

**Uniform Relocation Assistance and Real Property Acquisition Policies Act
(Uniform Act/URA)**

49 CFR Part 24 – Final Rule

Executive Summary

(Note: The following represents only a small number of the changes made by the final rule published in the Federal Register on January 4, 2005. For a complete and comprehensive understanding of all changes, please refer to the final rule at <http://a257.g.akamaitech.net/7/257/2422/01jan20051800/edocket.access.gpo.gov/2005/pdf/05-6.pdf>)

Subpart A – General

- *Definitions*: New definitions added for *dwelling site*, *household income*, *mobile home*, and *waiver valuation*. The definition of the term *mobile home* includes both manufactured homes and recreational vehicles used as residences.
- *Comparable Replacement Dwelling*: Eliminates phrase “style of living”; “Financial means” language made consistent with changes in Subpart E regarding base monthly rent for low income persons; added language clarifying that for persons receiving government housing assistance those program requirements relating to the size of the replacement dwelling shall apply.
- *Decent, Safe & Sanitary (DSS)*: Emphasizes application of local housing and occupancy codes as primary source for defining “standard” housing where appropriate. Clarifies need to address physical attributes of replacement housing beyond those dependent on a wheelchair.
- *Displaced Person / Temporary Relocation*: Requires any residential tenant who has been temporarily relocated for a period beyond one year be contacted by the agency and offered all permanent relocation assistance.
- *Initiations of Negotiations (ION)*: Establishes for voluntary acquisitions without recourse to the use of eminent domain, ION does not become effective for purposes of relocation eligibility until there is a written agreement between the Agency and owner to purchase the property. Requires agencies to inform tenant occupants of their potential eligibility for relocation assistance when negotiations are initiated, when and if they become fully eligible, and in the event the purchase will not occur, notifying them that they are no longer eligible for relocation assistance.

Subpart B – Real Property Acquisition

- *Appraisal Waiver:* Increases threshold for appraisal waivers from \$2,500 to \$10,000 with an option for the federal agency funding the project to approve an increase in the amount to a maximum of \$25,000. Appraisal waivers above \$10,000 require offering the property owner the option of requesting an appraisal of the property in lieu of an appraisal waiver.
- *Appraisal Standards:* Terminology changed to “*appraisal requirements*” to avoid confusion with Uniform Standards of Professional Appraisal Practice (USPAP) standards rules. Clarifies performance standards such as USPAP do not directly govern programs covered by the Uniform Act.
- *Scope of Work:* New requirement for scope of work statement in each appraisal. Scope of work replaces former appraisal problem statement and renders obsolete former minimum standards and detailed appraisal requirements.
- *Appraiser Qualifications:* Strengthens qualification requirements for appraisers and review appraisers.

Subpart C – General Relocation Requirements

- *Relocation Planning, Advisory Services and Coordination:* Emphasizes relocation assistance planning and adds personal interview requirements for nonresidential displacements including: 1) Replacement site requirements, 2) Need for outside specialists required for move 3) Early identification and resolution of realty/personal property issues, 4) Estimated time needed to vacate, 5) Anticipated difficulty in locating replacement site, 6) Identification of advanced relocation payments required for the move.
- *Transportation:* Clarifies agencies must offer all residential displaced persons transportation to inspect replacement housing.
- *Eviction for Cause:* Clarifies an eviction related to non-compliance with a requirement to carry out a project (*e.g., failure to move or relocate when instructed, or to cooperate in the relocation process*) does not negate a person’s entitlement to relocation assistance and payments
- *No Waiver of Relocation Assistance:* Prohibits agencies from proposing or requesting a displaced person to waive their rights or entitlements to relocation assistance and benefits provided by the Uniform Act and this regulation.

Subpart D – Payments for Moving and Related Expenses

- *Reorganized for clarity and ease of use.*
- *Types of Moves:* Clarifies types of moves available to residential and nonresidential displaced persons.
- *Residential Self Moves:* Prohibits payment based on the lower of two bids or estimates.
- *Personal Property Only Move:* New category of move for persons required to move personal property only from real property.
- *Low Value/High Bulk:* Reintroduces provision for determining moving payment when personal property is of low value/high bulk.
- *Actual Direct Loss of Tangible Personal Property:* Clarifies method for calculating payments.
- *Searching Expense:* Increases payment from \$1,000 to \$2,500 for nonresidential displacements.
- *Related Nonresidential Eligible Expenses:* Establishes new category of eligible moving expense payments. Provides for reimbursement of actual, reasonable and necessary expenses for some former reestablishment expenses previously limited to the \$10,000 maximum. Eligible expenses include: 1) Connection to nearby utilities from right-of-way to replacement site, 2) Professional services for site suitability determination, 3) Impact fees or one-time assessments for heavy utility usage.
- *Security and Utility Deposits:* Clarifies refundable security and utility deposits are ineligible moving expenses.

Subpart E – Replacement Housing Payments

- *Professional Home Inspection:* Added to list of eligible incidental expenses
- *Rental Assistance Payment for 180 Day Homeowner Occupant:* Provides for a replacement housing payment to exceed \$5,250 for displaced 180 day homeowner occupants (*who elect to rent instead of purchase a replacement dwelling*) if the difference in the estimated market rent of the acquired dwelling and rent for a comparable replacement dwelling support a higher figure. However, the payment may not exceed the amount the person would have received as a housing (*purchase*) supplement.

- *Base Monthly Rental for Replacement Dwelling (30% rule):* Language revised to reflect more closely the statutory requirement that only a low-income displaced person's income be taken into consideration when calculating rental assistance payments for a comparable replacement dwelling. Revision establishes 30% of gross household income standard be applied only to displaced persons who qualify as "low income" under the HUD's Annual Survey of Income Limits.
- *Downpayment Assistance:* Removes language that limited payment to amount ordinarily required for conventional loan financing.
- *Adjustment of Asking Price:* Removes requirement to adjust the asking price of comparable replacement dwellings when computing a homeowner's replacement housing payment.

Subpart F – Mobile Homes

- *Reorganized for clarity and ease of use.*

Subpart G – Certification

- *No change*

Appendix A –

- *Content:* Significant increase in content including detailed explanation of regulatory sections for implementation purposes.

Appendix B -

- *Statistical Report Form:* Simplification of report form and instructions for use.