



The State of Alaska Department of Commerce, Community, and  
Economic Development

Community Development Block Grant – Disaster Recovery

Program Wide

Uniform Relocation and Acquisition Policy and Procedure Manual

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# 1 INTRODUCTION TO URA

## 1.1 Overview

The State of Alaska, Department of Commerce, Community, and Economic Development, Division of Community and Regional Affairs, through its programs, administers disaster recovery efforts funded with Community Development Block Grant Disaster Recovery (CDBG-DR) and CDBG-Mitigation (CDBG-MIT) funds. These funds have been provided to DCCED by the U.S. Department of Housing and Urban Development (HUD) to assist the state with the recovery and mitigation efforts needed to combat the damage inflicted by recent presidentially declared disasters.

DCCED's programs encompass housing and infrastructure programs that involve the voluntary participation of property owners who apply to DCCED for assistance. If a property owner has tenants, the tenants will be considered involuntarily displaced. The displacement may be temporary or permanent depending on the type of recovery and mitigation 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, the U.S. Department of Housing and Urban Development's *Handbook 1378.0, Tenant Assistance, Relocation and Real Property Acquisition (Handbook 1378)*, and applicable waiver provided by HUD for CDBG-DR and CDBG-MIT funds, DCCED has adopted relocation assistance policies and practices applicable to its Programs. This manual contains these DCCED policies regarding relocation assistance as required by HUD regulations.

In accordance with HUD's programmatic and DCCED's Residential Anti-Displacement and Relocation Assistance Plan (found in Appendix A), DCCED is committed to minimizing the displacement of persons whose disaster-impacted properties are assisted with CDBG-DR and/or CDBG-MIT funds. The purpose of the URA Policy Manual is to provide program staff and contractors with guidance for the implementation of program activities to ensure compliance with the URA and HUD acquisition and relocation regulations.

As part of a family of cross-cutting statutes, which apply to CDBG-DR and CDBG-MIT assisted projects, the URA's objectives include:

- To provide uniform, fair and equitable treatment for those impacted by the federally assisted project,
- 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 Guiding Principles for Implementing URA

### 1.2.1 Applicability

As a recipient of federal funds, DCCED will comply with the requirements of the URA and associated regulations. The activities described in this manual apply to DCCED-administered programs providing direct services to applicants such as the Strategic Buyout Program and the Homeowner Recovery Program. Other DCCED programs, such as Multifamily and Affordable Housing Development, Public Housing Restoration, and Infrastructure Recovery, serve the community and its residents indirectly, through subrecipient and other agreements. In this case, DCCED will work with these other entities to ensure the requirements of the URA and/or other applicable relocation requirements are met.

This manual does not cover any optional relocation assistance under 24 C.F.R. § 570.606(d) provided by

DCCED to applicants who voluntarily participate in DCCED programs and who are not otherwise eligible under URA. Applicants who receive assistance under DCCED's optional Temporary Relocation Assistance Program (TRA) are not eligible for URA and TRA program activities and requirements are not covered in this manual.

### 1.2.2 Compassionate and Considerate URA Case Management

Every applicant, property owner, or tenant has a story related to the disaster from which they are recovering or the circumstances for their current living situation, whatever they may be. Both applicants and tenants impacted by DCCED programs will be treated with dignity, respect, and professionalism in all interactions.

### 1.2.3 Tenant Support and Understanding

Tenants who are entitled to benefits under the URA are being involuntarily uprooted from their living situations, and most people faced with this situation will feel a sense of uncertainty and a lack of control over this process and their new situations. DCCED program staff understand this is a challenging time for the tenants and that they may be required to make some changes that are disruptive and disorienting. The process of moving can be onerous and time-consuming, whether for a temporary or permanent move. To ease these transitions, DCCED programs will establish clear protocols requiring URA staff to communicate requirements, next steps, and status updates to keep tenants as informed as possible through the process. Additionally, DCCED will have HUD-qualified housing specialists available to act as URA specialists who provide URA relocation advisory services that support tenants and their relocation.

### 1.2.4 Property Owner Support and Understanding

Applicants who are property owners may have experienced multiple damaging disasters. In response to the related loss of property, many applicants may have submitted multiple applications for different federal, state and/or private assistance. Now that they have applied for CDBG-DR or CDBG-MIT assistance, they may or may not be nearing the end of their long road to recovery.

Compliance with the URA will require additional documentation and participation from both DCCED applicants and their tenants. DCCED staff will be mindful of the stress experienced by disaster survivors. HUD-qualified housing specialists and DCCED program staff will strive to make the URA process as effortless and smooth as possible for property owners and tenants.

### 1.2.5 Identifying Tenant Occupants in Applicant Properties

Program staff will take every step possible, as applicable, to minimize the direct and indirect displacement or potential impacts of displacement to households and businesses. However, property owners who apply to DCCED programs may have tenants occupying the properties eligible under the program. These tenants may be displaced if the eligible property owner chooses to participate in the DCCED program. In such cases, **property owners are responsible for informing the program staff at the time of application submission of any tenants residing in the property** so that program staff can provide URA services as quickly as possible. As soon as it is programmatically feasible, the programs will provide persons who may be displaced with a General Information Notice (GIN) which informs such persons of their federal rights to relocation assistance under the URA, if determined eligible.

## 1.3 Regulatory Requirements and URA

DCCED programs will be implemented in accordance with all HUD requirements including, but not limited to, the requirements as outlined in the applicable Federal Register Notices and corresponding Public Laws. At times, Federal Register Notices incorporate requirements published in previous notices. In these instances, DCCED also follows the applicable previous notices. Many of the notices refer specifically to URA requirements and/or waivers (see section 1.4 on waivers).

The *Uniform Relocation Assistance and Real Property Acquisition Act (URA)*, (49 CFR Part 24) is a federal law that establishes minimum standards for federally funded programs and projects that involve the acquisition of real property (real estate) or displaces persons from their homes, businesses, or farms due to federally funded activities. The URA's protections and assistance apply to any property owners or tenants who are involuntarily displaced due to the acquisition, rehabilitation, or demolition of real property for federal or federally funded projects. Because DCCED's programs will be funded with federal U.S. Department of Housing Community Development Block Grant Disaster Recovery (CDBG- DR) and/or Community Development Block Grant Mitigation (CDBG-MIT) funds, DCCED must provide URA relocation benefits when circumstances involve the involuntary displacement of eligible program participants or their tenants. In addition to 49 CFR Part 24, DCCED also follows the additional guidance provided by HUD for implementing URA regulations in their *Handbook 1378: Tenant Assistance, Relocation and Real Property Acquisition Handbook (1378.0)*.

DCCED also relies on the following regulations, plans, and laws that affect the provision of relocation assistance and how those requirements are implemented in DCCED programs:

- Community Development Block Grants, Eligible Activities, General Policies (24 CFR Part 570),
- Federal Register Notices for CDBG-DR and CDBG-MIT allocations with waivers applicable to acquisition and relocation assistance.
- CDBG-DR and CDBG-Mitigation Action Plans, and associated amendments.
- Applicable DCCED program policy manuals and associated revisions.

### 1.3.1 Fair Housing

The federal Fair Housing Act requires that no person is excluded from participation in, denied the benefit of, or subjected to discrimination in any housing program or activity because of their race, color, religion, familial status, national origin, sex (including gender identity and sexual orientation), or disability. DCCED and its contractors will treat all applicants and participants in a manner that complies with the federal Fair Housing Act, the Civil Rights requirements of Title I of the Housing and Community Development Act, and other related acts. DCCED, in compliance with these laws, has enacted measures that include:

- Activities and certification that its programs will affirmatively further fair housing;
- Reviewing and remediating fair housing complaints related to DCCED programs, and direct those complaints to HUD or another appropriate agency if requested by the aggrieved individual; and
- Administering DCCED programs in accordance with DCCED's Fair Housing Policy.

### 1.3.2 Limited English Proficiency

DCCED is committed to ensuring meaningful access to its services, programs, and activities for persons who have Limited English Proficiency (LEP). URA specialists will identify tenants who have difficulty speaking, reading, writing, or understanding English and will ensure that the following services are available to them in accordance with the DCCED Language Access Policy:

- Provision of an interpreter who translates to and from the person's primary language.
- Translation of program documents.

If needed, URA specialists will use available translation resources to communicate effectively with persons with limited English proficiency.

### 1.3.3 Accessibility and Reasonable Accommodations

DCCED program staff and the URA 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), DCCED 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 or cannot access a DCCED Center as needed.
- Provide accommodations as soon as practicable to any displaced 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 URA specialist. In addition, DCCED complies with Section 508 requirements regarding the accessibility to electronic and information technology for individuals with disabilities.

### 1.3.4 Duplication of Benefits

Duplication of benefits (DOB) refers to the provision under the *Robert T. Stafford Disaster Assistance and Emergency Relief Act (Stafford Act)* that prohibits any person, business concern, or other entity from receiving financial assistance from federal disaster funds with respect to any part of a loss resulting from a major disaster if that person or entity has already received financial assistance under any other program, insurance, or another source for the same purpose. Additionally, URA regulations establish a prohibition on payment of URA assistance that is duplicative of payments made under Federal, state, or local law, or from insurance proceeds, received by a person otherwise eligible under URA.

DCCED programs will comply with HUD and URA requirements for DOB assessment of disaster assistance received for each tenant. Any assistance found to be duplicative of the URA assistance will be deducted from the award/payments.

## 1.4 Applicable Federal Register Notices and Waivers

For the purposes of promoting the availability of decent, safe, and sanitary housing and expediting disaster recovery and rehousing efforts, and to allow DCCED, through its programs, to apply similar rules and award amounts to similarly situated property owners and tenants, HUD has provided a series of waivers. The critical waivers that affect the implementation of DCCED's URA efforts, as applicable, are in the following notices:

- For CDBG-Mitigation funds, 84 CFR 45859-60, 08/30/2019, V.A.22.a-f.;
- For CDBG-DR 2018 Cook Inlet Earthquake, 85 FR 4686-8, 01/27/2020, IV.B.5. and IV.C.1.-2.
- For CDBG-DR Typhoon Merbok, 88 FR 32046, 5/18/2023.

A summary of the key waiver provisions affecting DCCED's 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 established that the URA will be used as the sole standard for relocation assistance under CDBG-DR, rather than *24 CFR 42, subpart C, 104(d)* regulations.
- Certain URA relocation assistance requirements are waived to the extent necessary to permit a grantee to meet all or a portion of a grantee's replacement housing payment obligation to a displaced tenant by offering rental housing through a rental housing program subsidy (to include, but not limited to, a housing choice voucher), provided that comparable replacement dwellings are made available to the tenant in accordance with 49 CFR 24.204(a) where the owner is willing to participate in the program and the period of authorized assistance is at least 42 months.
- The one-for-one replacement requirement under Section 104(d) is waived for lower income units, damaged by the disaster that meet DCCED's definition of "not suitable for rehabilitation" (see Definitions and Acronyms section). As of 87 FR 36872, 06/21/2022, V., for CDBG-MIT funds, this one-for-one waiver will apply to units that may be removed from an area at risk of current and future disaster damage. DCCED applicants served with CDBG-MIT funds will not have to demonstrate disaster damage.
- Section 414 of Stafford Act is waived which would have required that URA assistance be provided to any eligible resident even if they did not meet the URA occupancy requirements due to the disaster. This waiver applies to real property acquisition, rehabilitation, or demolition activities that commenced more than one year after the presidentially declared disaster. This waiver means that URA relocation benefits will be provided to eligible displaced persons after the formal commencement of the CDBG-MIT or CDBG-DR program that meets the waiver requirements. DCCED is implementing URA in accordance with this waiver which is "option (b)" according to 85 FR 4688, 1/27/2020, IV.C.2.
- DCCED monitors Subrecipient performance and compliance with URA and SRA requirements in accordance with DCCED's Compliance and Monitoring Manual. DCCED provides technical assistance to subrecipients based on an assessment of need.
- The regulations waive the requirement for the development of an optional relocation plan by DCCED's subrecipients. Subrecipients are required to comply with 49 CFR Part 24.
- For CDBG-DR, 49 CFR 24.101(b)(2) is waived to the extent that it applies to a homebuyer, who does not have the power of eminent domain, and uses CDBG-DR funds in connection with the voluntary purchase and occupancy of a home the homebuyer intends to make their primary residence. This waiver reduces unnecessary administrative burden for homeowner program participants.
- Lastly, regulations waive the "arm's length" requirements. The DCCED Strategic Buyout Program is the only program using the acquisition activity. Participation by property owners is voluntary in SBP (see section 2.2), offers are made based on the appraised current fair market value, and owners may choose to reject the offer to purchase the property. If tenants occupying the property are displaced through an SBP acquisition, they will receive relocation assistance under URA.

## 1.5 Summary of DCCED Programs and URA Applicability

DCCED is implementing several different disaster recovery and mitigation programs funded with CDBG-DR and/or CDBG-MIT funds from HUD. Further specific information regarding each of the DCCED programs can be found in section 6 of this document. These programs are expected to cause the displacement of some tenants and small businesses as a result of:

- Rehabilitation activities, which may require tenants to temporarily relocate from the project site to allow construction to occur;
- Reconstruction activities, which typically may only serve an applicant's household and therefore may result in reduced housing unit size that can no longer house an existing tenant; and
- Buyout activities, which provide assistance only to property owners to relocate from their home located in high-risk areas.

Where tenants are displaced, DCCED will provide URA relocation assistance for persons who are considered "displaced persons" under the established URA definition, which includes both permanently and temporarily displaced tenants. Every effort has been made to ensure that the following policies clearly delineate whether a relocation will be permanent or temporary.

This policy uses the term "tenant", "person", and "occupant" interchangeably to refer to a person who leases a residential dwelling or commercial space. In addition, the term "applicant" used in this manual refers to an applicant to a DCCED program who is a property owner. The term "landlord" is often used to mean an applicant who owns rental property and is a landlord.

Below is a summary of the different programs and applicability of URA for residential tenants.

#### 1.5.1 Strategic Buyout Program

The DCCED Strategic Buyout Program (SBP) purchases properties vulnerable to flooding and disaster damage and demolishes all structures, converting the property to open space. The program provides effective and comprehensive mitigation measures that will protect residents and property from future disaster-related damage by allowing people to move out of areas at risk of future disaster damage.

#### **URA Requirements**

Property owner participation in SBP is voluntary and the program meets federal requirements for voluntary acquisition. Therefore, property owners are not eligible for URA assistance. However, if a property owner(s) is renting their property to a tenant and all owners accept the program's initial offer letter to acquire the property, then the tenant will need to involuntarily move from the property, likely meeting the definition of a displaced person who will be eligible to receive URA assistance as a permanently displaced person. The sale of the property will result in the permanent displacement of the tenant, as the property will be demolished, and the tenant will not be able to return to it. URA specialists will assist eligible tenants by providing relocation advisory services, finding a comparable replacement dwelling, completing relocation assistance claim forms, and providing any other allowable URA assistance necessary to support their relocation and receive the payments to which they are entitled.

#### 1.5.2 Homeowner Recovery Program

The DCCED Homeowner Recovery Program (HRP) is intended to assist eligible Alaska residents whose primary residences were directly impacted by recent presidentially declared disasters. HRP's main objective is to complete work necessary to bring a homeowner's primary residence into compliance with HUD's Decent, Safe and Sanitary requirements, improve resiliency, and where necessary, to reconstruct damaged homes or provide a new unit when repairs are not feasible.

#### **URA Requirements**

The homeowner's participation in HRP is voluntary and therefore they are not eligible for URA assistance should they need to relocate due to construction activities. However, if the homeowner is leasing any part of the home to a tenant, then the tenant will need to involuntarily move from the property, likely meeting the definition of a displaced person who will be eligible to receive URA assistance. If an eligible tenant is identified, they will be eligible for either temporary relocation services or permanent relocation services under the URA, depending on whether HRP is executing a rehabilitation or reconstruction activity. Tenants who will be relocated but who will be able to reoccupy their original dwelling again within 12 months will qualify for temporary relocation assistance. If the tenant cannot return to their original dwelling due to revisions to the dwelling size occurring through HRP reconstruction, they will be considered a permanently displaced person and be eligible for permanent URA benefits. Should the tenant reach one year of temporary relocation without being able to return to their original dwelling, they will be offered permanent URA benefits. If the tenant elects to accept permanent relocation, they will be with URA permanent relocation advisory services and benefits.

## 2 GENERAL URA REQUIREMENTS

This section identifies the specific URA regulatory requirements that must be met for compliance with URA when relocating residential and non-residential tenants. This Policy provides further guidance for how DCCED will meet these requirements for tenants who will be permanently displaced or temporarily relocated due to participation in a DCCED program.

### 2.1 Triggering of URA Relocation Requirements

As an initial step in all DCCED programs, the program will determine whether proposed activities will cause a displacement of a tenant household or business. This begins at program application intake where a household, business, or other entity submits a request for federal financial assistance to DCCED. Submission of an application is considered a formal request for federal assistance which establishes an intent by the applicant to use federal funds for a project and forms the basis of URA applicability. The application should indicate whether the project requires the acquisition of real property, and/or involves a project site that is occupied by any household or entity that is not the applicant entity.

#### 2.1.1 Triggering Acquisition Requirements

If a project requires acquisition of real property, then URA acquisition requirements will be triggered. Depending on whether or not the acquisition occurs under the threat of eminent domain determines if the acquisition is involuntary or voluntary. Involuntary acquisition uses the threat of eminent domain and triggers all URA requirements under Subpart B. Voluntary acquisition does not use the threat of eminent domain and does not trigger Subpart B requirements so long as some basic notification requirements to the property owner are met.

#### 2.1.2 Triggering Relocation Requirements

If the project site is occupied by any households, businesses, a farm, or other entity that is not the applicant entity, then URA relocation requirements will likely be triggered. This is the case whether the project site must still be acquired at the time of application to DCCED, or if the project site is already owned by the applicant. Once tenants are identified, it is necessary for a project owner to survey occupants to understand relocation needs, generate a relocation plan, and prepare initial written notices to occupants. Through these initial relocation steps, the project owner should determine that tenants meet the definition of a displaced

person that are eligible for URA relocation assistance.

Persons qualifying as “displaced” trigger URA requirements and must be provided with required written notifications, relocation advisory services, and applicable relocation payments in compliance with Subpart C of URA regulations with a goal towards minimizing the negative impacts of displacement. Tenants who must move temporarily for a period no longer than twelve (12) months due to program-sponsored activities must be provided with temporary relocation assistance and allowed to return to their original unit to ensure that they do not become permanently displaced by the program. Tenants who will be permanently displaced will receive permanent relocation assistance, which includes forty-two (42) months of housing assistance for residential tenants, and other applicable additional relocation assistance under Subparts D, E, and F of URA regulations for both residential and non-residential tenants.

## 2.2 Displaced Persons and Persons Not Displaced

Establishing a household, business, or other entity as a “displaced person” is a key early step in project planning and implementation for establishing applicability of URA requirements to a project, and individual persons’ eligibility for relocation assistance. Because property owner participation in DCCED programs is voluntary, only residential and non-residential rental tenants are expected to meet the regulatory definition of displaced persons. Should DCCED pursue any activity that requires the acquisition of owner-occupied real property under the threat of eminent domain, only then could a property owner be considered displaced. If a person is found to meet the definition of “person not displaced”, they will not be eligible for URA relocation assistance unless DCCED determines that an exception is warranted.

DCCED will make best efforts to identify tenants who may be displaced at the time of the property owner’s application to a DCCED program. However, DCCED can only identify tenants if disclosed by the property owner applicant. Sometimes tenant occupants are discovered later in the program process and are not disclosed at application. Upon discovery, DCCED will ensure a proper determination of their status as a displaced or not displaced and take steps to provide the tenant with applicable notices and relocation assistance.

As a general rule, a **displaced person** includes any person (family, individual, business or non-profit organization) who permanently or temporarily moves from real property or moves personal property from the real property as a direct result of an acquisition, rehabilitation, or demolition funded in any part by a federally assisted program. This can include a person who relocates from a project site:

- Without having received a General Information Notice (GIN) after URA was triggered by a project (i.e. an application being submitted to DCCED for Federal assistance);
- Due to the commencement of construction activities that cause the displacement of a tenant without having received a compliant Notice of Eligibility and/or the applicable 90 or 30-day notice;
- Without the project owner documenting the required delivery confirmation of one or more required URA written notices by the tenant;
- Who do not receive all URA relocation assistance payments and/or reimbursements for which a claim form and supporting documentation was received by the project owner;
- Who moved into the displacement unit after an owner submitted a requested for Federal assistance to DCCED and were not provided with a Move-In Notice that is signed by the tenant before signing the lease which notifies them of the impending displacing project and that they

will not be eligible for URA assistance;

- As a result of eviction by the landlord for the purpose of facilitating the project or in a manner that does not comply with applicable Federal, State, and local law;
- Who do not otherwise meet the definition of “person not displaced” established under URA and HUD regulations.

The full definitions for “displaced person” and “person not displaced” have multiple criteria and are defined at 49 C.F.R. § 24.2(a) as well as 24 C.F.R. § 570.606(b)(2) for HUD-funded programs.

## 2.3 Voluntary vs Involuntary Acquisition

The only DCCED program undertaking any acquisition activities is the Strategic Buyout Program (SBP). Participation by property owners in SBP is voluntary. DCCED will not utilize the threat or power of eminent domain to acquire properties under its Strategic Buyout Program. The SBP meets the criteria of voluntary acquisition under the federal regulations at [49 CFR 24.101\(b\)\(1\)\(i-iii\)](#) stated below, to which URA Subpart B requirements do not apply:

- *(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. Property owners have the right to obtain their own appraisal of the property, at their own expense, to be considered as part of the acquisition process.*

All offers to purchase Buyout participant properties will be made in writing and be based on a current Fair Market Value appraisal of the property. DCCED will provide all participants to the Strategic Buyout Program with a written appraisal indicating the current Fair Market Value of their property upon which any offer amount to buy the property will be made. Because the Strategic Buyout Program is voluntary, property owners will be informed in writing that they may reject DCCEDs Initial Offer Letter to buy the property or voluntarily withdraw from the program any time prior to closing. Further, the Initial Offer Letter states that if an owner rejects the Initial Offer or withdraws from the program, DCCED will not pursue the purchase of the property further.

- *(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.*

DCCED will be implementing its Strategic Buyout Program within areas identified as being at risk for future disaster damage designated as Disaster Risk Reduction Areas (DRRAs). No specific sites or properties are being identified for purchase under the Strategic Buyout Program. The program will offer to acquire property in DRRAs from eligible owners based on the appraised current Fair Market Value (FMV). The Initial Offer, based on the FMV, will be offered to all eligible applicants; therefore, applicants are being treated equally.

- *(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 is to be acquired within specific time limits.*

Properties acquired through the Strategic Buyout Program are not part of a designated or planned development project that must be acquired within a specific time limit, as would be the case if acquisition were being done under eminent domain for a planned project. Property owner participation in SBP is voluntary.

## 2.4 Types of Relocation: Permanent and Temporary

For HUD-funded programs, the delivery of relocation assistance depends on whether the relocation is considered permanent or temporary. These designations of temporary or permanent depend on the type of activity that is displacing the tenant, the length of time the tenant will be displaced, and whether or not the tenant will be able to return to their original unit after completion of program activities.

Relocation assistance is primarily governed by the federal URA regulations at 49 C.F.R. Part 24 under Subparts C-F. HUD has provided additional guidance and requirements in Handbook 1378 as well as under its regulation at 24 C.F.R. § 570.606. However, neither this handbook nor regulation have been updated to reflect recent changes to URA regulations that were made effective in June 2024 as of the publishing of this Policy. Where these requirements conflict, the regulation prevails.

The June 2024 regulatory updates incorporated changes to the definition of a “displaced person” to include persons who will be temporarily relocated in addition to those permanently displaced. Previously, such persons were not considered “displaced” and guidance on the administration of temporary relocation assistance was minimal in the regulation and was instead largely governed by Handbook 1378. With this regulatory change, both permanent and temporary relocation are handled with largely the same diligence under URA, with some differences in the notices provided and how relocation assistance payments are calculated and delivered. These differences are explained further in this Policy.

The determination of whether a tenant relocation will be temporary or permanent will be made by DCCED based on the nature of the Program activity causing the displacement. If the activity will result in the loss of the rental unit or a reduction in housing size that will not allow for the tenant’s future occupancy, the relocation will be considered permanent. If the tenant must relocate from the property for less than twelve (12) months, and the tenant will be able to return to their original unit after the displacing activity has been completed, then the relocation will be considered temporary. However, if a temporary relocation exceeds twelve (12) months, the tenant shall be offered permanent relocation assistance in addition to any temporary relocation assistance already received.

A comparison of general URA benefits, including advisory services and moving expenses, are shown in Table 2 below for eligible residential tenants who are permanently or temporarily displaced.

### 2.4.1.1 Table 2: General Overview of Relocation Assistance for Permanent and Temporary Residential Relocation

Permanent Relocation	Temporary Relocation
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<ul style="list-style-type: none"> <li>• Relocation Advisory Services</li> <li>• Rental Assistance for forty-two (42) months, which can be converted to down payment assistance to purchase replacement home</li> <li>• Moving expenses to replacement unit</li> <li>• At least one (1) comparable replacement unit offered</li> <li>• Cost of utility disconnection/reconnection*</li> <li>• Transfer costs for phone, internet, cable</li> </ul>	<ul style="list-style-type: none"> <li>• Relocation Advisory Services</li> <li>• The right to return to the original unit under similar terms (rent)</li> <li>• Rental Assistance for up to 12 months</li> <li>• Moving expenses to new temporary replacement unit AND to return to original unit</li> <li>• Storage costs while temporarily displaced</li> <li>• At least one (1) comparable replacement unit offered</li> <li>• Cost of utility disconnection/connection and then reconnection*</li> <li>• Transfer costs for phone, internet, cable</li> </ul>
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\*Does not include non-refundable deposits

## 2.5 Eligibility for Relocation Assistance

In order to be eligible for temporary or permanent relocation assistance, the person being displaced must be distinct from the applicant household or entity and meet the definition of a displaced person. For residential occupants, at least one person in the household must be a lawful occupant of the dwelling from which they will be displaced, and they must have been in legal occupancy of the property to be assisted by a DCCED program at the time of application. Persons are presumed to be in legal occupancy unless documentation is provided by the applicant proving otherwise. Additional eligibility requirements include:

- Permanent residency: In order to be eligible for full URA assistance, the displaced person must lawfully occupy a dwelling as their “place of permanent or customary and usual residence.” Only lawful tenants who have been in occupancy for at least 90 days prior to the initiation of negotiations are eligible for full relocation advisory services and rental assistance payments;
- Binding agreement for acquisition: If relocation is related to a voluntary acquisition of the displacement property, there must be a binding agreement in place between the owner and DCCED that obligates the purchase of the property prior to any person’s eligibility for relocation assistance.
- Lawfully present in the United States: Tenants who were displaced by the activity must also have been lawfully present in the United States at the time of displacement unless such ineligibility would result in an “exceptional and extremely unusual hardship” to such person’s spouse, parent, or child who is who is a citizen of the United States, or is an alien lawfully admitted for permanent residence in the United States. DCCED will document and determine when such conditions are met based on whether the denial of relocation payments and advisory assistance to such a person will directly result in:
  - A significant and demonstrable adverse impact on the health or safety of such spouse, parent, or child;
  - 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
  - Any other impact that DCCED determines will have a significant and demonstrable adverse impact on such spouse, parent, or child.

Each tenant seeking relocation assistance shall certify the lawful presence in the United States in accordance with 49 C.F.R. § 24.208. Additionally, DCCED Programs will use the Systematic

Alien Verification for Entitlements (SAVE) online service provided by U.S. Citizenship and Immigration Services (USCIS) to verify a person's lawful presence in the United States as a part of the URA eligibility process.

For non-residential occupants, certain types of documentation must be collected from business, farm, or non-profit owners to determine their eligibility for URA relocation assistance by determining whether they meet the definition of a displaced person. This documentation includes:

- Any permit or other certification required under state or local law to operate the business at the location of displacement;
- Lease Agreement that establishes the terms and conditions of the non-residential occupancy, which is needed to establish lawful occupancy and URA assistance amounts; only needed if the business owner is leasing the real property from which they will be displaced;
- Tax Returns establishing the net earnings of a business or farm operation, or annual gross revenues less administrative expenses if a non-profit organization, for the previous two (2) years. This is used to establish that the business meets the definition of "contribute materially" for the purpose of URA eligibility, and to determine available URA assistance if eligible.

Once URA eligibility has been established, additional information will be collected determine the needs of the displaced non-residential occupant through the relocation process. This information is covered further in the Relocation Advisory Services - Nonresidential section of this policy.

**Other Situations.** Lawful tenants who have been in occupancy less than 90 days, in a dwelling that is their permanent residence, may receive services under the Housing of Last Resort (see sections 2.19 - 2.20). Displaced persons who have been in residence 90 days prior to ION but whose dwelling is not their permanent and usual residence, are eligible for advisory services and moving expenses but not replacement housing payments. For example, seasonal workers and students occupying student housing associated with campus housing are often only eligible for advisory services and moving expenses but each situation will be thoroughly examined before making a determination about eligibility for URA services and assistance.

**Ineligibility.** If the household or non-residential occupant does not meet the definition of a displaced person and they do not meet the hardship exceptions, DCCED will provide such persons with a *Notice of Ineligibility* which will include the reason(s) they are ineligible, and their right to appeal the Agency's determination.

## 2.6 Basic Rights of Persons to be Displaced

DCCED will ensure that the rights of displaced persons under URA are protected and honored:

- A displaced person will not be required to move from a displacement dwelling unless at least one (1) comparable replacement dwelling is made available to such person;
- No person may be deprived of any rights the person may have under the Uniform Act; and
- DCCED shall not withhold any URA services or payments that a tenant would otherwise be eligible for unless the tenant has voluntarily requested to opt-out of receiving URA assistance in writing, as indicated in section 5.3, Tenant Withdrawal or Refusal of URA Assistance Process (Opt-Out Process).

Neither DCCED nor its subrecipients provide legal advice or intervene in landlord/business owner or other disputes between parties that are not DCCED, subrecipients, or their contractors or agents.

## 2.7 Written Notices

The objective of DCCED in its relocation efforts is to be as transparent and accommodating as possible to tenants who are having their lives impacted by federally funded recovery efforts. A key component of this effort is ensuring that tenants receive timely notifications in a manner that is clearly understandable and informs them of the URA assistance to which they are entitled. The following descriptions of required URA notices are based URA regulations and Handbook 1378. The following sections will detail the regulatory requirements for written notices for residential relocation (including manufactured housing units) and non-residential relocation.

DCCED will provide URA-required notices and additional communication to affected persons that are written in plain, understandable language in accordance with 49 C.F.R. § 24.5. Persons who are unable to read and understand the notice (e.g., due to lack of literacy, limited English proficiency, or disability) will be provided with appropriate translation or interpretation services in accordance with DCCED's LEP and Section 504 policies and practices. The notices shall indicate the name and telephone number (including the telecommunication device for the deaf (TDD) number, if applicable) of a person who may be contacted for answers to questions or other needed help.

DCCED will provide required written notices via hand delivery, or certified delivery via USPS or other services that provide similar functions as certified mail with return receipts. All required notices provided to a displaced person must be accompanied by a signed copy or certified mail receipt and uploaded to the program system of record. All required URA notices shall be addressed to whomever is identified as the head of household or business owner, as applicable.

Existing and prospective tenants will receive several notices described below. In order to keep all parties apprised of URA requirements and the status of relocation activities, landlords will receive a copy of all URA-required notices sent to a tenant by DCCED.

Formal names of forms and notices used by DCCED are listed below in Table 3. The form and notice descriptions further below in this section may also refer to the form by its generic name and be italicized, such as General Information Notice (GIN), etc. Some forms may be updated, revised, added, or deleted over time, however the forms in bold are required forms under the URA and will always be provided as applicable.

Table 3 below illustrates the notices required for temporary and permanent relocations, as well as additional notices provided by the program to ensure effective communication with all affected parties.

*Table 3: DCCED Notices for Relocations (as applicable)*

Permanent Relocation	Temporary Relocation
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<p><u>Tenant Notices:</u></p> <ul style="list-style-type: none"> <li>• <b>General Information Notice (GIN)</b></li> <li>• Move-In Notice (when applicable)</li> <li>• URA Relocation Assistance to Tenants Displaced from their Homes Brochure (HUD)</li> <li>• Notice of Ineligibility for Relocation Assistance (if applicable)</li> <li>• <b>Notice of Eligibility – Permanent Relocation</b></li> <li>• Notice of Non-Displacement - No Relocation Required (when applicable)</li> <li>• <b>90-Day Notice to Vacate</b></li> </ul> <p><u>Property Owner Notices:</u></p> <ul style="list-style-type: none"> <li>• URA Fact Sheet</li> <li>• Landlord Fact Sheet</li> <li>• Landlord Certification and Acknowledgement of URA Responsibilities</li> <li>• Pre-Appraisal Notice (Notice of Acquisition)</li> </ul>	<p><u>Tenant Notices:</u></p> <ul style="list-style-type: none"> <li>• <b>General Information Notice (GIN)</b></li> <li>• Move-In Notice (when applicable)</li> <li>• URA Temporary Relocation Assistance for Tenants (HUD)</li> <li>• Notice of Ineligibility for Relocation Assistance (if applicable)</li> <li>• <b>Notice of Eligibility – Temporary Relocation</b></li> <li>• Notice of Non-Displacement – No Relocation Required (when applicable)</li> <li>• <b>30-Day Notice to Vacate</b></li> <li>• <b>Return Home Notice</b></li> </ul> <p><u>Property Owner Notices:</u></p> <ul style="list-style-type: none"> <li>• URA Fact Sheet</li> <li>• Landlord Fact Sheet</li> <li>• Landlord Certification and Acknowledgment of URA Responsibilities</li> </ul>
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### 2.7.1 General Information Notice (GIN)

Tenants who may be permanently displaced or temporarily relocated by a DCCED funded project will receive a General Information Notice (GIN) as soon as feasible after the intent to use federal funds is established. DCCED will provide a GIN to all tenants of a proposed project site in programs involving acquisition, rehabilitation, reconstruction, or demolition. 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 discloses to all potentially displaced persons that DCCED may provide assistance, via federal funding subject to URA, to support the rehabilitation, reconstruction, or acquisition of the property they occupy. The GIN outlines the basics about their rights and protections under URA, the requirements to be eligible for URA assistance, the relocation assistance they may be eligible for, and the procedures for obtaining the payment(s). It also provides information about the reasonable relocation advisory services available to help the displaced person successfully relocate.

The GIN advises households and businesses not to relocate until advised to do so by the project owner, and informs them that they will not be required to move without at least ninety (90) days advance written notice for permanently displaced persons or without at least thirty (30) days advance written notice for temporary relocation, as well as being provided with at least one (1) comparable dwelling for residential occupants. Persons that relocate after receiving a GIN but before receipt of one of these notices may be considered to have moved voluntarily and for reasons other than Program-funded activities, making them persons not displaced.

### 2.7.2 Notice of Intent to Acquire

DCCED does not expect to use the threat of eminent domain to acquire any real property, so it will not issue a standard Notice of Intent to a property owner. However, in its Strategic Buyout Program (SBP), which will involve the acquisition of properties, SBP will issue a *Pre-Appraisal Notice* which informs the property owner(s):

- The program is going to perform an appraisal of their property;
- If eligible under SBP, a written offer will be provided that will be based on the current appraised fair market value of the property;
- That participation in SBP is voluntary; and
- If one or more owner does not accept the program's offer to acquire, SBP will take no further action to acquire the property.

### 2.7.3 Notice of Relocation Eligibility (NOE)

A Notice of Eligibility will be provided immediately following a binding commitment between a property owner and DCCED to acquire real property, or if the activity does not involve acquisition, after formal commitment of federal funding to a project. Eligibility is based on the determination that a person will qualify as a permanently or temporarily displaced person and satisfy URA eligibility requirements.

The NOE will describe the available relocation assistance, the amount of rental assistance based on the tenant's information collected at intake and the comparable dwelling unit identified by the URA specialist, or if applicable, a replacement housing payment to a homeowner occupant, the procedures for obtaining assistance, contact information for their assigned URA specialist, and information regarding their right to appeal a determination regarding their assistance. The NOE will also include information on at least one (1) comparable dwelling unit that was used to calculate the assistance amount, if it is a residential tenant. This Notice is specific to the person and their situation, and will vary based on whether the relocation is permanent or temporary. The content of the NOE will ensure the person will have a clear understanding of the type and amount of payments and/or other assistance they may be entitled to claim and the how to do so.

If the person is a business entity, the NOE will explain the types of assistance they will be eligible for based on the information collected during intake, as well as the applicable caps and other features of the assistance available to them.

If the relocation is temporary, tenants have the right to re-occupy the unit after program activities are complete under similar terms, which includes the amount of rent to be charged. The notice will state that the tenant's monthly rent will remain the same upon re-occupancy for no less than one (1) year. Additionally, the NOE will include the date and approximate duration of the temporary relocation (not to exceed one (1) year), and the types of relocation costs which are eligible to be reimbursed.

### 2.7.4 Ninety (90) Day Notice to Vacate (Permanent Relocation)

Tenants who are permanently displaced 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. DCCED will provide persons who will be permanently displaced with the required 90-day Notice to Vacate after the displaced person is issued a Notice of Eligibility, or if necessary, as a combined notice with the NOE.

### 2.7.5 Thirty (30) Day Notice to Vacate (Temporary Relocation)

DCCED will provide a 30-day Notice to Vacate to persons who will not be permanently displaced but who need to be temporarily relocated. This means that tenants will be required to move 30 days from the date of receipt of the letter. The concept under the Urgent Need Provision in 2.7.4 may also apply for temporary relocations where less notice than 30 days may be given should there be a situation that involves an imminent threat to a tenant's health and safety.

The Notice of Eligibility, 90-day Notice to Vacate, and 30-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 and free of any coercive action from the property owner to vacate;
- The tenant meets the definition of a "person not displaced" and is not eligible for URA; or
- When relocation is not required because the scope of program activities can proceed without relocation, the property owner has withdrawn from the Program, the owner is found ineligible for a DCCED Program, or an award or offer made by the program is not accepted by the owner

**Urgent Need Provision.** The urgent need provisions of URA permit DCCED to require an occupant to vacate on less than a 90-day or 30-day notice under certain conditions. DCCED 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. In accordance with URA requirements, DCCED will not artificially create an "urgent need" in order to provide a shorter notice (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).

### 2.7.6 Notice of Non-Displacement – No Relocation Required

Tenants who have been issued a *General Information Notice* will be issued the *Notice of Non-Displacement – No Relocation Required* if funding was not approved, the acquisition will not take place, or it is determined that the federal funded scope of work can be executed without relocation. This notice informs the tenant they do not have to relocate and are not entitled to URA benefits, as well as information on how to appeal the determination if they disagree with the need to relocate.

### 2.7.7 Return Home Notice – Temporary Relocation

A *Return Home Notice* will be provided to the tenant who has been temporarily displaced to advise the tenant that their home is ready for occupancy and they may return. Tenants will have thirty (30) days from the receipt of the notice to reoccupy their original dwelling, or confirm in writing with the property owner and Program their intent to reoccupy the dwelling with a reasonable period of time. Should a tenant fail to reoccupy the dwelling or contact the owner and Program within 30 days, the owner is free to lease the dwelling on the open market.

### 2.7.8 Move-In Notice

HUD regulations related to relocation activities funded with CDBG require that persons who intend to move into a property after an application for DCCED program assistance be provided with a *Move-In Notice* that indicates that they may be displaced and will not receive URA relocation benefits. Landlords who apply to a DCCED program are provided with a *URA Fact Sheet* and a *Landlord Fact Sheet* that informs landlords of their responsibility to provide a *Move-In Notice* to a new tenant who wants to move

into their property. The fact sheet also informs landlords that they are required to inform the program of any new tenants after the submission of a DCCED application. Landlords must sign the *Landlord Certification and Acknowledgement of URA Responsibilities* also.

Landlords must provide the potential tenant with a *Move-In Notice* before leasing and occupying the property. DCCED will also issue a *Move-In Notice* to the new tenant when it is aware of the new tenant, however the primary responsibility for issuing this notice before the lease is signed is the landlords.

DCCED will provide landlords with a standard *Move-In Notice* form that they are required to issue to new tenants. The DCCED *Move-In Notices* will contain the following information at a minimum: that an application for assistance from a DCCED program, which is federally funded, has been submitted; and the possible impact on the person if the application is approved and accepted by the owner (e.g., the person may be displaced, temporarily relocated, or suffer a rent increase).

The tenant must agree to occupy the property under the terms of the notice; when this occurs, the new tenant is not eligible for relocation assistance as a displaced person. All *Move-In Notices* must be acknowledged by the tenant in writing using the *Acknowledgement of Move-In Notice Form* (including signature and date) and a copy must be returned to the program for tenant files.

If the applicant (who is a landlord) fails to provide the *Move-In Notice* to a prospective tenant, fails to provide the *Move-In Notice* before a unit is leased, fails to disclose the presence of a tenant, or if the *Acknowledgement of Move-In Notice* is not signed by the tenant indicating their receipt and agreement before the lease is executed (in writing or verbally), the applicant may be found ineligible.

## 2.8 Manner of Notices

As required under 49 C.F.R. § 24.5, each notice which the DCCED Programs are required to provide to a property owner or displaced person shall be personally served or sent by certified or registered first-class mail, or other delivery service that provides return receipt, and documented in the designated DCCED system of record. Each notice shall be written in plain, understandable language. Persons who are unable to read and understand the Notice must be provided with appropriate translation and counseling. Each notice shall indicate the name and telephone number of a person who may be contacted for answers to questions or other needed help.

## 2.9 Relocation Assistance Advisory Services – Residential

DCCED will provide required relocation advisory services to displaced tenants. In addition to providing the required notices, a URA specialist will contact the impacted displaced household(s) to schedule an interview, to obtain tenant supporting documentation (see section 2.9 below), and to ensure that tenants understand their rights and responsibilities. If feasible, such meetings may be scheduled to be held in person. 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 DCCED's 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., social services or financial referrals, housing inspection, etc.);
- Information on current and ongoing listings of available comparable dwellings for residential displacements;
- Informing the displaced person in writing as soon as feasible of the comparable dwelling unit, the rent used for the upper limit and the basis of the determination so that the person knows the maximum they may qualify for;
- The tenant will be informed that they cannot be required to move unless at least one comparable replacement dwelling is made available (for more information, see section 2.10 on Comparable Residential Replacement Dwelling);
- Inspection of the dwelling to determine if it meets decent, safe, and sanitary requirements (see section 2.11 on inspections);
- Providing counseling and other assistance to minimize hardship in adjusting to relocation; and
- Other required and appropriate assistance.

The URA specialist will be available to displaced persons throughout the relocation and payment process to find a suitable replacement dwelling, support moving and storage activities, assist with completing claim forms for receiving URA assistance, and provide any other guidance needed or requested by the tenant to facilitate a smooth relocation and prompt payment of all relocation assistance to which they are entitled.

## 2.10 Relocation Advisory Services – Non-Residential

Businesses and other non-residential tenants who must relocate due to program activities are also entitled to relocation advisory services to ensure that the businesses affected by the project understands their rights and available assistance.

Throughout the program intake and relocation process, DCCED and its URA Specialists will be available to explain relocation payments, assistance for which the business owner may be eligible, associated eligibility criteria, and the process for obtaining such assistance. Relocation advisory services shall include an interview with each displaced business. Additionally, businesses should be provided with a copy of HUD Relocation Assistance to Displaced Businesses, Nonprofit Organizations, and Farms (HUD-1043-CPD).

Relocation advisory services include meeting with businesses likely to be displaced to determine their relocation needs and preferences. The purpose of the meeting is to:

- Collect business replacement site requirements;
- Collect current lease terms and other contractual obligations and the financial capacity of the business to accomplish the move;
- Determine the need for outside specialists in accordance with § 24.301(g)(12) that will be required to assist in planning the move, assistance in the actual move, and in the reinstallation of machinery and/or other personal property;
- Estimate the time required for the business to vacate the site;
- Estimate the anticipated difficulty in locating a replacement property; and
- Identify any advance relocation payments required for the move.

## 2.11 Required Tenant Documentation

After the tenant has been issued a GIN, the URA specialist will conduct URA intake activities with known tenants, which includes scheduling an interview with each tenant and collecting necessary documentation.

This information is necessary to determine eligibility, provide appropriate services, and calculate relocation benefits. Therefore, residential tenants will be required to provide information including, but not limited to, the following:

- Tenant Identification (current and valid driver's license, US passport, or other government photo identification)
- Proof of income
- Certification and proof of lawful presence (birth certificate, US passport, other documents)
- Proof of lawful occupancy, such as a copy of an executed lease or another acceptable program documentation if lease is not provided in writing. If the tenant cannot prove legal occupancy by way of a lease or rent receipts, then a *Self-Certification of Tenancy* will be required.
- Utility bills
- Rent amounts (copy of lease, receipts for payments, or other acceptable program documentation)
- Documentation of all disaster assistance previously received for relocation and moving expenses

For non-residential tenants, the required documentation will include:

- Any permit or other certification required under state or local law to operate the business at the location of displacement;
- Lease Agreement that establishes the terms and conditions of the non-residential occupancy, which is needed to establish lawful occupancy and URA assistance amounts; only needed if the business owner is leasing the real property from which they will be displaced;
- Tax Returns establishing the net earnings of a business or farm operation, or annual gross revenues less administrative expenses if a non-profit organization, for the previous two (2) years. This is used to establish that the business meets the definition of "contribute materially" for the purpose of URA eligibility, and to determine available URA assistance if eligible.
- Any other documentation supporting the need for eligible relocation and reestablishment costs provided for under § 24.301 and § 24.303-305 of URA regulations.

## 2.12 Comparable Replacement Dwelling

For permanent residential relocations, DCCED will attempt to identify up to three comparable replacement dwellings for a displaced person; however, no permanently 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 to be made available to a tenant when the DCCED 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.

If at least one comparable dwelling unit cannot be found, the displaced person may be eligible to receive replacement housing of last resort assistance in accordance with § 24.404 of URA regulations to cover additional replacement housing costs that exceed established URA caps for assistance.

**For non-residential relocation**, it is not required that a comparable replacement business site be provided as part of URA relocation advisory services and eligibility. However, URA specialists will support

displaced businesses in their search for a replacement site that meets the needs of their business.

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

- Decent, safe, and sanitary;
- Functionally equivalent to the displacement dwelling, meaning that the comparable replacement dwelling will provide the same function and utility;
  - Comparable replacement dwelling may not have every feature of the displacement unit. However, the comparable replacement dwelling will have primary features of the displacement unit.
  - In determining whether a comparable replacement dwelling is functionally equivalent to the displacement dwelling, DCCED may consider reasonable trade-offs for specific features when the replacement unit is equal to or better than the displacement dwelling.
- Of adequate size for the occupants (see Occupancy Guidelines);
- In an area that is outside of the floodway or 100-year floodplain, tsunami inundation areas, Seismic Zones 4 and 5, mapped avalanche zones, and the Bootlegger Cove Landslide Area (unless no other option exists upon DCCED approval on a case-by-case basis);
- In a comparable location with respect to public utilities, commercial and public facilities, and reasonably accessible to the person's employment;
- On a site that is typical in size for residential development with normal site improvements, including customary landscaping;
- Currently available to the displaced person on the private market; and
- Within the financial means of the displaced person, which means that:
  - After receiving rental assistance, the displaced person's monthly rent and estimated average monthly utility costs for the comparable replacement dwelling would not exceed the person's base monthly rental for the displacement dwelling (see section 2.15).
  - For a displaced person who is not eligible to receive a comparable replacement dwelling payment because of the person's failure to meet length-of-occupancy requirements, comparable replacement dwelling rental housing is considered to be within the person's financial means when DCCED pays that portion of the monthly housing costs of a replacement dwelling which exceeds the person's base monthly rent for the displacement dwelling. Such rental assistance will be paid in accordance with replacement housing of last resort (see sections 2.19 – 2.20).
- For a person receiving government housing assistance before displacement, within their financial means a dwelling that may reflect similar government housing assistance. In such cases, any requirements of the government housing assistance program relating to the size of the replacement dwelling shall apply. If a tenant had a Housing Choice Voucher (HCV) in their displaced unit, then the program will ensure their replacement unit accepts HCVs.

In accordance with regulations, DCCED will only consider:

- a public housing unit as a comparable replacement dwelling for a person displaced from a public housing unit;
- a privately owned dwelling with a project-based housing subsidy (i.e., subsidy tied to the unit) as a comparable replacement dwelling only for a person displaced from a similarly subsidized unit or public housing unit;
- a privately owned dwelling made affordable by a tenant-based housing subsidy (i.e., subsidy not tied to the building), such as a Housing Choice Voucher (formerly Section 8 voucher), as a comparable replacement dwelling if the person was receiving a similar subsidy before

displacement or displaced from a unit with a project-based subsidy or public housing.

Section 8 housing choice vouchers are available as a means of compensation for replacement housing payments for qualifying households, but will not be offered as a comparable unit or as a substitute for cash replacement housing payments if DCCED cannot provide referrals to decent, safe, and sanitary dwelling unit where HCVs are accepted.

DCCED will inform any displaced person who may be eligible for government housing assistance at the comparable replacement dwelling of any requirements of such government housing assistance program that would limit the size of the replacement, as well as of the long-term nature of such rent subsidy, and the limited (42 month) duration of the relocation rental assistance payment.

Based upon the permanent relocation needs of the tenant, the URA specialist should proactively identify rental units that are available in the tenant's neighborhood or local community, if possible, to minimize disruption to the household's daily activities. Comparable units should be evaluated by using the *Selection of Most Representative Comparable Replacement Dwelling Form (HUD Form-40061)*, which compares the displacement dwelling unit to other available comparable units and indicates the most representative comparable unit. The program will provide at least one (1) comparable unit and no more than three (3) to the household to establish the payment threshold for the tenant's Rental Assistance Payment (RAP).

Tenants who encounter a problem in buying or renting the housing of their choice, will be instructed to notify the URA Specialist immediately. The URA specialist will look into the matter and try to help resolve it. This assistance will be provided whether the tenant was referred to the housing unit or found it themselves.

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 URA specialist will discuss options with the tenant, including referral of a discrimination complaint to the appropriate federal, State or local fair housing agency.

## 2.13 Inspection of the Comparable Replacement Dwelling

Before making a replacement housing payment or releasing a payment from escrow, DCCED will conduct an inspection of the comparable replacement dwelling to confirm that it meets the definition of 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 not proximate to a DCCED office/center or to another state, DCCED may arrange for officials of the local or state government to perform the inspection.
- Where feasible, the comparable replacement dwelling will be inspected prior to it being made available to assure that it meets applicable decent, safe, and sanitary standards. If an inspection is not made, DCCED will notify the person to be displaced that a replacement housing payment may not be made unless the comparable replacement dwelling is subsequently inspected and determined to be decent, safe, and sanitary.
- If DCCED 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.

## 2.14 Relocation Planning

DCCED and its subrecipients will take all reasonable steps and make every effort to minimize displacement as a result of Program activities. Projects that will cause temporary relocation or permanent displacement of multiple residential or commercial occupants must have a relocation plan in place early in the project's timeline. The plan's purpose is to establish necessary information, roles, and responsibilities relating to the execution of relocation activities from initial notification through the relocation process until all affected occupants have been successfully relocated in compliance with URA requirements. A relocation plan should achieve, at minimum, the following:

- Establish the use of voluntary or involuntary acquisition of properties related to the project;
- Describe the number and nature of households and businesses identified to be displaced temporarily or permanently, as well as other information collected from these persons through the survey process;
- Specify the responsible persons and/or entities who will manage and provide URA case management and relocation services;
- Include projected timelines for the project causing displacement, as well as the relocation activities themselves;
- Identify the availability of comparable replacement dwellings;
- Identify any challenges projected for acquisition or relocation activities;
- Provide a course of action to address any challenges identified; and
- Inform the project budget to include relocation activity costs and ensure the availability of adequate resources for the project and URA compliance.

Relocation Plans will be reviewed by the awarding program for the components listed above to confirm that the project owner or Subrecipient has secured sufficient resources and that a successful relocation can be expected before the release of the project funding for any acquisition or construction activities.

## 3 URA ASSISTANCE PAYMENTS

Displaced persons are entitled to assistance payments that cover increase rental costs, moving costs, storage, transportation, and other costs eligible under Subparts D, E, and F of URA regulations. Whether the displaced person is a tenant, homeowner, business, non-profit organization, farm operation, or owner of a mobile home will influence the types and amounts of URA relocation assistance available to them.

### 3.1 Determining Cost of Comparable Replacement Dwelling

Persons being permanently displaced may receive a replacement housing payment. 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 tenant's Rental Assistance Payment (RAP). 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.

- For purposes of establishing the payment limit, comparable replacement dwellings shall, to the extent feasible, be selected from the neighborhood in which the displacement dwelling is located or in nearby similar neighborhoods where housing costs are generally the same or higher. An obviously overpriced dwelling (e.g., luxury housing, if the displacement dwelling is non-luxury housing) will not be considered as a comparable replacement dwelling.
- DCCED may limit the amount of replacement housing payment to the amount required to obtain a comparable replacement dwelling only if it gives a timely written notice (referral) of such comparable replacement dwelling. If the program's offer of comparable housing is not made in sufficient time for the tenant to consider the option, then will consider a comparable dwelling found and selected by the tenant, even if it is more costly. If approved by the program, the replacement housing payments will be made on the option selected by the tenant.
- If two or more occupants of the displacement dwelling move to separate replacement dwellings, each occupant is entitled to a reasonable prorated share, as determined by DCCED, of any relocation payments that would have been made if the occupants moved together to a comparable replacement dwelling. However, if it is determined that two or more occupants maintained separate households within the same dwelling, such occupants have separate entitlements to relocation payments.
- DCCED 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 and the basis for selection of the comparable dwelling unit used for calculating URA relocation assistance, and will provide this form to the displaced person along with the NOE.

DCCED will use the Housing of Last Resort provision where a tenant cannot otherwise be appropriately housed within the monetary limits. This situation may occur in high-cost housing areas or with low-income tenants who do not live in subsidized housing at the time of displacement.

### 3.2 Eligibility for a Replacement Housing Payment (In Occupancy for 90 Days or More)

DCCED will determine a person's eligibility for a replacement housing payment based on the applicable provisions under Subpart E of URA regulations for tenants and homeowners. If eligible, a permanently displaced person is entitled to a payment for rental assistance or down payment assistance. In order to be eligible for either payment, the displaced person must:

- Have actually and 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), unless DCCED extends this period for good cause.

### 3.3 Replacement Housing Payments for 90-day occupants

For tenants, a replacement housing payment will be calculated and included in the NOE sent to the tenant. Payment(s) will be made to cover increased costs associated with the replacement dwelling compared to the Base Monthly Rental, covered in the next section. The payments will be provided in prescribed installments for rental assistance, or as lump-sum down payment if the tenant desires to instead purchase a replacement dwelling.

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.

The maximum rental assistance payment (and down payment) for a tenant is \$9,570. If future rulemaking increases these amounts, the new maximum amounts will be posted on the DCCED website until such time that the URA Policy Manual can be updated. If the rental assistance payment is less than the maximum of \$9,570, the tenant will receive the amount calculated based on their rent and utilities. If the calculated payment exceeds the maximum allowable URA assistance, the tenant will receive the maximum amount. However, the maximum payment may be exceeded if the situation meets the requirements of Housing of Last Resort.

If the tenant chooses to convert their replacement housing payment that is less than the maximum allowable payment to a down payment for replacement housing purchase, DCCED may elect to increase the payment to the maximum of \$9,570. DCCED will apply this election uniformly across its Programs in a manner that treats all displaced persons equally should it choose to adopt such a policy.

DCCED does not expect to cause the involuntary and permanent displacement of homeowners through its programs which would make them eligible for replacement housing payments. Should a program encounter a situation where a homeowner will be involuntarily and permanently displaced, the homeowner would be entitled to a replacement housing payment in accordance with § 24.401 of URA regulations.

DCCED will not offer or suggest that a displaced person who did not receive government housing assistance before displacement, accept government assisted housing as a comparable unit or in lieu of a cash replacement housing payment.

### 3.4 Base Monthly Rental for the Displacement Dwelling

The base monthly rental is used to calculate replacement housing payments which permanently or temporarily displaced persons are eligible to receive. It establishes a base housing cost amount that is compared to that of the comparable replacement dwelling, and the difference between these amounts is the monthly replacement housing payment. This amount is then multiplied by 42 months to calculate the total replacement housing payment. The person's household circumstances, Adjusted Gross Income (AGI), current monthly rent and utilities, and location can each serve as a basis for the determination of the base monthly rental type and amount.

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 rent payment period if less than one year, whichever is less, prior to displacement.
  - 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- to moderate-income (LMI) under the most current applicable HUD Income Limits, or;

- NOTE: The base monthly rental will be established using the average monthly cost methodology (above) for households with incomes exceeding the LMI income limits, 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.

The average monthly cost for rent and utilities at the displacement dwelling should be based on a minimum of twelve (12) months of these costs prior to URA eligibility. The LMI determination should be based on income documentation collected at intake and whether they receive any federal housing assistance.

### 3.5 Determination of Utility Costs

**Displacement Dwelling** - For purposes of computing rental assistance, DCCED will examine the average monthly utility costs at the displacement dwelling. The determination will be based on one year or the rent payment period, whichever is less, prior to displacement.

**Replacement Dwelling** - DCCED 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 to the extent possible, or some shorter period of time, if necessary. Displaced persons may collect utility use information after occupying the unit and provide no less than three (3) months of actual eligible utility costs along with a completed *HUD Form 40058 – Claim for Rental Assistance or Down Payment Assistance* if utility costs were not included in the original replacement housing payment calculation provided with the NOE.

### 3.6 Down Payment Assistance Payment

Instead of a rental assistance payment, an eligible displaced person may receive a down payment assistance payment to purchase a home. DCCED's policy is to provide the maximum down payment assistance allowed (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.

### 3.7 Replacement Housing Payment for Person Who Is Not a 90-Day Occupant

Persons that do not meet the 90-day in-occupancy requirements are entitled to a replacement housing payment when that person is not able to relocate to comparable replacement housing within his/her 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. The assistance provided will be for a 42-month period.

### 3.8 Housing of Last Resort

When a comparable replacement dwelling cannot be identified in a timely manner, or if the area is deemed high-cost and appropriate housing cannot be found within the monetary limits, DCCED will follow regulatory requirements to provide housing of last resort as described below. Final decisions about

housing of last resort will be determined by DCCED.

### 3.8.1 Determination to Provide Housing of Last Resort

Whenever a program or project cannot proceed on a timely basis because comparable replacement dwellings are not available within the monetary limits for tenants, DCCED will provide additional or alternative assistance. DCCED will justify any decision to provide such housing of last resort assistance either based on a case-by-case review or a determination as follows:

- On a case-by-case basis, for good cause, which means that appropriate consideration has been given to:
  - The availability of comparable replacement housing in the program or project area;
  - The resources available to provide comparable replacement housing; and
  - The individual circumstances of the displaced person, or
- By a determination that:
  - There is little, if any, comparable replacement housing available to displaced persons within an entire program or project area; and, therefore, Housing of Last Resort assistance is necessary for the area as a whole;
  - A program or project cannot be advanced to completion in a timely manner without Housing of Last Resort assistance; and
  - The method selected for providing Housing of Last Resort assistance is cost effective, considering all elements which contribute to total program or project costs.

DCCED will ensure that in implementing Housing of Last Resort requirements, costs will be reasonable and determined on a case-by-case basis. DCCED will utilize one of the following methods for providing replacement Housing of Last Resort depending on which method is most cost effective, practicable, and/or expedient include:

- A replacement housing payment in excess of URA limits. A replacement housing payment under this section will be provided in installments (however, a lump sum payment may be made for a down payment for the purchase of a home).
- Rehabilitation of and/or additions to an existing replacement dwelling.
- The construction of a new replacement dwelling.
- The provision of a direct loan, which requires regular amortization or deferred repayment. The loan may be unsecured or secured by the real property. The loan may bear interest or be interest-free.
- The relocation and, if necessary, rehabilitation of a dwelling.
- The purchase of land and/or a replacement dwelling by the displacing Agency and subsequent sale or lease to, or exchange with a displaced person.
- The removal of barriers for persons with disabilities.

Under special circumstances, consistent with the definition of a comparable replacement dwelling, modified methods of providing replacement housing of last resort permit consideration of replacement housing based on space and physical characteristics different from those in the displacement dwelling, including upgraded, but smaller replacement housing that is decent, safe, and sanitary and adequate to accommodate individuals or families displaced from marginal or substandard housing with probable functional obsolescence. DCCED will not require a displaced person to move into a dwelling that is not

functionally equivalent (see section 2.10).

DCCED will provide assistance to a displaced person who is not eligible to receive a replacement housing payment because of failure to meet the 90-day length of occupancy requirement when comparable replacement rental housing is not available at rental rates within the displaced person's financial means. Such assistance will be for a period of 42 months.

### 3.9 Moving Expenses

Any displaced residential tenant who qualifies as a displaced person is entitled to a payment for his or her moving and related expenses that are determined to be reasonable and necessary as provided for under Subpart D of URA regulations. There are two categories of moving options available to residential tenants: self-move or commercial move. The displaced person may choose the type of move they desire.

Within the self-move option are several methods for calculating moving costs, which may be combined when applicable to a household's move:

- Fixed Residential Moving Cost Schedule: prepared by the Federal Highway Administration and updated periodically to provide moving costs for each state based on number of rooms to be moved
- Actual Cost Move: based on receipts and invoices for labor and equipment costs incurred
- Moving Cost Estimate: prepared by a qualified DCCED staff person based on the scope of property to be moved and prevailing rates for moving services in the area
- Commercial Mover Estimate: based on the lower of two bids from a commercial mover.

If the tenant selects a fixed moving expense payment, the payment will be based upon the number of rooms that must be moved or has been moved by the tenant, according to the most recent Federal Highway Administration's fixed moving expense chart (see Table 4 below for rates for Alaska). No receipts are required for the reimbursement of fixed moving costs.

The tenant may elect to perform a self-move and receive reimbursement for actual moving expenses. In such cases, the URA specialist will obtain two (2) quotes from local, commercial moving companies which will include all moving costs (such as packing, materials, travel, etc.). For accurate comparison of quotes, moving cost estimates should include the same services. The cost of a self-move may not exceed the cost of a commercial move. The lowest quote establishes the maximum amount that the program will reimburse a tenant for a self-move. The reimbursed amount of the actual moving expense will be either the: 1) lowest quote obtained by the URA Specialist; or 2) actual reimbursable moving expense; whichever is less. Requests for reimbursement of actual self-move expenses should be accompanied by the two (2) quotes from moving companies, proof of the actual expenses incurred by the tenants (bill from the moving company), and proof of payment. In lieu of a commercial mover estimate, DCCED may elect to prepare its own estimate as the basis for moving cost reimbursement to a displaced person.

A commercial move option can also be selected and maybe helpful for those households who cannot physically perform the packing, loading, moving, and unpacking necessary to move from their current dwelling and are unable to physically carry out their own move. In such cases, the URA specialist will obtain two (2) local, certified commercial moving company quotes. The URA specialist will be the coordinator of all aspects of the commercial move process. For accurate comparison of quotes, moving cost estimates should include the same services. The lower of the two quotes would be selected.

### 3.9.1 Eligible Moving and Related Expenses

A displaced person's actual, reasonable, and necessary moving expenses for moving personal property from a dwelling may be determined based on the cost of one, or a combination of the methods: self-move based on actual or fixed moving costs, and/or by a professional (i.e., commercial) mover. For tenant moves from a mobile home, see the *Relocation of Tenants Occupying MHUs* section.

Allowable residential moving expenses are detailed at § 24.301, and may include but are not limited to:

- 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);
- Storage of household goods (maximum of 12 months for temporary relocation, extensions with prior Agency approval for good cause; permanent relocation on 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.
- Reimbursement of replacement dwelling application fees or credit reports required for application up to \$1000.

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; and,
- Other reasonable out-of-pocket expenses that are not prohibited.

For non-residential relocation, there are many additional eligible moving costs, as well as re-establishment costs and other costs unique to the needs of a commercial enterprise. Should DCCED encounter any displaced non-residential entities in the course of its Programs, it will comply with all requirements and make available all applicable relocation assistance under section § 24.301, and § 24.303-305.

### 3.9.2 Ineligible Moving and Related Expenses

A displaced person may not claim or receive payment for certain moving and related costs for either residential move types, which include but are not limited to:

- 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 before DCCED;
- Expenses for searching for a replacement dwelling;
- Costs for storage of personal property on real property already owned or leased by the displaced person; and
- Refundable security and utility deposits.

Ineligible moving costs and related expenses are further detailed at § 24.301(h).

### 3.9.3 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), the Agency 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](https://www.fhwa.dot.gov/real_estate/uniform_act/relocation/moving_cost_schedule.cfm).

Table 4: FHWA 2021 Fixed Residential Moving Cost Schedule for Alaska

Unfurnished Units		Furnished Units	
1 Room	\$850.00	1 Room-with no furniture	\$600.00
2 Rooms	\$1100.00	Each Additional Room-no furniture	\$250.00
3 Rooms	\$1,350.00	Dormitory or Boarding House	\$100.00
4 Rooms	\$1,625.00		
5 Rooms	\$1,875.00		
6 Rooms	\$2,075.00		
7 Rooms	\$2,300.00		
8 Rooms	\$2,500.00		
Each Additional Room	\$350.00		

Note: This schedule will be updated from time to time when Federal Highway Administration (FHWA) revises the fixed moving fee schedule for Alaska. FHWA published a new fee schedule effective August 26, 2021 which is reflected here.

### 3.10 Transportation Costs – Airplane Transport Services

Unique to the needs of the State of Alaska is the challenge of transportation facing many residents of rural areas of the state. URA provides as an eligible moving expense transportation of the displaced person and personal property, however it does not allow for such costs beyond a distance of 50 miles unless the agency determines that relocation beyond 50 miles is justified.

Many areas affected by disasters are rural, remote, and without road access connected to the state freeway system or the nearest hub community (Anchorage, Nome and Bethel) which may be more than 50 miles away. A hub community is a central town or city that provides regional services, transportation, and commerce for surrounding villages and rural areas. These communities are frequently only accessible via small plane, which presents the justification for a DCCED policy that allows for URA relocation assistance that covers the cost of this transportation method for both displaced persons and their personal property.

If a displaced person is relocating from an area that lacks public road access to the nearest hub community, or nearest other community with a comparable replacement dwelling, then DCCED will provide URA relocation assistance to cover relocation costs associated with local airplane transport services used to transport the displaced person and household members, as well as the cost of transporting personal property, up to 10,000 pounds of cargo, to a replacement dwelling. DCCED will review exception on a weight limit on a case-by-case basis. Whether the relocation is permanent or temporary will influence the amount of airplane transport assistance the displaced person is eligible for unless DCCED believes there is good cause to authorize additional assistance beyond the following:

- **Permanent Relocation**
  - One (1) round-trip by airplane for displaced person and all household members, as well as no more than one (1) designed representative to the closer of the nearest hub community or other community with known comparable replacement housing for the purpose of searching for and securing a new replacement dwelling. DCCED may authorize an additional trip should it be necessary to secure a comparable replacement dwelling.
  - One (1) one-way trip for displaced person, household members, and personal property to the chosen comparable replacement dwelling. Costs to transport personal property shall not exceed the FHWA Residential Moving Cost Schedule rates in Table 4 for the number of rooms of the displacement dwelling substantially furnished with personal property to be moved.
- **Temporary Relocation**

- One (1) round-trip by airplane for displaced person and all household members, as well as no more than one (1) designed representative to the closer of the nearest hub community or other community with known comparable replacement housing for the purpose of searching for and securing a new replacement dwelling. DCCED may authorize an additional trip should it be necessary to secure a comparable replacement dwelling.
- One (1) one-way trip for the displaced person, household members, and personal property to the chosen comparable replacement dwelling. Costs to transport personal property shall not exceed the FHWA Residential Moving Cost Schedule rates in Table 4 for the number of rooms of the displacement dwelling substantially furnished with personal property, and only that which must be moved to facilitate DCCED Program activities causing the temporary displacement.
- One (1) one-way trip by airplane for displaced person, all household members, and displaced personal property to return to the original displacement dwelling upon completion of DCCED Program activities. Costs to transport personal property shall not exceed the FHWA Residential Moving Cost Schedule rates in Table 4 provided for the same personal property moved during the initial temporary relocation.
- DCCED may authorize an additional trip should it be necessary and reasonable to relocate all displaced household members and personal property back to the original displacement dwelling.

DCCED may choose to authorize on a case-by-case basis additional relocation assistance to cover necessary and reasonable airplane transport costs needed to facilitate a complete permanent or temporary relocation of a displaced person, their documented household, and personal property to comply with URA requirements and that cannot be feasibly covered under the policy and limits described above.

### 3.11 Storage Costs

In the course of temporary relocation activities, it may be more practical and/or more cost effective to store personal property at a location that is different from the temporary replacement dwelling and original displacement dwelling until DCCED Program activities are completed. DCCED will provide relocation assistance to cover only the costs of storage of personal property that must be moved to facilitate DCCED Program activities causing the temporary displacement.

#### *Commercial Storage Facility*

If the original displacement dwelling is within fifty (50) miles by road of a commercial storage facility that has a sufficiently sized storage unit (or units, if necessary and reasonable to facilitate the temporary relocation), DCCED will cover the cost of storage on a reimbursement basis at a commercial storage facility for a period of time similar to that of the displaced person's temporary displacement from the original dwelling for up to twelve (12) months. Requests for reimbursement of storage costs must be supported by an invoice from the storage facility clearly showing the name, address, and contact information for the facility, as well as the size and amenities of the storage unit offered, and the monthly rental charge along with any other relevant fees related to rental of the storage unit(s).

#### *Storage with Family and Friends*

If the original displacement dwelling is more than fifty (50) miles by road from a commercial storage facility, or there are no available sufficiently sized storage units within this distance, then informal storage on the property of a family member or friend of the displaced person will be considered. DCCED will provide for the reimbursement of rental costs to a family member or friend providing storage space for a displaced person's temporary displacement from the original dwelling for up to twelve (12) months. The eligible reimbursement cost under such an arrangement will not exceed fifty percent (50%) of the cost of a comparable storage unit space at the closest commercial storage facility to the displacement dwelling, and must be supported by documentation showing the basis for this amount.

#### *Storage for Permanent Relocation Not Eligible*

DCCED does not anticipate the need to provide storage assistance to permanently displaced persons since they will be relocated only to a comparable replacement dwelling that meets the needs of their household, and therefore storage assistance will generally not be an eligible relocation cost under permanent relocation. Should extenuating circumstances support the need for storage cost assistance to a permanently displaced household, DCCED may authorize the payment of such assistance on a reimbursement basis under similar terms as described above for a period of no more than twelve (12) months.

### 3.12 Relocation of Tenants Occupying 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 DCCED program will receive relocation assistance. The designation of the MHU as real or personal property is relevant to the applicant to a DCCED program but is immaterial when considering the relocation services required for the involuntary relocation of residential rental tenants. The circumstances surrounding the displacement of MHU tenants govern the relocation services that affected tenants will receive.

DCCED programs will not result in the involuntary displacement of MHU owners but may result in the involuntary displacement of MHU tenants. Such displaced tenants would be entitled to permanent or temporary relocation services if they meet eligibility requirements in section 2.5. 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. MHU tenant displacement may occur under the following circumstances:

- **Strategic Buyout Program.** If the MHU property owner voluntarily sells the site (i.e., land) housing an MHU structure, or sells the real property MHU (i.e., site and affixed MHU structure) under the Strategic Buyout Program, any tenant occupant will require permanent relocation.

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 described in section 2.8 (including the provision of one to three comparable replacement housing dwellings, etc.) and relocation assistance (coverage of actual or fixed moving expense, utility connection expenses, replacement housing payments, etc.) as described in section 2.21.

- **Homeowner Recovery Program.** If the MHU property owner participates in the rehabilitation, elevation, or replacement of the MHU (including with either an MHU or modular unit) that is occupied by a tenant, the tenant occupant may be required to temporarily or permanently relocate.

If the tenant rents the land and the structure, or just all or part of the structure, and meets URA eligibility criteria, the tenant will be entitled to temporary relocation advisory services and benefits including referral to temporary housing, reimbursement for moving expenses from the site and to return to the site; storage expense, if applicable; increased housing cost payments, if applicable; utility connection services to and from the displacement dwelling.

If the return to the original site is infeasible because of the revision in unit size, changes in tenant household composition, or other reason, or if temporary relocation exceeds twelve months, the tenant shall be offered permanent relocation assistance under URA.

DCCED does not involuntarily displace MHU owners and does not move MHU structures, purchase replacement sites for MHUs, or provide infrastructure utilities for MHUs at replacement housing sites.

## 3.13 Advances, Claims and Payments

### 3.13.1 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 C.F.R. 24.207(c), DCCED may make advance payment for the following relocation-related expenses:

- 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 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 eligible 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. "Timely manner" is defined as those timeframes indicated in the URA notices and letters issued by the DCCED program. All requests for advance payments must be approved by the DCCED Chief Recovery Officer or designee.

Advances for costs that are reimbursable to the tenant (such as rental security or utility service deposits) must ultimately be covered by the tenant. The DCCED program may advance costs that are reimbursable to the tenant. However, DCCED must recover these costs. Supporting documentation (such as receipts or Lease) must be provided to DCCED for the cost of the advance. The amount of any advance payment will be deducted from the final total payments due to the tenant from anticipated relocation expense reimbursements, and/or replacement housing payments or down payment assistance. Before an advance payment is made, tenants will be required to execute a form that indicates that the tenant approves the deduction of any advance payments from total relocation benefits anticipated to be due to them. Further, should the total amount of the advance payment(s) exceed the amount of the benefits expected to be due to the tenant, the tenant must certify that they agree to repay DCCED for any outstanding amount or difference by a certain date for any advance payment being made.

In order to ensure that the advance payments accomplish the objective, payments will be made directly to the provider of the service needed by the tenant. For example, if a rental deposit is needed, the payment shall be made directly to the landlord/property owner of the rental property being rented by the tenant. In such cases, tenants will be required to execute an *Assignment of Payment Form* so that payment may be made to the third party.

### 3.13.2 Requirements for Filing a Claim

Any cost that will be reimbursed to the tenant must be pre-approved by the DCCED program. Quotes obtained by URA Specialists will meet the pre-approval requirement. Any claim for a relocation payment must be supported by such documentation as may be reasonably required to support expenses incurred, such as receipts, bills, certified prices, appraisals, or other evidence of such expenses. URA 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. Claim forms must be approved by DCCED Chief Recovery Officer or designee in order to be processed. Whenever possible, payment will be made by direct deposit.

### 3.13.3 Deadline for Filing a Claim

Relocation assistance claims must be filed with DCCED no later than 18 months after the date the tenant was

displaced. On a case-by-case basis, for good cause, DCCED may extend any time limit specified for: (1) The filing of a claim or (2) occupying a replacement dwelling in order to qualify for a replacement housing payment. DCCED will document the basis for denying a person's request for an extension of such time limits and provide the determination in writing to the person requesting the extension and how to appeal the determination.

### 3.13.4 Notice of Denial of Claim

If DCCED disapproves of 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.

### 3.13.5 Claim Forms for Permanent Relocation Assistance

Based upon documentation provided by the tenant, the URA specialist should assist a displaced person in preparing the following claim forms for assistance. After the forms are prepared, the Certification of Legal Residency in the United States must be completed by the tenant and then the form must be signed by 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 URA specialist, including but not limited to:

- *Electronic Payment Request Form for the tenant, if applicable*
- *Relocation Subrogation Disclosure and Assignment Agreement (must be signed by the tenant)*

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 Tenant Self-Certification of Rental Property; or*
- *Disclosure Statement showing the purchase price of the replacement dwelling or Deed.*

In addition, for rental assistance, documentation 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.

In addition to the claim forms for assistance, the tenant will also need to complete and sign the *Controller Electronic Payment Request Form* (if feasible) for DCCED to directly deposit the relocation funds into the tenant's bank account. A W-9 must be completed and signed by the displaced person and/or the landlord in order to receive payments. Vendors that provide URA-related services through DCCED, or another vendor, will also be required to complete a W-9.

If payment to a third party is needed, the *Assignment of Payment Form* is required to be completed and signed by the tenant. This form authorizes the program to make payments directly to a person or third party vendor, instead of the tenant being relocated. For permanent relocation, any advanced security deposit costs will be made directly to the landlord of the replacement dwelling unit. For temporary relocation, any costs for security deposits or rental payments for increased costs will be made directly to the landlord of the temporary dwelling unit. Advance payments may be made directly to third parties such as landlords, moving companies, etc.

All supporting documents needed to support the amounts being requested on HUD Claim forms must be submitted as part of the request for payment and signed by the displaced person. Supporting documents may be

receipts for reimbursement to the property owner or tenant, and invoices for payment of moving costs, third-party vendors, and provider of relocation services.

### 3.13.6 Expeditious Payment

DCCED will review claims in an expeditious manner. The claimant shall be promptly notified as to any additional documentation that is required to support the claim. Payment for a claim will be made as soon as feasible following receipt of sufficient documentation to support the claim.

### 3.13.7 Payment Based on Percentage of Lawfully Present Household Members

URA payments will be based on the number of lawfully present household members. For example, if three out of the four household members are lawfully present but one member is not, the total payments under URA will be 75% of the total as 75% of the household meets the lawfully present requirement, unless such a payment reduction would constitute an exceptional an extremely unusual hardship to one or more household members.

## 3.14 Disbursing Rental Assistance

### 3.14.1 Manner of Disbursing Rental Assistance

Relocation assistance payments for residential tenants who are displaced for HUD projects are subject to 42 USC Sec. 3537c and must be disbursed in installments, except that lump sum payments may be made to cover:

- (1) a housing assistance payment when it qualifies as a housing of last resort payment;
- (2) moving expenses;
- (3) a down payment on the purchase of replacement housing, or incidental expenses related to (2) or (3).

Whenever the payment is made in installments, the full amount of the approved payment shall be disbursed in regular installments, whether or not there is any later change in the person's income or rent, or in the condition or location of the person's housing. Therefore, if the tenant moves during the 42-month period, the rental assistance payment will not be revised but will remain the same as the original calculation.

### 3.14.2 Installment Payments for Replacement Housing Payments (RHP)

The replacement housing payments will be made directly to the displaced tenant. In accordance with URA regulations, replacement housing payments are calculated for a 42-month period. The full amount of the approved payment will be disbursed in regular installments, whether or not there is any later change in the tenant's income or rent or in the condition or location of the tenant's housing. Therefore, in accordance with HUD policy, DCCED's installment payment policy is as follows:

- For RHP claims with a total due of over \$500 – Will be paid in three (3) installment payments every eight (8) months.
- For claims with a total of over \$500 and below – Will be paid in two (2) installments with no less than a four-month interval between payments.

### 3.14.3 Replacement Housing Payment for Housing of Last Resort

To ensure that a displaced person is not unduly burdened financially, DCCED is required to provide additional cash or alternative assistance under the Housing of Last Resort regulations, which allow DCCED to exceed the statutory limits of assistance. For ease of administration and record keeping, and to ensure that all assistance is made expeditiously to the displaced household, DCCED will provide a lump sum payment for any replacement housing payment amount that qualifies as a last resort payment. All last resort payments must be approved by the DCCED Chief Recovery Officer or designee to be processed.

#### 3.14.4 Deductions From Relocation Payments

DCCED will deduct the amount of any advance relocation payment from the relocation payment(s) to which a displaced person is otherwise entitled. However, DCCED will not withhold any part of a relocation payment to a displaced person to satisfy an obligation to any other creditor.

#### 3.14.5 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 as the total rental assistance payment, minus any portion of the rental assistance that has already been disbursed. The entire purchase assistance payment must be applied, at closing, to the purchase of a decent, safe, and sanitary replacement dwelling. (NOTE: In the event the displaced person purchases a decent, safe, and sanitary replacement prior to converting his/her rental assistance payment to purchase assistance, the entire amount must be used to reduce the outstanding mortgage balance.)

#### 3.14.6 Payment after Death

A replacement housing payment is personal to the displaced person and upon his or her death the undisbursed portion of any such 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

#### 3.14.7 Tenant Acknowledgement of Relocation Payments

Once the final payment request has been submitted, the URA specialist should prepare a *Relocation Assistance Acknowledgement Form* that lists all relocation expense payments and the total of those payments. Program staff will upload the signed form into the system of record to facilitate case closeout.

### 3.15 System of Record

URA specialists will track and record all tenant files, relocation payments, notices, supporting documentation, and actions in the designated system of record used by the applicable DCCED program.

### 3.16 Tenant Appeals

All tenants will have an opportunity to file an appeal in accordance with the URA regulations at 49 C.F.R. § 24.10 and the DCCED Appeals Policy. Information on how to submit an appeal will be included in the required URA written notifications. For tenants with potential communication barriers, including limited English proficiency, or who otherwise require reasonable accommodation in preparing an appeal, the DCCED program shall provide such assistance directly or through an appropriate third party at no cost to the tenant. Tenants will be provided with a copy of the DCCED Appeal Procedures during their intake interview. DCCED Appeal Procedures will also be mailed to tenants as an enclosure to any appealable determination.

### 3.17 Prevention of Fraud, Waste and Mismanagement

DCCED 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 mismanagement. Fraud generally involves deception through the misrepresentation or omission of material facts for the purpose of illegitimate gain. DCCED programs are monitored for compliance with the FWA Policy, and are held to the principles, monitoring, and internal control policies and procedures as provided in DCCED's Policy. The FWA policy to prevent or identify fraud, waste and abuse is implemented through programmatic checks and tasks, including but not limited to the following:

- Tenant Identification check;
- Required government-issued documentation to determine tenant identity;
- Certification requirement to meet lawfully present eligibility criteria;
- DOB analyses;
- Conducting third-party verification of disaster assistance, to ensure that the CDBG-DR and/or CDBG-MIT funding is not provided twice for the same activity as that would be a duplication of assistance already provided;
- Instances of fraud will be reported to the proper authorities including the HUD Office of the Regional Inspector General;

Notices to program applicants and potential URA recipients regarding benefits and payments will carry this warning statement as required by regulations:

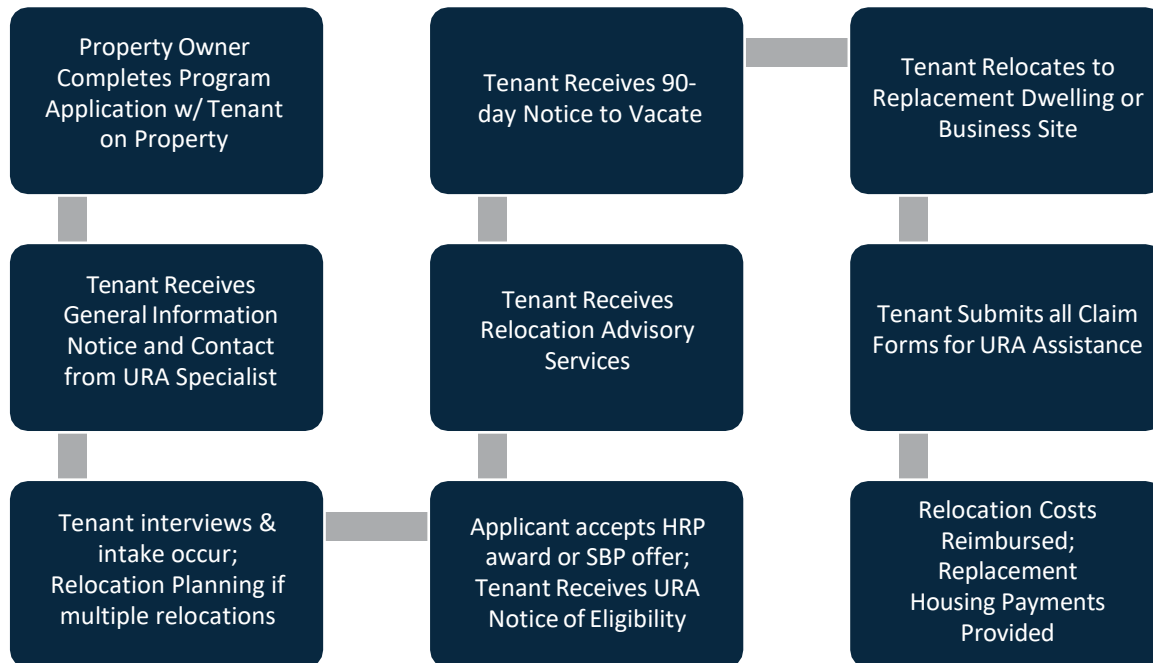
*Warning: Any person who knowingly makes a false claim or statement to HUD may be subject to civil or criminal penalties under 18 U.S.C. 287, 1001 and 31 U.S.C. 3729.*

## 4 PERMANENT RELOCATION PROCESS FOR DCCED PROGRAMS

DCCED expects that permanent relocation will be performed under its Strategic Buyout Program. It is also likely that the Homeowner Recovery Program will result in the permanent displacement of tenants when a homeowner receives a reconstruction award that results in a reduction of housing size, and possible that the temporarily relocated tenants could become permanently relocated if the relocation timeframe extends beyond twelve months.

Permanent residential relocation involves the following basic activities for all DCCED programs illustrated in Figure 3, below.

Figure 3: Overview of the Permanent Relocation Process



When an applicant completes a DCCED application, they are required to disclose whether there are tenants occupying their property. Once a complete application is received (as verified by the program) or DCCED becomes aware of a tenant, the URA team will issue a GIN and contact the tenant to make an appointment or begin the intake process. The applicant will also be provided with a copy of all documents issued to tenants so that all parties are informed through the relocation process.

Upon application, landlord applicants will be provided with a *Landlord Fact Sheet* that explains their responsibilities. If the applicant owner owns a vacant rental unit, the landlord must provide a Move-In Notice to any prospective tenant who is interested in occupying the property prior to executing a lease.

During the tenant intake process, the URA specialist will gather information from the tenant needed to inform their eligibility and the relocation assistance needed. The URA specialist will find out what size unit the household needs, where the tenants work, and other relevant information that will assist the URA specialist in finding comparable replacement dwellings and collecting data for the replacement housing payment analysis and to inform the eventual NOE to be sent. The URA specialist will also collect demographic and income information on the displaced household. During the interview, the URA specialist will collect eligibility information on the tenant household to determine whether the household meets the lawful occupant and lawfully present eligibility criteria.

As it relates to the Strategic Buyout Program, once all property owners of a property accept the Program's Initial Offer Package, the Program has effectively committed to acquiring the property and any tenant residing on that property will be notified by DCCED that they are eligible for URA relocation assistance under URA by providing the tenant with a *Notice of Eligibility* (NOE). This notice is either combined with or is followed by the provision of the *90-Day Notice to Vacate* form.

For the Homeowner Recovery Program, if DCCED determines that the home must be reconstructed, then any tenants residing in the home will likely be permanently displaced since the replacement home must be sized to the applicant household. Once the reconstruction award is accepted by the applicant via execution of a grant

agreement, DCCED will notify tenants that they are eligible for URA relocation assistance under URA by providing the tenant with a *Notice of Eligibility* (NOE). This notice is either combined with or is followed by the provision of the *90-Day Notice to Vacate* form.

Prior to issuance of the NOE, the URA specialist will begin the groundwork for locating comparable units for the tenant to view (see section 2.10). The 90-day period to vacate cannot begin until the tenant is offered at least one comparable replacement dwelling. The URA specialist will ensure that the comparable unit(s) are inspected and determined to be decent, safe, and sanitary. If possible, the inspection will occur before the tenant views the dwelling, and before they occupy the dwelling. If the dwelling does not meet the DSS standards and there is sufficient time for upgrade or repairs, the unit may be inspected again to determine if it will pass the DSS inspection. If there is insufficient time for repair or upgrade, another comparable dwelling must be found.

During this period, once a unit(s) is identified, the URA specialist will also calculate the rental assistance payment (or down payment). Further, the URA specialist will inform the tenant of the reimbursement process for moving and related expenses, including utility connections.

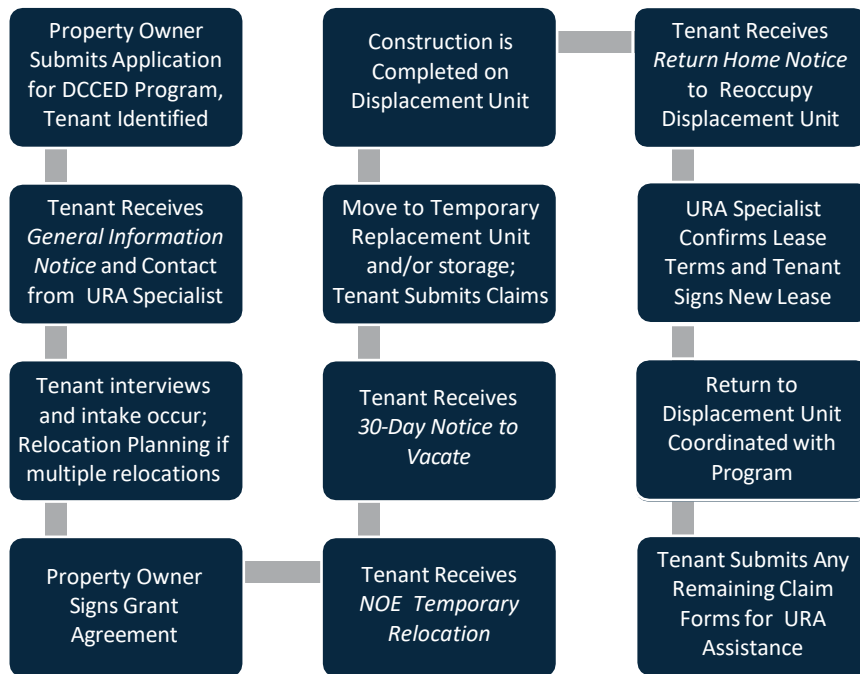
Once the tenant receives an NOE, they may incur relocation costs that are reasonable, necessary, and eligible under URA and within the limits provided in their NOE. Permanent relocation assistance payments are provided to a tenant in 2 to 3 installments depending on total assistance amount, and on a schedule established by DCCED. Depending on the method of moving selected by the tenant, moving costs may be included in the installment payments, or require that the tenant completes a claim form to submit to DCCED along with supporting documentation for reimbursement. As part of the payment process, DCCED will require that the tenant certify they still reside in the DSS-inspected unit. If they have moved, then no further payments will be made until the new unit passes a DSS inspection.

If the applicant withdraws their application voluntarily or involuntarily, or does not accept the program's Initial Offer, the tenant will be sent a *Notice of Non-Displacement*, indicating that they are not entitled to URA relocation benefits because they will not be displaced by program activities. Recognizing that tenants may have already made arrangements to move (including signing a new lease) by the time they receive the *Notice of Non-Displacement*, DCCED will review tenant circumstances on a case-by-case basis. In cases where the tenant has made critical arrangements to move and the *Notice of Non-Displacement* is provided late within the 90-day period to vacate, DCCED may decide to provide URA services and benefits to such tenants.

## 5 TEMPORARY RELOCATION PROCESS FOR DCCED PROGRAMS

DCCED programs will provide temporary relocation as stipulated in the *HUD Handbook 1378: Tenant Assistance, Relocation and Real Property Acquisition*, except where the Handbook conflicts with the June 2024 updates to URA regulations related to temporary relocation, as applicable. Temporary relocation involves the following basic activities under temporary DCCED programs, such as the Homeowner Recovery Program (HRP), illustrated in Figure 4 below.

Figure 4: Overview of the Temporary Relocation Process



Eligible tenants residing in properties participating in HRP that involve reconstruction, replacement or rehabilitation (including elevation) will receive temporary relocation assistance if they must move only temporarily (less than 12 months) and are able to return to the property under similar terms.

The temporary relocation housing choices available to tenants will be based on the anticipated length of temporary relocation, scope of work for the property undergoing DCCED funded activities, housing availability in the area, and the tenants’ 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, or other arrangements approved of by DCCED. For short-term relocations (90 days or less), hotels or living with family or friends may be the most feasible housing options. On the other hand, longer-term relocations that are anticipated to be more than 90 days but less than a year will likely find a traditional rental housing unit or living arrangement with family and friends more suitable. The determination of the feasibility surrounding housing options will be made solely by the program.

Regardless of the circumstances regarding the temporary relocation, URA specialists will work to identify at least one (1) temporary dwelling that will be available for the tenant household. All temporary units must pass a decent, safe, and sanitary (DSS) inspection. Tenants are also free to propose any known housing they believe is available to them and meets their needs for consideration by DCCED. Given the common lease terms expected for rental housing and the Program’s need for flexibility under temporary relocation, DCCED, will seek to balance cost reasonableness of rental costs when compared to Fair Market Rent versus the flexibility afforded by different types of temporary dwellings (hotels, short-term rental services, vacation homes, etc) in approving acceptable temporary replacement housing.

### 5.1 Timeframes for Temporary Relocation

Tenants will be given a thirty (30) day advance written notice to vacate prior to the required relocation date. The tenant’s URA specialist will provide relocation advisory services to facilitate this relocation.

The length of time for the temporary relocation will be determined by the HRP expected scope of work and will be communicated to the tenant for planning purposes and coordination of their move. If a tenant's temporary relocation exceeds twelve (12) months, the URA specialist will contact the tenant to offer permanent relocation assistance. Such tenants may be given the opportunity to choose to remain temporarily relocated for an agreed period (based on new information about when they can return to the displacement unit), choose to permanently relocate to the unit which has been their temporary unit, if feasible, or choose to permanently relocate elsewhere with URA assistance.

All temporarily displaced households will be notified in writing regarding returning to their unit once the unit is confirmed to have passed an DCCED final inspection for the repaired, rehabilitated, or reconstructed unit. Once the final inspection has been passed, the URA specialist will notify the tenant that they can return home with a *Return Home Notice* giving the displaced household a thirty (30) day notice to move and re-occupy the rehabilitated/reconstructed unit. If the tenant fails to either re-occupy the unit or notify the program of their intention to re-occupy the unit within thirty (30) days, the landlord may market the unit to the public.

This timeframe to return home will generally coincide with the terms of the lease at the temporary unit, if applicable. A 30-day notice to return to the original dwelling will be provided, however tenants may return sooner if they desire, and if allowable under the lease terms of the temporary relocation dwelling. In addition, it is the responsibility of the tenant to move within the allotted timeframes, clean the temporary unit, and return all keys to the landlord. The program will not be responsible for additional rental payments or penalties if the tenant fails to vacate the temporary unit in the time allotted or fails to abide by other lease terms. The program will not reimburse the tenant for any deposits such as security deposits or deposits for utility services that are slated to be reimbursed to the tenant.

If the timeframe for a temporary relocation is extended due to the failure of the contractor to complete the work within the prescribed timeframe, the program will advise the tenant and work with the landlord at the temporary unit to extend the lease or rental agreement and pay for additional costs.

## 5.2 Friends and Family Rental Agreement

The tenant may propose to relocate to a dwelling owned or rented by family or a friend, instead of relocating to a location identified by the program. In general, this option is allowable, however rental payments and reimbursements are required to be reasonable and consistent with the guidelines in this manual. In order to be approved by the program, the Friends and Family housing must meet decent, safe and sanitary (DSS) standards. To ensure such standards, DCCED is required to inspect the selected home to determine that it is decent, safe and sanitary before approving the relocation. All reasonable qualified out-of-pocket expenses incurred in connection with the temporary relocation, such as moving expenses and increased housing costs, shall be reimbursed to the tenant. However, a signed agreement between the tenant and the landlord/family/friend must be submitted to the program for this arrangement to be eligible for reimbursement. It should be noted that reimbursement for rent at the relocation unit will only be made if this is an increased cost over the rent at the displacement unit. In addition, if this relocation option is selected as a temporary relocation dwelling, the rental assistance payment will be no more than one-half of the fair market rent for the area in which the unit is located. If this relocation is selected as a permanent relocation option dwelling, the relocation assistance will be based on applicable URA requirements comparable replacement housing and assistance payment caps.

## 5.3 Tenant Rent Payment Responsibilities

If a tenant is required to move temporarily due to their dwelling undergoing rehabilitation or reconstruction by a DCCED program, the program will cover any increased cost for occupying the temporary relocation dwelling. If

the tenant is required by the landlord of the displacement dwelling to continue to pay rent under an active lease, the Program will cover any increased cost incurred by the tenant for the temporary replacement unit. If the tenant is not required to pay rent during DCCED funded construction activities at the displacement dwelling, then the Program will cover only any difference between the cost displacement dwelling at that of the temporary replacement dwelling.

#### 5.4 Return Notices and Post-Relocation Lease

Once a completion date for the displacement dwelling has been established, the URA specialist will provide a *Return Home Notice* for the tenant notifying them that they will be able to return to the unit and specifying the date by which they must return in order to be covered by URA protections regarding rent increases. In addition, the URA specialist will contact the landlord of the displacement dwelling and request the submittal of a post-relocation lease for review and distribution to the tenant. If possible, a copy of the post relocation lease will be provided to the tenant to review and execute at least 30 days in advance of their return to a displacement unit (tenant will sign a receipt of the lease).

Prior to providing the “post relocation lease” to the tenant, the URA specialist must compare the displacement dwelling lease with the post-relocation lease to ensure that the terms are consistent and reasonable, that the rent was not increased, and that the lease is effective for a minimum of one (1) year from the return home date. Once the lease has been reviewed and properly executed, the Return Home Notice, post-relocation lease, and tenant acknowledgment of these documents should be uploaded into the system of record. If the terms do not comply with URA temporary relocation requirements and this Policy, the program will offer permanent relocation benefits to the tenant.

#### 5.5 Temporary Relocation Payment General Guidance

Temporary relocation payments are provided on a reimbursement basis, and include reimbursement for all reasonable and necessary out-of-pocket expenses related to the move to and from the temporary replacement location that are eligible under URA regulations. All costs must be pre-approved by the program in order to be fully reimbursed. There is no limit on the reimbursable costs for all reasonable and necessary out-of-pocket expenses that are related to the temporary relocation and are eligible under URA.

Any claim for a relocation payment must be supported by such documentation as may be reasonably required to support expenses incurred, such as bills, certified prices, appraisals, or other evidence of such expenses. URA specialists will assist temporarily relocated persons with the completion and filing of any required claims for payment.

#### 5.6 Claims For Temporary Relocation Costs

After the tenant moves back to the permanent dwelling and all utilities are restored (or before if all costs are known), the URA Specialist in consultation with the tenant, will complete HUD form 40030 - *Claim for Temporary Relocation Expenses (Residential Moves)*. If an advance(s) was received for the relocation, it will be noted on the HUD form (see section 2.23 for more information on advances). Claim forms must be approved by the Chief Recovery Officer or designee in order to be processed. Whenever possible, payment will be made by direct deposit.

After all payments are received by the tenant, the URA specialist prepares the *URA Payment Acknowledgement Form* and obtains the tenant’s signature. All properly executed and acknowledged notices, forms and signed receipts will be uploaded into the designated DCCED system of record.

## 6 RESPONSIBILITIES FOR DCCED, APPLICANTS, AND TENANTS

### 6.1 DCCED Responsibilities

DCCED programs that trigger URA or HUD relocation requirements, must ensure all the required activities to notify, provide advisory services, and provide payments to displaced tenants throughout the relocation process are completed and documented in compliance with URA and HUD requirements. DCCED programs will plan accordingly to ensure that adequate time, funding and staffing are available to carry out these responsibilities. DCCED will oversee URA specialists assigned to support displaced persons and ensure they are trained and informed on all URA requirements and applicable program policies and procedures. DCCED will maintain a system of record that manages all URA activities and documentation that will be used by URA specialists and the Program. DCCED must ensure that no person involuntarily displaced by CDBG-DR or CDBG-MIT funded program activities is discriminated against. All displaced persons shall be equally provided information, counseling, referrals, and relocation services in accordance with Fair Housing Act requirements and Section 504 requirements related to accessibility for persons with disabilities.

### 6.2 Property Owner Responsibilities for All Programs

For the purposes of meeting relocation requirements, any property owner who rents out space, whether an apartment, house, or even a room is considered a “landlord.” Information, notices, and forms for landlords, tenants, and the responsibilities of landlords are described in section 2.7 of this Policy. Once the program is aware of the presence of a tenant after the landlord has submitted an application to a DCCED program, the program will issue the appropriate notices, and coordinate with the landlord as needed. If the landlord is a DCCED Program applicant, they may not evict a tenant from the property without following local law and regulation applicable to evictions, nor without consulting with the Program. Failure to follow URA requirements could jeopardize their Program award.

If a tenant has moved prior to receiving a GIN with delivery certification, or after receiving a NOE without receiving the URA relocation assistance to which they are entitled, the landlord will assist DCCED as requested to locate the missing tenant and offer them the applicable URA assistance. If the missing tenant cannot be located or contacted after a diligent effort, DCCED will have the landlord certify in writing that they did not coerce the tenant to vacate the property.

### 6.3 Tenant Responsibilities for All Programs

Tenants are potentially eligible for relocation services when the property they occupy becomes eligible for CDBG-DR or CDBG-MIT funded activity that will require the tenant to leave the property for either a temporary or permanent period of time. Tenants will be required to sign and submit certain forms throughout the relocation process. The required forms are shown below in Table 5 however forms may be modified over time and/or deleted, or additional forms may be required.

Table 5: DCCED Forms that Require Tenant Completion and Submission for Relocation (as applicable)

Permanent Relocation	Temporary Relocation
<p><b>Tenant Forms:</b></p> <ul style="list-style-type: none"> <li>• Intake Interview Form</li> <li>• Tenant Certification of Lawful Presence in the United States</li> <li>• Tenant Right of Entry Permit</li> <li>• Tenant Consent to Release Utility Usage Form</li> <li>• Tenant Income Certification Form</li> <li>• Tenant Communication Designee Form (if applicable)</li> <li>• Tenant Consent to Release Information Form</li> <li>• Same Name Affidavit (if applicable)</li> <li>• Self-Certification of Tenancy (if applicable)</li> <li>• Tenant Certification and Acknowledgement of URA Responsibilities</li> <li>• URA Payment Acknowledgement Form</li> <li>• Acknowledgement of Move-In Notice Form, if applicable</li> <li>• Residential Claim for Moving and Related Expenses (HUD Form 40054)</li> <li>• Claim for Rental Assistance or Down-Payment Assistance (HUD Form 40058)</li> <li>• Assignment of Payment Form (if applicable)</li> <li>• ACH Transfer Form</li> <li>• Tenant Voluntary Opt-out for Permanent URA Assistance</li> </ul>	<p><b>Tenant Forms:</b></p> <ul style="list-style-type: none"> <li>• Intake Interview Form</li> <li>• Tenant Certification of Lawful Presence in the United States</li> <li>• Tenant Right of Entry Permit</li> <li>• Tenant Consent to Release Utility Usage Form</li> <li>• Tenant Income Certification Form</li> <li>• Tenant Communication Designee Form (if applicable)</li> <li>• Tenant Consent to Release Information Form</li> <li>• Tenant URA Option Form</li> <li>• Tenant File Request Form</li> <li>• Same Name Affidavit (if applicable)</li> <li>• Hotel Tenant Agreement</li> <li>• Tenant COVID-19 Inspection Waiver</li> <li>• Tenant Certification and Acknowledgement of URA Responsibilities</li> <li>• Claim for Temporary Relocation Expenses (Residential Moves) (HUD Form 40030)</li> <li>• URA Payment Acknowledgement Form</li> <li>• Acknowledgement of Move-In Notice</li> <li>• Assignment of Payment Form (if applicable)</li> <li>• ACH Transfer Form</li> <li>• Tenant Voluntary Opt-out for Temporary URA Assistance</li> </ul>

Tenants are required to sign a *Tenant Certification and Acknowledgement of URA Responsibilities* form that indicates the activities that the tenant must adhere to during the period of advisory services, that starts with the tenant’s receipt of the GIN. Refusal to sign the form and acknowledge tenant responsibilities may delay the provision of any service, benefits, or payments to the tenant. Basic tenant responsibilities are explained below.

The basic responsibility of tenants is to provide the information needed by the Program in a timely manner and be responsive to communication from the assigned URA specialist in order 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.

DCCED is aware to how disruptive a move may be for a household and will work with tenants to make any required move, whether temporary or permanent, as seamless, and as trouble-free as possible. Frequent communication is often the key to making relocation a smooth process.

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. In hardship situations, such costs may be temporarily advanced. However, if an advance is made for a reimbursable cost, like a security deposit, this amount will be deducted from the amount of funds owed to the tenant for relocation (see section 2.23 on advances for more information).

Tenants must work closely and cooperatively with their URA specialist in order to assure a successful relocation. They must:

- Provide current and accurate contact information to the URA specialist;
- 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;
- Maintain supporting documentation for relocation costs incurred; 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 in writing.

### 6.3.1 Tenant Withdrawal or Refusal of URA Assistance Process (Opt-Out Process)

DCCED will not request or coerce a displaced person to waive his/her rights under the URA. However, tenants who are not interested in receiving relocation payments or services can elect to withdraw or “opt-out” of URA assistance. The displaced person may decide not to file a claim for some or all payments or refuse to execute written documentation required by the program. Alternatively, the tenant may choose to opt-out by completing the relevant DCCED program form. In both cases, the DCCED program will provide the tenant with a description of the specific services and payments (including amounts) that the tenant would be entitled to. The tenant must identify in writing which assistance or payments that they choose not to accept.

In order for the tenant to select this option the tenant must:

- Acknowledge receipt of the *GIN*;
- Acknowledge receipt of advisory services, benefits or forms on the *Relocation Assistance Acknowledgement Form*; and
- Fully understand the amount and type of relocation benefits they are entitled to receive, as documented by their signing of the program’s *Voluntary Opt-Out of URA* form.

## 6.4 Lease Violations

Tenants who violate the terms of their lease agreement, which may cause eviction, will be issued a “*Modified General Information Notice*” (GIN) to notify the tenant that failure to cure their lease violation may result in the loss of relocation assistance.

## 6.5 Tenant Power of Attorney and Designated Representative

Tenants may designate another person to be their advocate, ask questions on their behalf or to make decisions on their behalf. DCCED may require that the tenant provides a signed Power of Attorney, a Designated Representative form, or a Letter of Representation depending upon the level of authority the tenant is giving the designated person. All program and URA staff must check the tenant’s file in the system of record for a POA, Designated Representative, or Letter of Representation form *prior* to discussing the case with any person other than the tenant.

### 6.5.1 Power of Attorney (POA)

Tenants may have circumstances that require an appointment of an individual (agent) as Power of Attorney (POA), which gives another person the authority to act on their behalf in specified or all legal or financial matters. The person receiving the power of attorney (agent) is the "attorney in fact" for the person giving the power. Any tenant or their agent may submit a signed and notarized POA which allows the agent the right to act in the same capacity as the tenant for all actions related to the application.

A POA generally is terminated when the principal dies or becomes incompetent, but the principal can revoke the power of attorney at any time.

### 6.5.2 Tenant Designated Representative

DCCED understands there may be circumstances when a tenant may prefer another individual to be able to assist with obtaining information, status updates, and as a secondary contact.

Each tenant can designate a third party to communicate with the program on their behalf by completing a Tenant Designated Representative Form. This Representative is authorized to receive offers, correspondence, and information, and to provide any information on their behalf required by DCCED. Designated Representatives are not authorized to sign documents or affidavits, nor make decisions on behalf of the tenant unless he or she also has Power of Attorney. A "Letter of Representation" can be provided for applicants represented by Legal Aid or other legal constituent advocacy groups/private lawyers, rather than a communication designee form.

## 6.6 Tenant Communications and Personally Identifiable Information

It is important that all DCCED staff protect the applicant's and tenant's personally identifiable information (PII) and privacy at all times. DCCED is committed to protecting the privacy of all individual stakeholders, including applicants, tenants, the public, and those individuals working on the program. To ensure the safeguarding of PII, all DCCED activities and programs comply with DCCED's *Personally Identifiable Information Policy*.

## 7 PROGRAM-SPECIFIC APPLICATION OF URA

### 7.1 Strategic Buyout Program

#### 7.1.1 Program Description

DCCED has implemented the Strategic Buyout Program (SBP) to provide effective and comprehensive mitigation measures that will protect residents and property from future disaster-related damage. Property owner participation in SBP is voluntary, however displaced tenants in Strategic Buyout properties will be evaluated for their eligibility for relocation assistance under URA.

The waiver of Section 414 of the Stafford Act, option b., will apply to the SBP program. Under option b., URA benefits become available to eligible applicants based on a program's start date when federally funded programs begin, or funds become available one year or more after the Presidentially declared disaster. Therefore, because the federal funds were unavailable and/or the Program had not started for more than one year after the qualifying disaster events, URA benefits for the Strategic Buyout Program are available based on the Program launch date, when the Strategic Buyout Program began taking applications.

#### 7.1.2 URA Requirements

Property owner participation in the Strategic Buyout Program is entirely voluntary. If a written Initial Offer is made to a property owner, the owner will be informed in writing that they may reject the offer and DCCED will take no further action to acquire the property. A property owner who applies to the Strategic Buyout Program may withdraw their application or become ineligible at any time prior to closing. However, any tenant who resides

in a property that is owned by an applicant to SBP may be displaced and therefore may be eligible under the URA. For SBP, ION is defined as the date when the last owner signs the initial Offer to Purchase, after which DCCED is obligated to purchase the property, which triggers the tenant's eligibility for URA services and payments.

### 7.1.3 Program Process and URA Implications

A high-level overview of the Strategic Buyout Program process is available online at that DCCED Comprehensive CDBG-DR website. As soon as it is feasible, the program, in coordination with the assigned URA specialist, shall take the necessary actions to meet the URA requirements for permanent relocation established in this manual.

Whenever the presence of a tenant becomes known to the program (even if discovered after application), SBP is required to provide the tenant information to URA staff. The program must provide information on the tenant household that includes, but is not limited to, names, contact information, and addresses of the tenants. In such cases, both the applicant and tenants will be referred to a URA specialist to ensure they are provided assistance in accordance with this manual.

## 7.2 Homeowner Recovery Program

### 7.2.1 Program Description and URA Implications

At a high level, the Homeowner Recovery Program has an 8-Step Process. Program activities in the Homeowner Recovery Program (HRP) may occur concurrently or occur in a differing order within each step depending on specific applicant circumstances; URA implications are present throughout the 8-Step Process. HRP expects displacement to be minimal under URA because owner participation in HRP is voluntary. However, if there are tenants in an applicant's property, HRP expects to provide those tenants with temporary relocation benefits as provided in this Policy. As soon as it is feasible, the assigned URA specialist shall take the necessary actions to meet the URA requirements for temporary relocation established in this Policy.

### 7.2.2 URA Requirements

The program's main objective is to complete the necessary work to bring a homeowner's primary residence damaged by the recent presidentially declared disasters up to the DSS standards as set forth by HUD, improve resiliency, and, where necessary, to reconstruct damaged homes when repairs are not feasible. The program aims to supplement other funds the homeowner has received to repair or reconstruct their primary residence. Though the program is completely voluntary, in some cases damaged properties may contain tenants. In such cases, the URA requirements established in this manual would directly apply. ION for HRP is defined as the applicant's execution of the Homeowner Grant Agreement, which triggers the tenant's eligibility for temporary relocation services.

### 7.2.3 Program Process and URA Implications

If a tenant-occupied household, or a damaged property containing a rental unit, is identified during the intake process of the HRP, the URA specialist will provide the notices outlined in section 2. Owner-occupant applicants for the Homeowner Recovery Program who identify their property as a duplex, or indicate having tenants at the intake process, or if tenants are discovered later in the HRP process, shall be required to provide information related to all tenants to URA staff. This information shall include, but is not limited to, names, contact information, and addresses of the tenants. The applicant and tenants will be referred to a URA specialist to ensure they are provided assistance in accordance with this manual.

## 8 RECORD RETENTION AND MONITORING

### 8.1 Records Retention

As the administrator and recipient of CDBG-DR and CDBG-MIT funds, DCCED and its agents will follow the records retention rules as stated in 2 CFR 200.333–200.337 and in Alaska law, which require financial records, supporting documents, statistical records applicant records, and all other pertinent records be maintained for six (6) years after closeout of the grant between HUD and DCCED. DCCED 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 six (6) years beyond project closeout.

### 8.2 URA Quality Assurance and Quality Control Reviews

To ensure that URA requirements are met and that program processes are correctly completed and documented in the designated system of record, DCCED will perform periodic quality assurance and quality control reviews at critical program junctures.

### 8.3 Non-Compliance with Requirements

If tenants are identified as being displaced or potentially displaced by DCCED, the URA specialist must proactively address any **non-compliance** as soon as possible by taking appropriate action and fully document program files for issues including, but not limited to, the following:

- Tenants identified as residing in an DCCED assisted unit where temporary relocation was required and did not occur due to the tenant moving out;
- Temporarily relocated tenants identified as not returning to a rehabilitated unit after the DCCED work was completed because they did not timely receive a Return Home Notice;
- 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 DCCED 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 with applicable delivery certification; or
- Tenants who weren't fully informed regarding the benefits they may have been entitled to receive.

## 9 DEFINITIONS AND ACRONYMS

The following words and terms used in this section have the following meanings, unless indicated otherwise. Additional relevant definitions may be found in 49 C.F.R. Part 24 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 tenant must vacate the property and temporarily relocate.

**90-Day Notice to Vacate:** Required by 49 CFR § 24.203(c), a written notification to the displaced tenant of the earliest date by which a tenant must move, which is at least 90 days in advance.

**Acquisition:** The purchase of real property, typically undertaken as a function of the DCCED Strategic Buyout Program. The use of “acquisition” in this document refers to acquisition as an activity as indicated in 49 CFR Parts 24.2, 24.101-105, 24.203 and related regulations. The use of the word acquisition in this document does not refer to the CDBG-DR or CDBG-MIT activity of “Acquisition,” which involves the purchase of disaster-impacted property that may be redeveloped.

**Agency:** Means any entity utilizing Federal funds or Federal assistance for a project or program that acquires real property or displaces a person.

**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 Attorney General; and,
- An alien who is present in the US after the expiration of the period of stay authorized by the US Attorney General 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 the DCCED program.

**Applicant:** Any individual who submits an application for assistance to a DCCED program.

**Appraisal:** 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.

**Area Median Income (AMI):** The median (middle point) household income for an area annually adjusted for household size. HUD estimates median family income annually for each metropolitan area.

**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).

**Buyout:** See Acquisition

**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.

**Community Development Block Grant Mitigation (CDBG-MIT):** A federal program administered by HUD that provides grant funds to assist in areas impacted by recent disasters to “carry out strategic and high-impact activities to mitigate disaster risks and reduce future losses.”

**Comparable Replacement Dwelling:** A functionally equivalent unit to the displacement dwelling, that is available and affordable to the displaced person and meets the definition of decent, safe and sanitary. A full definition of this can be found at 49 C.F.R. § 24.2(a).

**Damaged Property:** The housing unit that was directly damaged by the presidentially declared disaster for which the Applicant has applied for assistance.

**Decent, Safe, and Sanitary Dwelling (DSS):** A dwelling which meets the requirements listed below, or the most stringent of the local housing code, Federal agency regulations, or the agency’s regulations or written policy:

- Be structurally sound, weathertight and in good repair;
- Many local housing and occupancy codes require the abatement of deteriorating paint, including lead-based paint and lead-based paint dust. Where such standards exist, they must be honored; 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 properly 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.

**Demolition:** Clearance and proper disposal of buildings and improvements.

**Displacing Agency:** Any Federal Agency carrying out a program or project, and any State Agency or person carrying out a program or project with Federal financial assistance, which causes a person to be a displaced person.

**Displaced Person:** Any person (family, individual, business or non-profit organization) who permanently or temporarily moves from real property or moves personal property from the real property as a direct result of an acquisition, rehabilitation, or demolition funded in any part by a federally assisted program. A full definition of this, as well as for “Persons not displaced” can be found at 49 C.F.R. § 24.2(a) as well as 24 C.F.R. § 570.606(b)(2) for HUD-funded programs.

**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 HUD definitions related to “Individuals with handicaps” at 24 C.F.R. § 8.3.

**Duplication of Benefits:** Refers to the provision under the Robert T. Stafford Disaster Assistance and Emergency Relief Act (Stafford Act) that prohibits any person, business concern, or other entity from receiving financial assistance from federal disaster funds, or URA relocation benefits, with respect to any part of a loss resulting from a major disaster as to which that person or entity has already received financial assistance under any other program, insurance, or another source.

**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 multi-purpose 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.

**Farm operation:** any activity conducted solely or primarily for the production of one or more agricultural products or commodities, including timber, for sale or home use, and customarily producing such products or commodities in sufficient quantity to be capable of contributing materially to the operator's support.

**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 and contacts DCCED 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):** The initial notice required to be sent to persons who may be permanently or temporarily displaced. This required notice must comply with 49 C.F.R. § 24.203(a), which informs potentially displaced individuals that they may be displaced, covers general URA eligibility requirements and rights of the displaced person, and summarizes URA assistance.

**Head of Household:** The adult member of the family who is the head of the household for the purpose of determining income eligibility, rent, or participation in DCCED Programs, such as the Homeowner Recovery Program, and as outlined in 24 C.F.R. § 5.504.

**Homeowner Recovery Program (HRP):** Collectively refers to all forms of assistance that are available to eligible applicants as part of the DCCED Programs to include (i) Public Housing Earthquake Repair, Seismic/Structural Analysis, and Seismic/Structural Upgrade Program (ii) Local Buyout Program (iii) Homeowner Reimbursement Program (iv) Temporary Relocation Assistance (v) Manufactured Home Repair or Replacement (vi) Local Infrastructure Program (vii) Economic Revitalization

**Household:** For the purpose of the HRP and URA assistance eligibility, a household is defined by all individuals included on an application for HRP assistance, which will inform household income and eligible replacement housing unit size. Any individuals not included in the household are considered tenants who, if displaced by an HRP-funded activity, would be likely eligible for URA relocation assistance as displaced persons. All individuals who reside in the household must be identified prior to commencing program activities to ensure appropriate relocation resources and assistance can be provided to displaced persons.

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

**Increased Cost:** The amount of rent and utility cost that exceeds the amount the tenant previously paid at

their displacement or original dwelling.

**Initiation of Negotiations Date (ION):** For the purpose of the HRP, the ION date is one of the following:

- Whenever the displacement is caused by rehabilitation, demolition, or privately undertaken acquisition of the real property (and there is no related acquisition by a Federal agency or a State agency), the term means the notice to the person that he or she will be displaced by the project or, if there is no notice, the actual move of the person from the property.
- 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.

ION acts as the trigger for issuance of the Notice of Eligibility for Relocation Assistance (“NOE”) or Notice of Non-displacement (“NND”).

**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.

**Live-in Aide:** A live-in aide is a person who resides with an elderly, handicapped, or disabled person who is:

- Essential to the care and well-being of the person, and
- Not obligated for the financial support of the person, and
- Only living in the unit to provide necessary supportive services

**Low-and-Moderate-Income (LMI):** For housing activities, LMI is defined by a household whose total annual gross income does not exceed 80% of Area Median Income (AMI), adjusted for family size. Income verification is determined in accordance with HUD Guidance using income limits published by HUD. The most current income limits, published annually by HUD, are used to verify the income eligibility of each household applying for assistance at the time assistance is provided.

**Mobile Home or Manufactured Home:** Under URA, the term “mobile home” includes manufactured homes and recreational vehicles used as residences. A “manufactured home” means a structure, transportable in one or more sections, which in the traveling mode is 8 body feet or more in width or 40 body feet or more in length or which when erected on-site is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. *See 24 C.F.R. § 3280.2 for full definition*

**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.

**Not Suitable for Rehabilitation:** For the purpose of meeting the HUD waiver for One-for-One (OFO) housing unit replacement requirement, properties meeting one of the following definitions are not suitable for rehabilitation and therefore not subject to OFO replacement:

- Properties with total damages repair costs greater than 50% of fair market value (FMV) based

on the current appraised value (based off of post disaster value).

- The damage threshold excludes asbestos and lead testing and removal/abatement, accessibility costs such as ramps and lifts, and approved change orders.
- Properties with an estimated cost of repair greater than the program cap for rehabilitation (currently \$200,000).
- Properties that have been determined to be not suitable for rehabilitation by order of the local jurisdiction or are unsafe to inspect due to damage to the property.
- Properties located within the FEMA-designated 100-year floodplain that are not currently elevated 2 ft. above base flood elevation (BFE) or 2 ft. above the high-water mark, in accordance with program elevation requirements.
  - Properties located within a Disaster Risk Reduction Area (DRRA) as formally adopted by DCCED, within or outside of the 100-year floodplain must also meet this requirement. DRRA adoption is effective as of the date that the DRRA was finalized by DCCED and approved by DCCED Senior Staff. Applicants who completed construction prior to the effective date of the DRRA, or applicants who are undergoing CDBG-DR funded construction (i.e., the contractor has been issued a notice to proceed) for rehabilitation, reconstruction, or mobile home replacement prior to the date of DRRA adoption are not retroactively affected by the DRRA adoption.

**Not Suitable for Mitigation:** For the purpose of meeting the HUD waiver for One-for-One (OFO) housing unit replacement requirement, properties located in the following delineated areas are considered not suitable for mitigation activities and therefore not subject to OFO replacement:

- Seismic Hazard Zones 4 and 5
- FEMA-designated 100-year (zones...) floodplains
- Tsunami inundation areas
- Avalanche Areas
- Landslide Areas

**Owner of a dwelling:** means a person who is considered to have met the requirement to own a dwelling if the person purchases or holds any of the following interests in real property:

- Fee title, a life estate, a land contract, a 99-year lease, or a lease including any options for extension with at least 50 years to run from the date of acquisition; or
- An interest in a cooperative housing project which includes the right to occupy a dwelling; or
- A contract to purchase any of the interests or estates described in this section; or
- Any other interest, including a partial interest, which in the judgment of the agency warrants consideration as ownership.

**Owner's or Tenant's designated representative:** a representative designated by a property owner or tenant to receive all required notifications and documents from the agency. The owner or tenant must provide the agency a written notification which states that they are designating a representative, provide that person's name and contact information and what if any notices or information, the representative is not authorized to receive.

**Person:** any individual, family, partnership, corporation, or association.

**Program or project:** any activity or series of activities undertaken by a Federal agency or with Federal financial assistance received or anticipated in any phase of an undertaking in accordance with the Federal funding agency guidelines.

**Project owner:** refers to any entity, including but not limited to a government agency, subrecipient, or private developer, who is responsible for the execution of a project that triggers URA requirements and is responsible

for ensuring these requirements are met and documented through the implementation and management of their project.

**Reasonable Accommodation:** any change to a program policy, or physical modification to a structure to accommodate a person's known disability that affords them the opportunity to participate in, and/or enjoy the benefits provided by a federally funded program, facility, or service. DCCED is required to provide requested reasonable accommodations to program participants. Reasonable is generally defined as meeting a known disability related need, not placing an undue financial or administrative burden on the Program, and not causing a fundamental change to the nature of the Program. For structural modifications, reasonable does not include modifications that require alteration or removal of a load bearing structural member. *See 24 C.F.R. Part 8 for additional related information*

**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.

**Reverse Mortgage:** a first mortgage which provides for future payments to the homeowner based on accumulated equity and which a housing creditor is authorized to make under any Federal law or State constitution, law, or regulation. See 12 U.S.C. 1715z-20 for additional information. It is a class of lien generally available to persons 62 years of age or older. Reverse mortgages do not require a monthly mortgage payment and can also be used to access a home's equity. The reverse mortgage becomes due when none of the original borrowers lives in the home, if taxes or insurance become delinquent, or if the property falls into disrepair.

**Review Appraisal:** An appraisal performed qualified professional who meets the requirements of a review appraiser as determined by DCCED, required under 49 C.F.R. § 24.104, and is responsible for reviewing and ensuring that all appraisals of property for the Strategic Buyout Program 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. The HRP is waived from 104(d) relocation assistance requirements per the FRN and instead is allowed to use URA as the sole standard for relocation assistance for CDBG-DR and CDBG-MIT funded activities.

**Small business:** a business having not more than 500 employees working at the site being acquired or displaced by a program or project, which site is the location of economic activity. Sites occupied solely by outdoor advertising signs, displays, or devices do not qualify as a business for purposes of § 24.303 or § 24.304.

**Strategic Buyout Program (SBP):** The DCCED Strategic Buyout Program (SBP) supports the purchase of disaster-impacted properties located in designated areas at risk for future damage to provide effective and comprehensive mitigation measures that will protect residents and property from future disaster-related damage.

**State Agency:** Any department, Agency, or instrumentality of a State or of a political subdivision of a State,

any department, Agency or instrumentality of two or more States or of two or more political subdivisions of a State or States, and any person who has the authority to acquire property by eminent domain under State law.

**Temporary, daily, or emergency shelter (shelter):** any facility, the primary purpose of which is to provide a person with a temporary overnight shelter which does not allow prolonged or guaranteed occupancy. A shelter typically requires the occupants to remove their personal property and themselves from the premises on a daily basis, offers no guarantee of reentry in the evening, and in most cases does not meet the definition of dwelling as used in this part.

**Temporary Relocation:** any relocation of a household or business that allows them to return to the displacement unit at conclusion of Program activities under similar terms for a minimum of one (1) year and which requires relocation from the project site for no more than 12 months.

**Tenant:** A person who has the temporary use and occupancy of property owned by another.

**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 amendments thereto.

**Unit:** Refers to any dwelling, office, warehouse, or other delineated space assigned by lease or other similar instrument to a household or business for their exclusive occupancy and use under local law.

**Unlawful occupant:** a person who occupies without property right, title, or payment of rent, or a person legally evicted, with no legal rights to occupy a property under State law. An agency, at its discretion, may consider such person to be in lawful occupancy for the purpose of determining eligibility for assistance under the Uniform Act.

**URA Specialist:** Any person designated by DCCED or its subrecipients to be responsible for providing required relocation advisory services and other URA-related support to displaced persons on behalf of the Program.

**10 APPENDIX A: ANTI-DISPLACEMENT PLAN**



## APPENDIX B: OCCUPANCY GUIDELINES

DCCED has defined the following occupancy guidelines, which will determine the size of the maximum number of bedrooms in the replacement dwelling. In addition to following these guidelines, any replacement dwelling must meet HUD's decent, safe, and sanitary (DSS) requirements.

- 1 Bedroom (BR) for the head of household and their spouse/partner.
  - Single person families will have one bedroom.
- 1 BR for every child.
- 1 BR for a multi-generational member or other adults.
  - A multigenerational household is one that contains three or more parent-child generations; for example, the householder, child of householder (either biological, stepchild, or adopted child), and grandchildren of householder. A householder with a parent or parent-in-law of the householder and a child of the householder may also be a multigenerational household.
- 1 BR for approved live-in aides.

Generally, no more than two persons are required to occupy a bedroom. Children up to the age of three may share a bedroom with a parent, if the parent so wishes, however a bedroom should be assigned to the child for permanent relocation to avoid overcrowding in the future.

- All children expected to reside in the unit must be counted (e.g., unborn children, children in the process of being adopted, foster children, and children who are subject to a joint custody agreement and live in the unit at least 50% of the time). In addition, the following situations will be considered:
  - Live-in attendants, foster children, and children who are temporarily absent due to placement in a foster home are also counted when determining unit size counted.
  - Adult children on active military duty and permanently institutionalized family members are not included in the bedroom count.

### 10.1.1 EXCEPTIONS OR REASONABLE ACCOMMODATIONS

In determining appropriate unit size, the program may review an exception or consider a reasonable accommodation to its established standards if the program determines that the exception is justified by the age, sex, or relationship of household members or other personal circumstances, or pursuant to a reasonable accommodation consideration for health or disability-related needs.