i.e. mobility, visual or hearing impairment)



12. Do you have any pets in the household? **Yes** **No**

If Yes, describe _____

13. Do you own a car? **Yes** **No**

14. Do you use public transportation regularly? **Yes** **No** Type _____

15. What is your rehousing preference?

- Purchase another manufactured mobile home
- Purchase a house
- Rent an apartment
- Other _____

16. If you were to move, do you have any preference where? _____

17. Are there any issues or concerns that you would like to add regarding your current housing situation?

18. We may need to contact you again to ask additional questions:

Home Phone: _____ Work Phone: _____

Email Address: _____

APPLICANT CERTIFICATION

I certify that the information provided in this questionnaire is true and accurate to the best of my/our ability. I understand that if this information is not correct, it may affect the amount of any grant I may receive.

Name (Typed or Printed)	Resident Signature	Date
Name (Typed or Printed)	Resident Signature	Date

WARNING: The information provided on this form is subject to verification by the Village of Wheeling and the Department of Housing and Urban Development (HUD) at any time. Title 18, Section 1001 of the U.S. Code states that knowingly and willingly making a false or fraudulent statement to a department of the United States Government can result in termination of assistance and civil and criminal penalties.

SURVEYORS USE ONLY:

Name: _____ Date Surveyed: _____



Exhibit #4 – Individual Relocation Plan

Relocation Specialist: _____

A. INDIVIDUAL OWNER INFORMATION **SRP NUMBER:** _____

Prefix: <input type="checkbox"/> Mrs. <input type="checkbox"/> Mr. <input type="checkbox"/> Ms. <input type="checkbox"/> Dr.	FIRST NAME	MIDDLE NAME	LAST NAME
Suffix: <input type="checkbox"/> Jr. <input type="checkbox"/> Sr. <input type="checkbox"/> Other _____	Email Address:		
Current Address	City	State	Zip Code County
Mailing Address (Same as Current Address <input type="checkbox"/>)	City	State	Zip Code County
Daytime Telephone/TTY: () _____		Evening Telephone/TTY: () _____	

B. TENANT INFORMATION

Prefix: <input type="checkbox"/> Mrs. <input type="checkbox"/> Mr. <input type="checkbox"/> Ms. <input type="checkbox"/> Dr.	FIRST NAME	MIDDLE NAME	LAST NAME
Suffix: <input type="checkbox"/> Jr. <input type="checkbox"/> Sr. <input type="checkbox"/> Other _____	Email Address:		
Current Address	City	State	Zip Code County
Mailing Address (Same as Current Address <input type="checkbox"/>)	City	State	Zip Code County
Daytime Telephone/TTY: () _____		Evening Telephone/TTY: () _____	
Relocation Address:	Permanent Move <input type="checkbox"/>		Temporary Move <input type="checkbox"/>
Relocation Assistance Provided:	Move-Out Date:		YES <input type="checkbox"/> NO <input type="checkbox"/>

C. DESCRIPTION OF PROPOSED TEMPORARY RELOCATION:

Household members:

Location of temporary relocation unit: _____



Date temporary relocation unit inspected: _____

Date "Temporary Relocation Notice": _____

Move out date: _____

Date "Move back Notice"

Move back date: _____

D. Temporary Relocation costs

TEMPORARY MOVE MOVING COSTS		\$
MONTHLY RENT		
MONTHLY UTILITIES		
MOVING COST		
OTHER RELATED COSTS		
		\$
		\$
		\$
CONTINGENCY		\$
TOTAL		\$
SOURCE:	\$	
SOURCE:	\$	
SOURCE:	\$	
TOTAL	\$	



Exhibit #5 – Notice of Temporary Relocation

<<Date>>

VIA CERTIFIED MAIL – RRR

<<First Name>> <<Last Name>>

<<Address>>

<<City>>, <<State>> <<Zip Code>>

Dear <<PRE_Last Name>>:

On <<Date_1>>, your landlord notified you of proposed plans to rehabilitate the property located at <<Address>> utilizing funds from the XX Program, a New Jersey Ida Recovery Program funded by the U.S. Department of Housing and Urban Development (HUD). The application submitted by your landlord may or may not directly impact the unit that you currently occupy.

As per federal requirements, you are receiving this letter to inform you that on <<Date_2>> this project was approved to receive federal funding and that you will not be required to move permanently as a result of the rehabilitation. Repairs will begin soon.

This is a notice of non-displacement. This notice guarantees you the following:

- 1 Upon completion of the rehabilitation, you will be able to continue to lease and occupy your current unit or another suitable, decent, safe, and sanitary unit in the same building/complex under reasonable terms and conditions.
- 2 If you must temporarily move so that the rehabilitation can be completed, your landlord will be required to reimburse your relocation expenses, including the cost of moving to and from temporary housing and any increased interim housing costs. The temporary unit will be decent, safe, and sanitary, and all other conditions of the temporary move will be reasonable.

Presently, you are urged not to move. Please continue to comply with the terms and conditions of your lease. Given this is a federally funded project, you are protected by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended.

Your landlord will contact you if/when you must temporarily move. Depending on the size and scope of the rehabilitation work, you may not be required to move. (If you do elect to move for your own reasons, you will not receive any relocation assistance from your landlord.)

If you have any questions, please contact XXX of the Disaster Recovery Division, New Jersey Department of Community Affairs at XXX or XXX@dca.state.nj.us. This letter should be retained for your records.

Sincerely,



Exhibit #6 – 15 Day Move Out Notice
Notice to Vacate

Tenant Name: _____

Unit#: _____

This notice is to inform you that you must vacate this house (apartment) within fifteen (15) days, of the following date: _____.

The duration of your move to temporary housing is estimated to be approximately ___ to ___ number of days.

Should you have any questions or need additional assistance in completing your move, please contact ___ (*enter name of landlord or management company*) at _____.

To certify that you have received this notice and understand the terms, please sign below:

Tenant Print Name: _____ Date: _____

Tenant Signature: _____



Exhibit #7 – 15 Day Return Notice

Notice to Return to Primary Residence

<<First Name>> <<Last Name>>
<<Address>>
<<City>>, <<State>> <<Zip Code>>

Dear <<PRE_Last Name>>:

On <<Date_1>>, your landlord notified you to vacate the residence located at <<Address>> that was to be rehabilitated utilizing funds from the Landlord Rental Repair Program, a New Jersey Sandy Recovery Program funded by the U.S. Department of Housing and Urban Development (HUD).

This letter is to inform you that the rehabilitation of the property is complete, and that you are now able to return to your primary residence. It is suggested that you contact your Landlord and coordinate an appropriate time to move back into the property. Upon your return to the property, the benefits under the provisions of the Uniform Relocation Act will no longer be available to you.

If you have any questions, please contact Tanja Silver of the Sandy Recovery Division, New Jersey Department of Community Affairs at (609) 292-4086 or tanja.silver@dca.state.nj.us.

Sincerely,

Housing Recovery Programs
Disaster Recovery Division

Exhibit #9 – Notice of Eligibility for Relocation Assistance

VIA CERTIFIED MAIL

Date

Displacee
 Street Address
 New Milford NJ 07646

Re: NOTICE OF ELIGIBILITY FOR URA RELOCATION ASSISTANCE
 SBABP0238-0003

Our records indicate that you are an occupant at Address, on or after DATE, and due to INSERT PROGRAM, will have to vacate your housing unit.

It has been determined that you will be permanently displaced by the project, which could receive funding assistance from the U.S. Department of Housing and Urban Development (HUD), under the Community Development Block Grant Disaster Recovery Program. Since you are being displaced in connection with this federally funded project, you will be eligible for relocation assistance and payments under the Uniform Relocation Assistance and Real Property Acquisition Policies Act (URA).

- 1 This is your Notice of Eligibility for relocation assistance.
- 2 The effective date of your eligibility is _____

(NOTE: Pursuant to Public Law 105-117, aliens not lawfully present in the United States are not eligible for relocation assistance, unless such ineligibility would result in exceptional hardship to a qualifying spouse, parent, or child. All persons seeking relocation assistance will be required to certify that they are a United States citizen or national, or an alien lawfully present in the United States.)

90-Day Notice: To carry out the project, it will be necessary for you to move. However, you do not need to move now. You will not be required to move prior to _____.

You were provided with the brochure, *Relocation Assistance to Tenants Displaced From Their Homes*. Please read the brochure carefully. It explains your rights and provides additional information on eligibility for relocation and what you must do to receive payment.

The relocation assistance to which you are entitled includes:

Relocation Advisory Services. Including counseling and other assistance to help you find another home and prepare to move.



Payment for Moving Expenses. You may choose: (1) a payment for your actual reasonable moving and related expenses, or (2) a fixed moving payment in the amount of \$, based on the URA Fixed Residential Moving Cost Schedule, or (3) a combination of both.

Replacement Housing Payment. You may be eligible for a replacement housing payment to rent or buy a replacement home. The payment is based on several factors including: (1) the monthly rent and cost of utility services for a comparable replacement dwelling, and (2) the monthly rent and cost of utility services for your present home, This payment is calculated on the difference in the old and new housing costs for a one month period and multiplied by 42.

Listed below are three comparable replacement dwellings that you may wish to consider for your replacement home.

Address	Rent + Utilities	Contact Info
1. _____		
2. _____		
3. _____		

We believe that the dwelling located at _____ is the most representative of your present home. The monthly rent and the estimated average monthly cost of utilities for this dwelling is \$_____ and it will be used to calculate your maximum replacement housing payment. Please contact us immediately if you believe this dwelling is not comparable to your current home. We can explain our basis for selecting this dwelling as most representative of your current home and discuss your concerns.

Based on the information you have provided about your income and the rent and utilities you now pay, you may be eligible for a maximum replacement housing payment of approximately \$ (42 x \$), if you rent the dwelling identified above as the most comparable to your current home or rent another dwelling of equal cost.

Replacement housing payments are not adjusted to reflect future rent increases or changes in income. This is the maximum amount that you would be eligible to receive. If you rent a decent, safe and sanitary home where the monthly rent and average estimated utility costs are less than the comparable dwelling, your replacement housing payment will be based on the actual cost of the dwelling.

The Replacement Housing Payment was calculated using Housing of Last Resort due INSERT LANGUAGE. The Housing of Last Resort provision is applicable when there is little availability of comparable replacement housing. Per 49 CFR 24.402(a), rental supplement payments can exceed the cap of \$7,200 for actual, reasonable, and necessary replacement housing payments for 90-day occupants to adequately provide available comparable replacement housing on the market for the displacee

Should you choose to purchase (rather than rent) a decent, safe and sanitary replacement home, you would be eligible for a downpayment assistance payment which is equal to your maximum



replacement housing payment, \$. Let us know if you are interested in purchasing a replacement home and we will help you locate such housing.

Please note that all replacement housing must pass H.U.D. Housing Quality Standard (HQS) Inspection, in order to ensure it is decent, safe and sanitary before housing payments are made.

If you have any questions about this letter and your eligibility for relocation assistance and payments, please contact , New Jersey Department of Community Affairs at (609) 292-4086 or before you make moving plans. She will assist you with your move to a new home and help ensure that you preserve your eligibility for all relocation payments to which you may be entitled.

In the event that you disagree with the determination pertaining to the dwelling identified as comparable to our present unit or the relocation assistance detailed in this notice, you may submit an appeal to the following:

Remember, do not move or commit to the purchase or lease of a replacement home before we have a chance to further discuss your eligibility for relocation assistance. This letter is important to you and should be retained.

Sincerely,

Housing Recovery Programs,
Disaster Recovery Division



Exhibit # 10 – 90 Day Move Notice

CERTIFICATION OF RECEIPT

(date)

Notice to Vacate

Name: _____

Address: _____

The above referenced party hereby acknowledges and affirms the following: _____ (enter name of landlord or management company), provided a fifteen (90) day notice to vacate, in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 U.S.C. 4601, *et seq.*), pertaining to the rehabilitation of _____ on _____ (enter property address) (date).

Signature

Date

