



RELOCATION MANUAL 2022

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INTRODUCTION

PURPOSE

The Georgia Department of Community Affairs (DCA), on behalf of the Georgia Housing and Finance Authority (GHFA), the state housing agency, requires that all projects that receive a Federal Tax Credit Allocation and/or funded with a HOME loan must ensure that all reasonable steps are taken to minimize the displacement of persons (families, individuals, businesses, and/or nonprofit organizations) as a result of the construction or rehabilitation of the development. This manual explains policies and processes that recipients of Federal and State Tax Credit, Uniform Relocation Act-triggering funds, and program-specific funds, must follow and implement. It is not a substitute for the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act (URA) of 1970 or programs' regulations.

DCA will review applications for compliance with the DCA, IRS, and HUD policies and regulations. DCA, as the direct recipient of HUD funds, is responsible for enforcing compliance on applications with DCA-allocated HUD funding and tax credits. DCA is also responsible for determining the feasibility and analyzing the impact on residents, regardless of funding source. DCA reserves the right to review and monitor compliance for federal funding that DCA did not provide.

While developing an Application and determining feasibility, Applicant must adjust unit income and funding designations to minimize displacement. In determining whether displacement can occur, DCA will review the underwriting and the impact of the proposal on the residents, the affected businesses, nonprofits, and farms, and on the entire community. Any displacement of existing residents is subject to DCA's prior approval. The development's applicable fraction will be adjusted if the Application did not accurately reflect resident eligibility.

If, at any point, DCA's policies are not adhered to, DCA reserves the right to the following actions depending upon the severity and nature of the particular circumstances:

- *Halt relocation until cured;*
- *Delay or Fail threshold review of Application;*
- *Delay delivery of 8609s until issues are resolved;*
- *Incur financial penalties; or*
- *Deem the Applicant ineligible to participate in all DCA programs in one or more future years.*

APPLICABLE REGULATION AND ELIGIBILITY

DCA requires relocation review and assistance for residents and non-residential tenants to all developments with tenants, including businesses, nonprofits, and farms. In addition to assistance the following requirements must be met:

1. Minimize displacement of existing residents and non-residential tenants.
2. Advise them of their legal rights.
3. Provide relocation counseling and assistance.
4. Compensate residents and non-residential tenants in a timely manner for relocation made necessary by such activities. And

5. Residents and non-residential tenants dissatisfied with determinations or benefits have the right to submit grievances for review and appeal determinations.

Federal law protects owners and residents from uncompensated displacement in certain situations. Subrecipients/Developers (from now on, "Applicant"), who intend to receive or accept federal funding (including HOME, NHTF, and CDBG) for acquisition and/or rehabilitation and reconstruction, must follow applicable Federal Guidelines in addition to those outlined by DCA. When more than one regulation applies to a unit, the most stringent one applies. Sections specific to federal funding regulations (such as URA) are depicted with the name of the regulation or program in **bold**.

The Uniform Relocation Assistance and Real Property Acquisition Policies Act (URA) and Section 104(d) are the most common federal guidelines which apply. However, they may not be exclusively applicable. Requirements for program-specific funding (**HOME, NHTF, and CDBG**) and federal funds not allocated by DCA (such as **RAD**) are summarized in the manual, when necessary for purposes of DCA review.

ADVISORY SERVICES

APPLICANT'S RELOCATION SPECIALIST

DCA requires that the Applicant engage a Relocation Specialist to provide the following relocation advisory services to work with Residents and Non-Residential Tenants.

1. To determine the most appropriate relocation/displacement strategy.
2. To understand the Relocation/Displacement Plan and why they must relocate.
3. To understand the benefits/assistance they will receive. And,
4. To understand their protections and rights under DCA and HUD policy as applicable.

Advisory services are encouraged to be done by a third party, such as a nonprofit, advocacy group, relocation specialist, or local government. The entity providing advisory services must have prior experience in face-to-face community engagement among the tenancy served.

The Applicant's Relocation Specialist's resume must be submitted at Application. The resume must show the following:

1. Experience in direct, in-person interactions with Residents and Non-Residential Tenants.
2. History of providing relocation guidance and implementing assistance. And,
3. Relevant certifications and training (such as the Relocation Assistance 500 Series from the International Right of Way Association). For a relocation specialist that is not certified, include completed course descriptions.
 - a. **URA:** Relocation Specialist must have completed all available, applicable modules of URA the HUD Way (www.hudexchange.info/trainings/ura-the-hud-way/).

ADVISORY SERVICES

1. Relocation Plan

- a. Determine the most appropriate relocation/displacement strategy. Write the Relocation Plan and complete the Relocation Displacement Workbook.

2. Claims, Payments, and Grievances

- i. Assist Residents and Non-Residential Tenants in preparing claims.
- ii. Process claims and provide advance payment when needed. And,
- iii. Respond to grievances promptly. Refer Residents and Non-Residential Tenants to DCA.

3. Resident Consultation and Service Administration

a. No Coercion:

Applicants may not request or coerce Residents and Non-Residential Tenants to waive their rights to payments and services. Applicants may only provide incentives to Residents and Non-Residential Tenants who accept relocation assistance if these incentives are in addition to entitled relocation assistance and if it is documented outside of the project budget. Source documentation is required and specifies the lines of communication.

- i. Waiver of Assistance: DCA may accept a written statement from the displaced person that states that they have chosen not to accept some or all of the payments or assistance to which they are entitled.

Any such written statement must include:

- a. A signed copy of the NOE or NND.
 - b. The statement must specifically identify which assistance or payments they have chosen not to accept. The statement must be signed and dated and may not be coerced by the Applicant, Project Team, or any Project Team Participants, including Applicant's Relocation Specialists. And
 - c. Resident and Non-Residential Tenant explanation of why they chose to move.
- ii. **RAD:** No tactics may be employed to pressure Residents and Non-Residential Tenants into relinquishing their right to return or accepting alternative housing options. A Resident's lease may not be terminated due to the resident seeking to exercise their right to return.

b. Non-Responsive Households

If a household that is required to relocate ceases to respond to advisory services and/or notifications prior to the relocation date, the applicant should confirm that the household continues to occupy the property. If so, outreach and notifications continue until the household becomes responsive or can be documented as non-compliant as described below. If the household has already vacated the property, the applicant is responsible for documenting to DCA that the move was voluntary.

Good faith efforts must be made to contact and locate a household that does not readily respond to relocation requests and advisory services. A household is considered non-responsive after:

- i. A minimum of three (3) attempts using the last known contact information that results in no meaningful reply. Attempts should be thirty days or less.
- ii. At least one (1) request to the applicant for updated contact information or other assistance contacting the household that does not produce new information and / response from the household.

c. Non-Compliant Households

Households who fail to cooperate and vacate the property in a timely manner may be subject to allow the relocation activities to continue. In the event a displaced household, as defined in 49 CFR.24.2(a)(9), fails to vacate the assisted property by the established Move Out date, the household may be evicted “for the project” without penalty to the applicant. The household retains their entitlement to relocation assistance and payment, provided a suitable permanent dwelling is occupied, and payment claims are submitted within the required timeframes. Legal fees incurred in the eviction, if any, are not URA eligible expenses.

4. **URA:** See 49 CFR § 24.205(c) - Relocation planning, advisory services, and coordination. This includes an offer to transport all displaced persons to inspect housing to which they are referred.

5. Communicate

- a. Follow required notification and advisory service procedures to minimize the risk that families leave the property because they lack information or are not informed of the project’s relocation plans or their rights. Resident’s and Non-Residential Tenant’s rights should be presented in an easy-to-understand format. Foster communication during the work process through regular notices and regular Residents and Non-Residential Tenants’ meetings. All notices must be delivered in a timely manner. Notices must be personally served with a signature receipt or sent by certified or registered first class mail, return receipt requested. Samples of notices and posters are included on the DCA website under Relocation Forms section. They must be clear and easily understood, as well as translated into all primary languages spoken by Residents and Non-Residential Tenants.
- b. Communication (notices, meetings, schedules) within the required timeframe and interviewing heads of household, ensures Residents and Non-Residential Tenants understand the relocation processes and their rights.

TENANT NOTICE REQUIREMENTS

Applicants are responsible for informing impacted residents and non-residential tenants of their rights, sending the required information and notices, and providing relocation assistance.

All HUD funded and/or related developments must follow all URA Guidance, including communication processes, according to the HUD Manual 1378. DCA is required by HUD to oversee all URA procedures and therefore may request copies of all notices provided to residents.

Resident communication must:

1. Use applicable DCA-provided notice templates or relevant guide form, from HUD Manual 1378.
2. Adjust notices to reflect individual households' needs and assistance.
3. Translate notices (if applicable) to preferred language and reading accommodations.
4. Include the Applicant's Relocation Specialist and/or Applicant contact information (phone, email, and physical address). And,
5. Be personally served with a signature receipt or sent by certified or registered first class mail, return receipt requested.

NOTICES

General Information Notice (GIN)

1. The GIN informs all occupants of a possible project and of their rights under the DCA Relocation Manual and other applicable regulations.
2. This notice advises the household not to move at this time and advises them of the likelihood of potential relocation or displacement.
3. This notice must be provided between the ION Date and at least 15 days before initial submission to DCA of the application for federal funding or assistance.
4. If an Application was previously denied, the GIN must include the following "This is the (ie. Second, third, etc.) application for funding to rehabilitate/redevelop the building in which you live. Please disregard previous notices regarding redevelopment."
5. **URA:** Notice must include HUD's brochure (www.hudexchange.info/programs/relocation/publications/).

Notice of Eligibility (NOE)

1. Notice provided to persons who will be permanently displaced.
2. The NOE must be distributed promptly after the Initiation of Negotiations and more than 90 days before the moving date.
3. This Notice must be specific to the person and their situation so that they will have a clear understanding of the type and amount of payments and/or other assistance they may be entitled to claim. (49 CFR 24.203(b)). The NOE must include the following:
 - a. Must include three options for Comparable Replacement Dwellings.
 - b. The terms of the moving and housing assistance.

- c. The estimated amount of assistance based on the displaced person's individual circumstances and needs.
- d. The procedures for obtaining the assistance. And,
- e. Options to appeal.

Notice of Non-Displacement (NND)

- 1. Notice provided to persons who will be temporarily relocated and not permanently displaced for a project.
- 2. Such persons, however, may be required to move to another unit onsite or offsite temporarily while the property is developed.
- 3. If an accurate and timely NND was provided before a tenant moves and the tenant voluntarily moves before the designated date, the tenant is presumed to be ineligible for relocation assistance. (URA – see HUD Handbook 1378, 1-4(AA)).
- 4. NND must be distributed promptly after the Initiation of Negotiations and more than 60 days before moving date. Notice must include the following:
 - a. The terms of the moving and housing assistance.
 - b. Rent upon return.
 - c. Any projected changes to lease terms at lease renewal.
 - d. Any change in house rules, community standards, and other policies. And,
 - e. Whether tenant will not return to the same unit and if not, specifics about the different Return Housing.

Combined Notice of Eligibility and Notice of Non-Displacement (NOE/NND)

- 1. Notice provided to persons who are temporarily relocated for more than 12 months and are offered displacement assistance.
- 2. Such households have a choice between:
 - a. Temporary relocation for an agreed upon period of time.
 - b. Move permanently to the home the tenant temporarily moved to, if it is available. Or,
 - c. Move permanently to another location that is decent, safe, and sanitary.
- 3. The NOE/NND must include all provisions of an NOE and an NND.
- 4. NOE/NND must be distributed promptly after the Initiation of Negotiations and more than 90 days before the moving date.

90-day Notice

- 1. Notifies tenant of moving date and moving logistics for Permanent Displacement or any Temporary Relocation circumstances.
- 2. Notice must:
 - a. Be distributed more than 90 days before tenants will be required to move.
 - b. Be distributed after, or with, the NOE/NND.
 - c. Include the specific date by which tenants must move or provide an estimate of the date. If the latter, the Notice of Moving Date must be distributed more than 45 days prior to the date tenants must move.
 - d. If not in the NOE, must identify Comparable Replacement Dwelling available for the resident's moving date. Include details in this notice unless provided earlier. And,

- e. Include moving logistics, if move is not a self-move.

Combined NOE and 90-Day Notice

1. Where time to begin work on the project is critical, policy permits an NOE and a 90-Day Notice to be combined into one Notice and issued on or before ION (e.g., where moving tenants before snowfall will enable the project to move forward with roof replacements).
2. All persons must still be provided with a minimum of 90-days’ notice prior to requiring that they move, unless DCA approves otherwise. If URA is triggered, the urgent need provisions in 49 CFR 24.203(c)(4) must also be met.

Notice of Moving Date/30 Day Notice

1. Informs tenants of the specific date by which they must move.
2. Must be provided at least 30 days prior to the date by which tenants must move.

Relocation Poster

1. Within 15 days after award, the Applicant or property manager must post at least:
 - a. One (1) relocation notification poster in the project rental office and one (1) poster in each building clearly visible inside the building entrance.
 - b. These must:
 - i. Remain in place for the duration of the relocation period when residents are living on the property.
 - ii. Be replaced if damaged or destroyed. And,
 - iii. Be at least 11 by 17 inches and a minimum 14-point font or greater to ensure its readability.

Permanent Displacement	Temporary Relocation	Relocation 12 + Months	Non-Residential Tenants
1. GIN 2. Relocation Poster 3. Notice of Relocation Eligibility (NOE) with Comparable Replacement Dwelling form 4. 90-Day Notice 5. Notice of Moving Date/30-Day Notice	1. GIN 2. Relocation Poster 3. Notice of Non-Displacement 4. 90-Day Notice 5. Notice of Moving Date/30-Day Notice	1. GIN 2. Relocation Poster 3. Notice of Non-Displacement 4. 90-Day Notice 5. Notice of Moving Date/30-Day Notice	1. GIN 2. Relocation Poster 3. Notice of Non-Displacement or NOE/NND (if relocation is more than 12 months) 4. 90-Day Notice 5. Notice of Moving Date/30-Day Notice

ADDITIONAL NOTICES – NOT REQUIRED

Notice of No Relocation

If Applicant does not receive award and/or sale of property does not go through, Applicant should provide written notice to residents to inform them of the change and that there will no longer be potential to move.

Move-In Notice

1. Notifies residents and non-residential tenants, that the development may be rehabilitated or demolished and reconstructed and that they will not be eligible for relocation assistance.
2. **URA** only: Written notice provided to a person who is interested in moving into a development after the date an Application for federal assistance was submitted (often referred to as a “subsequent occupant”). If the person is provided with such a Notice (1) before leasing and occupying the property and (2) agrees to occupy the property under the terms of the notice, the person is not eligible for relocation assistance.
3. Non URA Eligible funding sources, do not provide a Move-In Notice.

RAD NOTICES

See HUD Notice H 2016-17 – Section 6.6. Resident Relocation Notification (Notices) – for more detailed information.

RAD Information Notice (RIN)

1. Informs all occupants of a possible project and of their rights under the Relocation Assistance Demonstration (RAD).
2. This Notice is to be provided to residents at the very beginning of the RAD conversion planning process

General Information Notice (49 C.F.R. § 24.203(a))

1. The purpose of the General Information Notice (GIN) is to provide information about URA protections to individuals who may be displaced as a result of federally assisted projects involving acquisition, rehabilitation, or demolition.
2. A GIN provides a general description of the project, the activities planned, and the relocation assistance that may become available.
3. A GIN shall be provided to any person scheduled to be displaced as soon as feasible based on the facts of the situation and may be simultaneous with issuance of the RAD Information Notice.

Notice of Intent to Acquire (49 C.F.R. § 24.203(d))

1. For conversions involving acquisition, the Project Owner (the “acquiring agency”) may provide to residents of the Converting Project a Notice of Intent to Acquire (NOIA).
2. The NOIA may be provided no earlier than 90 days prior to the PHA’s reasonable estimate of the date of submission of a complete Financing Plan.
3. While eligibility for URA relocation assistance is generally effective on the effective date of the ION date, a prior issuance of a NOIA establishes a resident’s eligibility

for relocation assistance and payments on the date of issuance of the NOIA and prior to the ION date.

RAD Notice of Relocation

1. If a resident will be relocated to facilitate the RAD conversion, the PHA shall provide written notice of such relocation by means of a RAD Notice of Relocation. A RAD Notice of Relocation is not required for residents who will not be relocated.
2. Prior to issuance of the RAD Notice of Relocation, PHAs and Project Owners should meet with each resident household to provide preliminary relocation advisory services and to determine their needs and preferences.
3. RAD Notice of Relocation shall provide either:
 - a. 30-days' notice to residents who will be relocated for twelve months or less;
 - i. This notice must also explain the reasonable terms and conditions under which the resident may exercise the right to return to lease and occupy a unit in the Covered Project.
 - b. 90-days' notice to residents who will be relocated for more than twelve months
 - i. This notice must also offer the choice to be temporarily relocated, thereby preserving the resident's right to return, or the choice to be voluntarily permanently relocated pursuant to the procedures set forth in Section 6.10, together with guidance that the resident has at least thirty (30) days to consider the choice.

URA Notice of Relocation Eligibility

1. After a resident has been temporarily relocated for one year, notwithstanding a prior issuance of a RAD Notice of Relocation, the PHA or Project Owner must provide an additional notice: the notice of relocation eligibility in accordance with URA requirements. The URA Notice of Relocation Eligibility is not required if the resident has already accepted permanent relocation assistance.
2. Residents must be informed in writing that their acceptance of voluntary permanent relocation, with the associated assistance, would terminate their right to return to the rehabilitated project.

Notification of Return to the Covered Project

1. With respect to all temporary relocations, the PHA or Project Owner must notify the resident in writing reasonably in advance of the resident's expected return to the Covered Project, informing the resident of the details of the return.
2. Reasonable advance notice shall be 15% of the duration of the resident's temporary relocation or 90 days, whichever is less. For short-term relocations, the PHA or Project Owner may include this information within the RAD Notice of Relocation.

RESIDENT ENGAGEMENT

The Applicant will be required to participate in the following engagement methods. DCA has the discretion to engage Residents as part of the redevelopment process and can choose which methods are applied.

INTERVIEWS

If resident or non-residential tenant is unable to meet in a public space, then arrange a phone call or visit their home or business (if resident/non-residential tenant and relocation specialist are comfortable). These one-on-one meetings need to cover the following:

1. Provide information about the project, the Relocation/Displacement Plan and why they must relocate.
2. Determine the needs and preferences of the Residents and Non-Residential Tenants to be relocated.
3. Obtain basic information regarding household composition and income.
4. Identify potential barriers or challenges to the relocation.
5. State the benefits/assistance which the person may be eligible to receive; and assistance can include referrals to community organizations or other assistance.
6. Their protections and rights under DCA and HUD policy as applicable.

SURVEYS

Distribute a property/redevelopment survey:

1. DCA will provide a standard survey to each Applicant to distribute among all Residents and Non-Residential Tenants at the property.
2. The survey (either paper, electronic, or both), must be distributed (either mailed out, hand-delivered, texted, or emailed) by property managers with return envelopes and stamps.
3. Surveys will also need to be brought to each meeting for Residents and Non-Residential Tenants to take in person if they did not already complete it.
4. DCA and Applicant will receive all results.
5. Residents and Non-Residential Tenants must have the option to organize, advertise, and meet onsite. Property Management/Applicant/Owner must not hinder resident organizing and may not participate unless invited by the organizing Residents.

MEETINGS

Host Engagement Meetings at the Property. When public meetings are held:

1. The meeting room and presentation must be accessible and understandable to all persons in the intended audience, regardless of disability or limited English language proficiency;
2. Residents and Non-Residential Tenants must be given at least 7-day notice for any meeting; and
3. There must be livestream capabilities or access to a recorded video for all in-person meetings.

Before the first meeting, the Applicant will send GIN notice, suggest Residents and Non-Residential Tenants meet with each other privately on their own and discuss ideas they have for the property, concluding with a request for them to attend the first meeting with the Applicant and their Relocation Specialist (see *GIN Notice*).

1. Meetings will guide Residents and Non-Residential Tenants in the redevelopment process. They will be informed of what to expect, if relocation is necessary, and the initial redevelopment plans.
2. First Meeting
 - a. The first meeting must include a poster session. The facilitator must bring large posters for group brainstorming and discussion and bring individual property maps for Residents and Non-Residential Tenants and to mark ideas on.
3. 9% Applications: First meeting must be held within 60 days after award; and
4. 4% Applications: First meeting must be held within 60 days before Application.
5. Between First and Second Meetings
 - a. Applicant must make a genuine effort to incorporate any feasible Resident's and Non-Residential Tenant's recommendations into redevelopment plan and submit changes to DCA.
6. Second Meeting
 - a. Applicant must report back on Resident's and Non-Residential Tenant's suggestions, show changes that were made to plans in accordance with feedback from the first meeting, and what final steps are moving forward. Applicant must explain why suggestions were or were not incorporated.

DCA may require Applicant to incorporate other resident recommendations or adjust budget items to accommodate for certain recommendations they deem feasible.

****COVID Adjustments:** Meetings must have virtual options for COVID-based circumstances. Applicants must follow local and state ordinances regarding COVID 19 safety protocol. In the event no in-person meetings are held, a poster will be displayed in the leasing office or another high traffic community area to allow Residents and Non-Residential Tenants to write their suggestions.

GRIEVANCES

The Applicant must inform residents of their right to submit grievances, such as relocation assistance determinations, to the Owner and directly to DCA. Grievances may be submitted anonymously via the following options. The following must also be included in all notices:

1. Owner and Relocation Specialist email, phone numbers, and mailing address; and
2. DCA:
 - a. Compliance Portal: <http://form.jotform.com/82054715249155>

- b. Email: relocationreview@dca.ga.gov

DCA will confirm receipt of grievance within fifteen (15) business days and will make a determination within thirty (30) days of receiving Owner's response and both parties supporting documentation.

APPEALS

The Owner must inform residents of their right to appeal grievance determinations and provide the appropriate contact information. Residents must be allowed no less than sixty (60) days to file appeals with DCA after receipt of written notification of the Owner's determination. Residents must be permitted to inspect and copy all pertinent material as it relates to their own file and tenancy (to include, but not limited to, any application, lease, written correspondence, lease violation record, etc.), except any document or record which the Owner can show in good faith is classified as confidential. For residents with communication barriers or who otherwise require assistance in preparing an appeal, the Relocation Specialist must provide such assistance directly or through an appropriate third party at no cost to the resident.

All appeals submitted to DCA must include reference to the Pre-Application or Application ID name and location of the development. DCA will confirm receipt of the appeal request within fifteen (15) days. DCA may request additional information from the Owner or the resident requesting appeal at any stage during the review.

DCA will review appeals and make determinations within thirty (30) days of receipt unless the review process demands more time. A copy of DCA's determination will be sent to the Owner and the resident requesting the appeal.

URA and Section 104(d): If DCA is unable to make a determination or if DCA's determination is not deemed satisfactory to the tenant requesting the appeal, DCA will forward the review or appeal and the complete file to the HUD Regional Specialist for determination of eligibility for HUD review. Those determined ineligible for HUD review will be informed of their right to seek judicial review of DCA's decision.

Direct appeals to DCA, by way of the DCA JotForm noted above and in the Notices.

TEMPORARY RELOCATION

For all tax credit developments - the following guidance is not a substitute for the requirements of the Internal Revenue Code (IRC) Section 42.

Less than 12 Months

Sometimes a project may require persons to be displaced from their dwellings for only a short period of time. All Residents are considered temporarily relocated, unless approved for permanent displacement by DCA. Temporarily Relocated Residents are guaranteed to either return to the same unit or another suitable unit onsite. Residents who cannot afford the Return Rent, may be considered Permanently Displaced. Relocation benefits must be made available for all Residents who currently reside in the building unless deemed ineligible.

A resident may choose to remain at the temporary offsite unit. When this occurs, Applicants must submit a Reason for Move Certification for DCA's review. DCA may require the Applicant to pay the rent differential for the remainder of what would have been the relocation term.

See Tenant Notice Requirements in DCA Relocation Manual for a list of the letters relevant to Temporary Relocation that is less than 12 months.

More than 12 Months

LIHTC Only: Temporary Relocation can exceed 12 months, however, the plan must be reviewed and approved by DCA Relocation.

In the event construction takes more time than expected, households must be notified of *all* relocation options:

1. After approval of PCC. And,
2. When pre-leasing starts.

Households that will be temporarily relocated for more than 12 months must be notified of *all* relocation options at the following times:

1. The NOE/NND.
2. At the 12-month mark. And
3. When pre-leasing starts.

URA Only: Residents that will be temporarily relocated for more than 12 months must be *offered* permanent displacement assistance at Notice of Eligibility (URA Handbook 1378, 2-7(C)) or earlier. If the construction of a unit runs longer than planned and a household's relocation will exceed 12 months, the Applicant must notify DCA. DCA may require the Applicant to offer household(s) a choice between permanent relocation assistance or a return to the property. If approved, these households must be given a minimum of 30 days to decide. If the decision is to be permanently displaced (remain at the Temporary Housing/location or a Comparable Replacement home/location), Residents must continue to receive rent differential payments for the period of permanent displacement assistance.

Applicants must maintain compliance with existing program monitoring rules when determining eligibility for existing households.

RESYNDICATION

Resyndication and relocation efforts are naturally associated with each other. DCA expects all developments to enlist the assistance of a Tax Credit Specialist and consultants to ensure the first year documentation and processes are completed accordingly. Tax Credit rules and regulations to consider are:

- Grandfathering of existing residents – See definition section for more information.
- Applicable Income limits:
 - Safe Harbor Income Testing – See definition section for more information
 - Rent limits: Households who are in place as of the date of acquisition may automatically income-qualify for the new credits, but their rent may not be correct and will need to be adjusted to be eligible for tax credits. This is because resyndication establishes a new placed-in-service date for the second set of credits (the date of acquisition). For both residents who are in place at acquisition and who move in afterward, the rent restrictions will be calculated based on the current income limits applicable to the project, or the gross rent floor in-place with the second allocation, whichever is higher.
- Held Harmless and HERA Special Limits: With resyndication comes a new placed-in-service date (which is the acquisition date); therefore, the former placed-in-service date from the original tax credits no longer applies. This means that any previous income limits that were held harmless or HERA Special Limits no longer apply.
- Developments with existing restrictions: LURCs and LURAs remain on the property until the end of their stated term.

IN PLACE REHAB WITH A WAIVER

In-Place Rehab can only occur with DCA waiver approval. The waiver request must be submitted at Pre-Application. If the Lead-Safe Housing Rule is triggered, then a waiver request will not be considered. When pursuing in-place rehabilitations, considerations must be made for the well-being of the current Residents.

Residents must relocate to Temporary Replacement Housing if:

1. Work exceeds an eight-hour day.
2. Work requires packing, moving, or storing belongings.
3. Continued occupancy of the dwelling unit constitutes a danger to the Resident's health or safety and/or if the nature of the construction creates an undue burden or unnecessary hardship. Or,
4. The Residents do not have access to functional kitchen or bathroom facilities.

The following must be conducted to ensure minimal costs and challenges are incurred in the Residents day-to-day activities:

1. Meal allowance/per-diem if unable to use the kitchen, storage of furniture or personal items in secure and sealed area, access to bathrooms if unable to use

facilities in the unit, and other out-of-pocket expenses incurred by the Residents as a result of the rehabilitation.

- a. Meal allowance rates are based on project location. All counties are designated Standard Areas except the following counties which are High Cost: Chatham, Cobb, DeKalb, Fulton, Glynn, and Richmond. And,
 - b. Please confirm price per county at <https://www.gsa.gov/travel/plan-book/per-diem-rates>.
2. A local community room or hospitality suite for day use while repairs are ongoing. There must be at least one suite for every five households with a maximum of eight individuals that would be present in the suite during the regular eight-hour day. The suite must include:
- a. Free Wi-Fi.
 - b. Kitchen with working appliances.
 - c. Full bath. And,
 - d. Transportable indoor amenities that are onsite and unavailable, such as washer/dryer, television, couches, table, chairs, task lighting, games and crafts, computer center equipment, exercise equipment.
3. At the end of the day:
- a. The unit is left clean and free of debris, which is included but is not limited to sweeping, vacuuming, and dusting of exposed surfaces.
 - b. The entire unit must be usable and accessible.
 - c. Residents' belongings are in the same place the resident left them. And,
 - d. Ingress and egress can be safely maintained.
4. A plan to relocate Residents if the rehabilitation work fails to meet DCA-approved timelines and standards.

DISPLACEMENT

The displacement consideration trigger is the earlier of the following:

1. Three months prior to pre-application (or application if no pre-application submitted).
2. Notice of Funding Availability publication.
3. The date the Applicant enters into any written agreement for site control. Site control is defined as the executed agreement between the buyer or lessee and the seller or lessor to purchase or option to purchase or lease the site:
 - a. A warranty deed that conveys title to the subject property to the current General Partner or proposed Limited Partner.
 - b. A legally binding contract to purchase the proposed project site in the name of the General Partner or proposed Limited Partner (or which provides for an executed assignment to the General Partner or proposed Limited Partner). Or,
 - c. A binding long-term ground lease or an option for a binding long-term ground lease, that clearly provides the right for the applicant to execute a

binding agreement upon closing, with a minimum term of forty-five (45) years. All Lessors must execute the required LURC.

4. The date at which the land became intended for federal funds (if applicable).

If the Applicant is unable to establish by regulation a specific action or event that marks the date a project begins for purposes of determining eligibility as a "displaced person" (check with DCA and definition of "initiation of negotiations").

PERMANENT DISPLACEMENT

No displacement can occur without DCA approval of Waiver (Pre-Application Waiver for 9%) or Project Concept Change (PCC).

While developing an application and determining feasibility, Applicant must identify ineligible Residents based on the Eligibility Determination. Applicant must then adjust unit mix and funding designations to minimize displacement. In determining whether displacement can occur, DCA will review the underwriting and the impact of the proposal on the Residents and on the community. Any displacement of existing Residents is subject to DCA's prior approval. The development's applicable fraction will be adjusted if the Application did not accurately reflect resident eligibility.

Over-Income example: In determining unit mix and AMI designations, the Applicant must consider the possible displacement of Residents. If an over-income Resident can occupy a market unit or other AMI designated unit, follow required actions.

If, after these actions are followed, the household is accommodated with proposed unit mix then Applicant must not increase rent for the remainder of the Resident's current lease. Upon the household's return and after the expiration of the lease, the rent can be increased up to the targeted rent level as proposed in the Application.

However, DCA's economic displacement and rent increase policy would apply. If displacement is still unavoidable (including if a household is economically displaced), the rent differential must be covered in the relocation budget to pass a feasibility review.

Households, businesses, farms, and non-profits that DCA approved the permanent displacement of, and which cannot return to the property upon completion, as a direct result of rehabilitation or demolition/new construction for a project must be offered permanent displacement assistance.

DETERMINING PERMANENT DISPLACEMENT STATUS

During the initial feasibility determinations and throughout the construction period, Applicant must identify which households will be permanently displaced because of the

proposed development and construction process. The Applicant must make every effort to minimize displacement.

RAD: Voluntary Permanent Relocation. (H 2016-17) By selecting Voluntary Permanent Relocation, the household is electing to receive RAD permanent relocation assistance and payments which are equivalent to the URA relocation payments and assistance required to be provided to a Permanently Displaced household.

1. Applicant may not propose or request that a household waive its rights or entitlements to relocation assistance. And,
2. Applicant must provide written notice of applicable URA or Section 104(d) relocation assistance and payments for which the household may be eligible so that the household may make an informed housing choice. The household must be provided at least thirty (30) days to consider the offer of Voluntary Permanent Relocation and the household's acceptance of the Applicant's offer must be in writing signed by the head of household.

The Applicant is responsible for proving that Residents are deemed ineligible for relocation assistance. To do so, Applicant must submit the documentation described in this manual to DCA for each non-displaced permanent move from earliest Occupancy Record date to Placed-In Service (due at the subsequent submission date).

HOUSING ASSISTANCE

GENERAL REQUIREMENTS

1. If a Resident is required to move off site and is deemed eligible for either temporary relocation or permanent displacement, Applicant must:
 - a. Provide advisory services to help determine the best relocation housing options. And,
 - b. Provide Comparable Replacement Dwelling or Temporary Housing, as applicable.
2. All Temporary Housing and Comparable Replacement Dwellings must be:
 - a. DSS Housing: All dwellings must be "decent, safe, and sanitary."
 - b. Functionally equivalent to the displacement dwelling, meaning it performs the same functions, and provides the same utility. Does not need to possess every feature of the displacement dwelling, but the principal features such as appliances, amenities, and number of bedrooms must be present (unless the resident desires other features).
 - c. Adequate in size to accommodate residents.
 - d. In an area not subject to unreasonable adverse environmental conditions.
 - e. In a location generally not less desirable than the location of the displaced person's dwelling with respect to public utilities and commercial and public facilities, and reasonably accessible to the person's place of employment. And,
 - f. Within the financial means of the displaced person if permanent

displacement will be made an option.

TEMPORARY RELOCATION HOUSING OPTIONS

1. Off-Site Temporary Housing:

- a. List at least three sites in the Relocation Plan that meet conditions outlined in this manual, with names, addresses, current number of vacancies and bedroom sizes:
 - i. If households have accessibility needs, identify whether sites accommodate those needs or identify additional sites that do.
 - ii. Application: Use projected locations or actual (if available). See *DCA Market Study Manual*. And
 - iii. 60-Days Before Commencement Submission: Provide actual information.
- b. Sites must be located in the Primary Market Area (PMA) and be as close to the site as possible to minimize such impacts as: school transfers, access to transportation and social networks, proximity to employment, etc.:
 - i. If the location is outside of the PMA then a waiver/Project Concept Change (PCC) must be submitted. And,
 - ii. Include a map of Temporary Housing sites, displacement sites, and PMA in the Relocation Plan.
- c. Advance funds for security deposits, application fee, credit check fee, etc. under a repayment agreement, or pay such deposits on behalf of the temporarily relocated person (provided any refund will be made to the Agency and not the person).

2. On-Site Temporary Relocation:

- a. Phased construction schedule, if applicable. And,
 - b. Plan for moving Residents between units/buildings.
3. If the Temporary Relocation is 30 days or less and no other units are available that are functionally equivalent to the displacement unit in the Primary Market Area or there is a documented emergency (such as an immediate health and safety hazard):
- a. A moderately priced hotel in the same PMA as the project. And,
 - b. Due to tax credit requirements and unit restrictions of a friend or family member's unit, a friend or family member's residence is not recommended as a comparable dwelling when relocated for less than 30 days.

4. Second Temporary Housing:

Applicant must work with Residents to ensure the best temporary housing arrangement to minimize moves. In the event of unforeseen circumstances, second temporary housing may be sought.

a. Voluntary:

If after relocating to Temporary Housing under reasonable conditions, a Resident chooses to move to another Temporary Housing of his/her own volition, the Applicant must continue to pay any reasonable increased housing expenses, as long as the selected unit is decent, safe, and sanitary and the Applicant was informed prior to the move so that the Applicant can determine that the increased costs are reasonable. The increased housing

cost of the Temporary Housing initially occupied by the person, or of any unit later occupied by the person, should not exceed the cost of the decent, safe, and sanitary housing offered by the Applicant. (The Resident is responsible for the moving costs to this second Temporary Housing and the Applicant is responsible for the return move.)

b. Involuntary:

If the Resident is required to move from the Temporary Housing by the Applicant, DCA, or the Applicant must move from the Temporary Housing for good cause, (e.g. health or safety issues), the Applicant must assist the Resident to locate other decent, safe, and sanitary location and must pay all costs associated with the move and increased housing expenses.

Return Housing:

1. The unit within the project that a temporarily relocated household occupies when they return.
2. If a household is not able to return to their Displacement Dwelling, a resident must be notified in NND.

3. **RAD Requirements:**

Unless these households waive their right to return by accepting a written alternative housing option offer and URA permanent displacement assistance, they must be offered either:

- a. A unit in the project in which the household is not under-housed. Or,
 - b. A unit in the project which provides the same major features (number of bedrooms and bathrooms) as the resident's unit prior to rehabilitation (HUD Notice H 2016-17, Section 6.2).
4. **104(d):**

To be considered an acceptable Return Home, the unit must have a market rent which is at or below the applicable Fair Market Rent or be otherwise subsidized under a project-based rental assistance program designed to assist lower-income persons.

Meal Reimbursement

Hotel costs: If hotel rooms do not have a full kitchen with amenities that match the displacement unit, the Applicant must provide a meal allowance/per-diem for each member of the household. Meal allowance rates are based on project location. All counties are designated Standard Areas except the following counties which are High Cost: Chatham, Cobb, DeKalb, Fulton, Glynn, and Richmond. Please confirm price per county at <https://www.gsa.gov/travel/plan-book/per-diem-rates>.

Housing Cost

The Applicant is required to pay any difference if the rent at the Comparable Housing Option exceeds residents' current rent at the property. Payments must be made in monthly installments.

If there is any difference in rent and utilities between Displacement and Temporary Housing during the entire relocation period, please See *Calculations Form*.

1. Off-Site Temporary Housing:
 - a. Application Submission: Projected rent differential must be based on Achievable Market Rent plus utilities within the development's PMA. See *DCA Market Study Manual*.
 - b. If Resident elects to temporarily relocate to a unit outside the PMA, rent differential is still based on Achievable Market Rent within the development's PMA.
 - c. If Temporary Housing is already determined, use actual costs. And,
 - d. For 60 Days Before Commencement submission, use actual costs.
2. Return rents:
 - a. See Economic Displacement in this manual. And
 - b. For over-income households, if the Resident can occupy a unit with another proposed AMI designation, the Applicant must agree not to increase the rent until the Resident returns or for the remainder of the Resident's current lease, whichever is later. Upon renewal of the lease, the rent can be increased up to the targeted rent level proposed in the Application.

PERMANENT DISPLACEMENT HOUSING ASSISTANCE

Comparable Replacement Dwelling options that meet the following criteria:

1. Minimum of three Comparable Replacement Housing options for each displaced household.
 - a. List at least three units in the Relocation Plan for each displaced household that meet conditions outlined in this manual, with names (if applicable), addresses, current number of vacancies, and bedroom sizes.
 - i. If households have accessibility or other needs, identify whether sites accommodate those needs or identify additional sites that do;
 - ii. At Application, use projected locations or actual (if available). See *DCA Market Study Manual*; and
 - iii. At 60-Days Before Commencement Submission, provide actual information.
 - b. Sites must be located in the Primary Market Area (PMA) and be as close to the site as possible to minimize such impacts as: school transfers on the Residents and their children, access to transportation and social networks, proximity to employment, etc.
 - i. If the location is outside of the PMA then submit a waiver/PCC which includes resident certification of desire to move outside of PMA;
 - ii. Include a map for each household showing Displacement and Comparable Replacement sites:
 - a. Include census tracts with the following information, using any of HUD's Minority Concentration Analysis Tools:
 - i. Income group and housing conditions; and
 - ii. Tract labels: minority concentration, a racially mixed, or a non-minority area.
 - b. PMA outline.

2. Households that include minorities must be offered housing options in both a racially mixed and a non-minority area. An area of minority concentration is an area that has 50% or more minorities. A racially mixed area is an area that has 25% to 49% minority. A non-minority area is an area that is less than 25% minority. The HUD Tool, “RAD Minority Concentration Options” – can be used <https://www.huduser.gov/portal/maps/rad/home.html> to support the Applicant’s efforts.
3. Currently available to the displaced person on the private market except as provided in 49 CFR 24.2(a)(6)(ix).
4. For a person receiving government housing assistance before displacement, include a dwelling that reflects similar government housing assistance. In such cases any requirements of the government housing assistance program relating to the size of the replacement dwelling apply.

Records must be submitted to DCA of referrals to Comparable Replacement dwellings, date of referral, date of availability, reason(s) person declined referral.

Permanent Displacement Increased Housing Costs:

Residents must be given a choice between rental assistance or down payment assistance (URA see 49 CFR 24.402). Rental Housing Payments (RHPs) are due for a certain number of months (or equivalent for down payment assistance), dependent on the regulation, and calculations vary by program. Use the Housing Assistance Calculator in the Relocation and Displacement Workbook.

1. Down Payment Assistance:
The amount equal to what the household would receive under Rental Assistance. For URA See 49 CFR 24.402(c). Payments must be made in a lump sum.
2. Rent Differential (below):
Payments must be made in monthly installments.

Rent Differential Calculations:

1. Number of months after displacement:
 - a. Applicant must provide housing assistance from the date displacement occurred until the below number of months, dependent on the program:
 - b. **LIHTC-only:** Cost differential due for Comparable Replacement Dwelling the greater of 12 months or other households’ temporary relocation timeframe;
 - c. **URA:** Cost differential due for 42 months; or
 - d. **104(d):** Cost differential due for 60 months.
2. Amount of rental assistance payment:
 - a. Submission requirements:
 - i. Application Submission: Projected rent differential must be based on Achievable Market Rent plus utilities within the development’s PMA. *See DCA Market Study Manual:*
 - a. If the Resident elects to move to a unit outside the PMA, rent differential is still based on Achievable Market Rent within the development’s PMA; or

- b. If Temporary Housing is already determined, use actual costs.
 - ii. 60 Days Before Commencement submission: Use actual costs unless Resident elects to move outside of PMA, then use Achievable Market Rent;
 - b. LIHTC-only and **URA**: RHP is calculated by subtracting the base monthly rental for the displacement dwelling from the lesser of (see 49 CFR § 24.402):
 - i. The monthly rent and estimated average monthly cost of utilities for a Comparable Replacement Dwelling;
 - ii. The monthly rent and estimated average monthly cost of utilities for the decent, safe, and sanitary replacement dwelling actually occupied by the displaced person; or
 - iii. **URA**:
 - a. For 90-day rental occupants maximum RHP is \$7,200 unless Housing of Last Resort is needed or otherwise noted in notices after Notice CPD-14-09 (42 U.S.C. 4624(a)); and
 - b. For eligible 90-day owner occupants see 49 CFR § 24.401 and recent Notices, including Notice CPD-14-09.
 - c. **104(d)**: RHP is calculated by subtracting the base monthly rental for the displacement dwelling from the higher of the total tenant payment (24 CFR § 5.628).
 - d. **URA, 104(d)**: If a household is eligible for both URA and 104(d) they must be offered a choice between both forms of assistance and their NND must clearly differentiate between the two.
- 3. Housing of Last Resort: Comparable, DSS replacement housing, within a person's financial means must be made available before that person is displaced. When such housing cannot be provided, Applicants must provide additional or alternative assistance under "housing of last resort." Housing of last resort may involve the use of replacement housing payments that exceed the maximum amounts. Housing of last resort may also involve the use of other methods of providing comparable, DSS housing within a person's financial means.
 - a. Waiver must be requested if Applicant seeks to use rent other than the Achievable Market Rent. Waiver request must include calculations, analysis, and supporting documentation for proposed RHP amount.
- 4. **RAD**: Households that voluntarily permanently relocate are entitled to RAD voluntary permanent relocation assistance and payments equivalent to what a Displaced Person would receive under the URA.

Owner-Occupants are not considered displaced if the acquisition of real property meets voluntary acquisition exemption (49 CFR § 24.2(9)(ii)(E)).

RESIDENT MOVING ASSISTANCE

Applicant is required to provide and pay all moving costs (fixed or actual) for Residents who are being temporarily relocated and permanently displaced. Applicant must make all efforts to pay service costs and fees upfront as opposed to reimbursing Residents as to not cause undue financial hardship on a household. In situations where this is not feasible, Applicant must reimburse Residents within 15 days of receipt of the transaction claim.

When determining and tracking claims and payments, Applicant must account for potentially higher moving costs for residents with disabilities.

GENERAL REQUIREMENTS

For Residents that are permanently displaced or temporarily relocated, they must be given a choice between the following:

1. Fixed payment for moving expenses:
 - a. For residential moves use https://www.fhwa.dot.gov/real_estate/uniform_act/relocation/moving_cost_schedule.cfm. This option is only available if a higher amount is not warranted and reasonable.
2. Actual Reasonable Moving and Related Expenses Applicant must (where applicable):
 - a. Hire a licensed and bonded moving company to pack, move, and unpack residents' belongings;
 - b. Provide transportation for the household to relocation housing on move-in day up to 50 miles. For Temporary Housing farther than 50 miles, with waiver/Project Concept Change (PCC) for being outside the Primary Market Area (PMA), transportation must be provided;
 - c. Provide moving materials (tape, boxes, etc.) if not included in moving company's services;
 - d. Dismantle/disconnect, remove, reinstall/reassemble any appliances or other personal property if not included in moving company's services;
 - e. Pay any fees associated with disconnecting/transferring utilities (including cable, phones, and internet);
 - f. Provide and pay for secure storage for residents' personal belongings if the relocation housing unit is smaller than their original unit; and
 - g. Insurance for the replacement value of the property or the replacement value of property lost, stolen or damaged in the process of moving (not through the fault or negligence of the displaced person) where insurance covering this is not reasonably available.
3. Moving expenses that are ineligible include:
 - a. Interest on a loan to cover moving expenses;
 - b. Personal injury;
 - c. Any legal fee or other costs for preparing a claim for a relocation payment or for representing the claimant in appeals procedures;
 - d. The cost of moving any structure or other real property improvement in which the displaced person reserved ownership; and

- e. Cost for storage of personal property on real property owned or leased by the displaced person before the initiation of negotiations.

RELOCATION CONSIDERATIONS

ECONOMIC DISPLACEMENT

Definition: Residents will be considered economically displaced if their return rents are unaffordable, based on the calculations described in the following regulations:

1. **HOME** (24 CFR 92.353(c)(2)(C)(1)) and **HTF** (24 CFR 92.352(c)(2)(C)(1)): The tenant moves after execution of the agreement covering the acquisition, rehabilitation, or demolition and the move occurs before the tenant is provided written notice offering the tenant the opportunity to lease and occupy a suitable, decent, safe, and sanitary dwelling in the same building/complex upon completion of the project under reasonable terms and conditions. Such reasonable terms and conditions must include a term of at least one year at a monthly rent and estimated average monthly utility costs that do not exceed the greater of:
 - a. The tenant's monthly rent before such agreement and estimated average monthly utility costs.
 - b. If the tenant is not low-income (over 80% AMI), 30 percent of gross household income. Or,
 - c. If the tenant is low-income, the total tenant payment (24 CFR 5.628). Total Tenant payment is the highest of the following amounts, rounded to the nearest dollar:
 - i. 30 percent of the family's monthly adjusted income.
 - ii. 10 percent of the family's monthly income.
 - iii. If the family is receiving payments for welfare assistance from a public agency and a part of those payments, adjusted in accordance with the family's actual housing costs, is specifically designated by such agency to meet the family's housing costs, the portion of those payments which is so designated.
 1. If a family's welfare assistance is ratably reduced from the standard of need by applying a percentage, the amount calculated is the amount resulting from one application of the percentage.
 - iv. The minimum rent (§ 5.630)
 1. The PHA must charge a family no less than a minimum monthly rent established by the responsible entity, except if there is a financial hardship exemption (§ 5.630(b)).¹
 2. For the public housing program and the section 8 moderate rehabilitation, the PHA may establish a minimum rent of up to \$50.
 3. For other section 8 programs, the minimum rent is \$25.

¹ § 5.630(b) Financial Hardship Exemption <https://www.law.cornell.edu/cfr/text/24/5.630>

2. **CDBG** and other CPD programs (24 CFR 570.606(b)(2)(i)(D)(1)): The tenant has not been provided with a reasonable opportunity to lease and occupy a suitable decent, safe, and sanitary dwelling in the same building/complex upon completion of the project, including a monthly rent that does not exceed the greater of:
 - a. The tenant's monthly rent and estimated average utility costs before the initiation of negotiations. Or,
 - b. 30 percent of the household's average monthly gross income.

Actions: Residents who cannot afford the Return Housing rents must be offered a choice between permanent displacement assistance (if they are otherwise eligible) or temporary relocation. Dependent on the resident's response, the Applicant must take the following actions:

1. If a resident chooses permanent displacement assistance, provide the resident with three comparable replacement housing options and pay the rent + utility difference from the date the household moves offsite. This rent differential must be covered by the Applicant for the standard timeframe associated with each program.
 - a. **URA** (if **HOME**, **HTF**, or **CDBG**): 42 months
 - b. **104(d)**: 60 months
2. If a resident chooses to be temporarily relocated, Applicant must *choose one of the following options*:
 - a. If the resident is otherwise eligible, allow the resident to return to the property and pay the rent + utility differential for the same length of time as if they were displaced permanently (*see 1. above*), starting from the resident's initial relocation date.
 - b. Change household's unit's AMI designation to meet the lowest AMI that the household is eligible for. Or,
 - c. Change the rent on that household's unit to not exceed the maximum rent of the lowest AMI the household is eligible for.

Economic Displacement Action Examples:

- a. A resident who is considered economically displaced in a HOME funded development chooses (1) to be permanently displaced. Their housing assistance must be provided for 42 months from the date they move off-site.
- b. A resident who is considered economically displaced in an HTF-funded development chooses (2) to be temporarily relocated. The Applicant chooses (a) to cover the rent + utility differential for 42 months from the date the household is relocated. These 42 months include the 8 months the household is relocated during rehabilitation.

RAD RIGHT TO RETURN

All households have the right to return. Households that would be precluded from returning due to the proposed plans must be given the opportunity to comment on and object to such plans. If these households object to such plans, the project plans must be

altered to accommodate households' right to return. If these households prefer to permanently relocate voluntarily rather than object, Applicants must obtain written consent.

STUDENT HOUSEHOLD

1. LIHTC: See 8823 Guide Chapter 17.
2. **HOME**: Uses Section 8 regulation 24 CFR 5.612.
3. Households must meet both to move into LIHTC/HUD or HOME units. Households that become student households under LIHTC regulations will not be tax credit eligible and it will affect the applicable fraction.

UNDERHOUSED

Currently Underhoused

A household whose Displacement Dwelling:

1. Has fewer bedrooms than the household needs.

Proposed Underhoused

A household whose Return Housing is:

1. Does not meet local ordinance or property management standards. Or
2. Has fewer bedrooms than the household needs.

Georgia does not regulate the number of persons who can reside in rental housing; however, local ordinances may establish occupancy limits. In addition, the landlord may choose to limit the number of persons who can live in the unit as described in the Tenant Selection Plan. Generally, restricting two persons for each bedroom plus one is reasonable. Landlords should make sure occupancy limits are reasonable and not used intentionally to exclude or limit families with children, or that they burden families more than other individuals, which may violate fair housing laws. (Georgia Landlord Tenant Handbook, Georgia Department of Community Affairs, p.7. https://www.dca.ga.gov/sites/default/files/georgia_landlord-tenant_handbook.pdf)

RIGHT-SIZED

Proposed unit size matches household's needs based on household size, rather than their current unit size based on choice.

Right-Sized Example: A one-person household currently lives in a three-bedroom home. Upon completion of the development, the household may be offered a right-sized home which would be a one-bedroom or Single Resident Occupancy (SRO).

OVER-HOUSED

Currently Over-Housed

A household whose Displacement Dwelling:

1. Has more bedrooms than the household needs.

Proposed Over-Housed

A household whose Return Housing is:

1. Has more bedrooms than their Displacement Home; or
2. Has more bedrooms than the household needs.

A household whose Return Housing has more bedrooms than their Displacement Home.

1. **RAD:** If there is not an appropriately sized bedroom for the family to transfer into, the family can remain in the unit and the unit will continue to be funded based on the actual bedroom size and the contract rent. But if an appropriately sized unit becomes available; the family will be required to move at that time.

90-DAY OCCUPANTS

Residents and non-residential tenants whose occupancy is less than ninety (90) days prior to or after the initiation of negotiations do not qualify for housing assistance benefits (but do for moving assistance). Residents and non-residential tenants that did not receive Move-In Notice do qualify for housing assistance benefits.

NON-RESIDENTIAL TENANTS

URA: For all applications with Federal Funding where URA is applicable, please refer to the Non-Residential Tenant information in HUD's 1378 Handbook for guidance.

LIHTC Only: In most LIHTC Only applications, Applicants will not be able to allow non-residential tenants to return. Therefore, permanent displacement is probable. All permanent displacement must be submitted at pre-application for a waiver and proposal for assistance of the non-residential tenant. Provisions in a current signed, applicable, non-residential tenant lease does not supersede guidance set forth in the HUD 1378 Handbook.

SUMMARY OF ASSISTANCE

Non-Residential Tenants such as businesses/nonprofits/farms that are temporarily relocated or permanently displaced, must be offered the following advisory and financial assistance:

- Notices must be presented at the applicable times. These notices must be adjusted to accommodate the circumstances of each non-residential tenant. Refer to Notice Section for more information.
- Advisory Services includes referrals to suitable replacement locations, help in documentation for relocation payments and other assistance to minimize the impact of the move. Work closely with the non-residential tenant to identify which

costs are reasonable and necessary. Refer to Advisory Services section for more information.

- Payment for Moving and Reestablishment Expenses must be provided. Reestablishment expenses for relocation are required for temporary relocation and permanent displacement. If temporary relocation exceeds twelve months, the tenant must be offered displacement assistance but can choose either temporary relocation or permanent displacement.

MOVING AND REESTABLISHMENT COSTS

The moving, relocating, and reestablishing of Non-Residential Tenants with leases is based on receiving paid receipted bills that are considered reasonable and necessary. Expenses should be pre-approved in writing, if possible.

The following Moving Incidentals can be reimbursed, based on paid receipted bills, if pre-approved by DCA and are considered reasonable and necessary.

- Licenses (prorate);
- Permits (prorated);
- Re-lettering of signs;
- Replacing stationary on hand that is made obsolete by the move;
- Connection to available nearby utilities to improvements at the replacement site;
- Professional Services performed prior to the purchase or lease of a business operation including but not limited to, soil testing, feasibility, and marketing studies (excluding any fees or commissions directly related to the purchase or lease of such site). A reasonable pre-approved hourly rate may be established at the discretion of the Applicant. Note: Professional Services must be pre-approved by a DCA Relocation Specialist; and
- Impact fees or one-time assessments for anticipated heavy utility usage, as determined necessary by the Applicant and their Relocations Specialist.

Reestablishment expenses must be reasonable and necessary, as determined by DCA. A detailed list of the charges was or will be involved in the reestablishment of the business will be reviewed by DCA, and all eligible costs that were actually incurred and paid will be reimbursed, but not to exceed the maximum amount allowed of \$25,000.00. They may include, but are not limited to the following:

- Repairs or improvements to the replacement real property as required by Federal, State, or local law, code, or ordinance.
- Modifications to the replacement property to accommodate the business operation or make replacement structures suitable for conducting business.
- Construction and installation costs for exterior signing to advertise the business.
- Redecoration or replacement of soiled or worn surfaces at the replacement site such as paint, paneling, and carpeting.
- Advertisement of replacement location. And,
- Estimated increased costs of operation during the first two (2) years at the replacement site for such items as:

- Lease or rental charges.
- Personal or real property taxes.
- Insurance premiums.
- Utility charges excluding impact fees; and
- Other items that DCA considers essential to the reestablishment of the business.

INELIGIBLE EXPENSES

The following is a nonexclusive listing of expenditures NOT considered reasonable, necessary, or otherwise eligible:

- Purchase of capital assets, such as office furniture, filing cabinets, machinery or trade fixtures.
- Purchase of manufacturing materials, production supplies, product inventory, or other items used in the normal course of the business operation.
- Interest on money borrowed to make the move or purchase the replacement property.
- Payment to a part-time business in the home, which does not contribute materially to the household income. Or
- Sites occupied solely by outdoor advertising signs, displays, or devices.

A displaced business/nonprofit is not entitled to payment for:

- Additional operating expenses incurred because of operating in a new location except as noted under “Professional Services”.
- Cost of moving any structures, or other real property improvements in which the displaced entity reserved ownership.
- Extensive Improvements to the replacement site.
- Interest on loans to cover moving expenses.
- Loss of goodwill.
- Loss of trained employees.
- Loss of business and/or profits.
- Personal injury.
- Cost of preparing the application for moving and related expenses.
- Payment for search cost in connection with locating a replacement dwelling. Or,
- Costs for storage of personal property on real property already owned or leased by the displaced person.

DOCUMENTATION AND ADMINISTRATION

CORE APPLICATION AND RELOCATION PLAN

The Core Application must reflect the relocation budget and other relocation actions when appropriate:

1. All relocation budgets must include a minimum contingency of 5% added to the project budget and then reflected in the Core App (Part IV - Use of Funds).

2. When no resident data or incomplete resident data can be provided at Application then the Application must include a description detailing why the data is missing or incomplete. Conditional relocation approval/pass must be requested to identify possible displacement and one of the following included in the presented Application:
 - a. A unit mix with at least 10% of units designated as market rate.
 - b. An executed commitment by Applicant and Syndicator to not claim credit on units of households that are not qualified (submit at Commencement). Or,
 - c. Budget for displacement of 20% of households, or if resyndication or RAD, 5% of households.

WAIVERS AND PROJECT CONCEPT CHANGE

Applicant may request a Waiver or Project Concept Change of certain requirements.

- Waiver: A request to waive DCA requirements before or at Application.
- Project Concept Change: A request to waive DCA requirements after Application.

No displacement can occur without DCA approval of Waiver (Pre-Application Waiver for 9%) or Project Concept Change (PCC). DCA reserves the right to request additional information in addition to what is noted below and adjust the Applicant's Submission to further minimize displacements. DCA will communicate with the Applicant during that process for the updated information. For Scored Applications that foresee displacement, Applicants must submit a waiver at pre-application. Residents and non-residential tenants must not be notified that they will be permanently displaced, or moved until Applicant receives DCA approval of those displacements.

To change a household status from temporary relocation to permanent displacement after application, a Project Concept Change must be submitted to DCA for written approval. DCA review of permanent displacement of complete documentation will be within 30 days. Applicants must not notify a household of permanent displacement without DCA approval of that household's permanent displacement.

If the waiver request is permitted by a federal agency, the request must include written confirmation from the federal agency that the conditions requiring a waiver have been approved.

Displacement Waivers must include the following:

1. Updated Relocation and Displacement Plan including a Narrative stating:
 - a. Why displacement must occur, including whether these reasons are due to program restrictions, Application specifics, screening criteria, or other reasons;
 - b. What methods have been used to adjust the Application in order to minimize displacement.
2. Updated Relocation and Displacement Workbook: Submit the Workbook based on the Application stage and whether interviews and certifications have been conducted:

3. Waivers: Manually fill in the Summary tab with currently available household information and Application information.
4. Written confirmation from federal agency (if applicable); and
5. Any other supporting documentation.

Project Concept Changes (PCC) must include the following:

1. Updated Relocation and Displacement Plan including a Narrative stating:
 - a. Why displacement must occur, including whether these reasons are due to program restrictions, Application specifics, screening criteria, or other reasons;
 - b. What methods have been used to adjust the development in order to minimize displacement.
2. Permanent Move Records.
3. Submit an updated Relocation and Displacement Workbook based on Application stage and whether interviews and certifications have been conducted.
4. Recordkeeping of complaints and resolutions.
5. Advisory Log.
6. **URA** - HUD's Acquisition Checklist (*See Appendix Section in HUD Handbook 1378.0*)
7. Claims and evidence of moving cost and, if applicable, housing payment.

OCCUPANCY RECORDS

At each submission date, Applicant must provide DCA updated Occupancy Records (in an Excel spreadsheet).

1. Application Submission: All persons occupying the property three months prior to application
2. After Award & Household Certification: All persons moving onto or off the property after the date in Application Submission;
3. During Construction and Relocation: All persons moving onto or off the property; and
4. Final Allocation Application: All persons moving onto or off the property up until project completion.

List households in the same order for each type of document (Tenant Info and Cost Estimate Workbook, rent rolls, notices, payments, etc.).

TEMPORARILY RELOCATED AND PERMANENTLY DISPLACED HOUSEHOLD FILES

Applicant must provide DCA separate household files that include documentation that is sufficient to demonstrate that Applicant verified the person's relocation needs, current situation, and their eligibility for relocation assistance, based on applicable regulations and programs.

1. Residential Occupants. The documentation described below is applicable to both Residents and, if acquisition requirements are not fulfilled, property owners, except where noted:

- a. Completed Household Data Forms;
 - b. Income documentation;
 - c. Rent and utility costs for the displacement, comparable, and replacement units (also applicable to owner-occupants who decide to rent replacement housing rather than purchase replacement housing):
 - i. **104(d)** Use 104(d) Rental or Purchase Claim;
 - d. Copy of all notices (as applicable) displaying the person's name and mailing address, and evidence of delivery by certified or registered first class mail, return receipt requested, or certification of hand delivery;
 - e. Dates of personal contacts and advisory services provided (Applicant may use Handbook 1378 Appendix 10, Record of Advisory Assistance and other Contacts, may be used for this purpose);
 - f. Permanent Displacement: Records of referrals to Comparable Replacement dwellings, date of referral, date of availability, reason(s) person declined referral;
 - g. Inspection(s) of the chosen replacement dwelling for decent, safe, and sanitary conditions (Use DSS Inspection Certification or HQS Form);
 - h. Moving cost estimates, bids, or amount determined based on current Fixed Residential Moving Cost Schedule (see 24 CFR 24.302);
 - i. Copies of all relocation claim forms and related documentation, evidence that person received payment and, if applicable, evidence of housing subsidy paid from other sources (e.g., Housing Choice Voucher);
 - j. Documentation to support why a claim was not made or was not paid: e.g., displaced person who moved on his/her own, moved prior to Notice, failed to provide requested information/documentation to support a claim, or a signed statement indicating the person's decision not to claim part or all of the assistance offered, etc.;
 - k. Residents or Non-Residential Tenants who receive down payment assistance: Purchase agreement, final executed closing statement/escrow documents (HUD-1), copy of recorded deed indicating book and page;
 - l. Copy of any appeal or complaint filed and response(s) from Applicant and DCA;
 - m. **URA:** Documentation supporting a hardship claim and DCA's determination (for persons not lawfully present in the US); and
 - n. **URA:** for owner occupied and non-residential:
 - i. See Owner Occupied properties (HUD Handbook 1378 Chapter 6-6 (2)); or
 - ii. See Non-Residential Occupants (HUD Handbook 1378 Chapter 6-6 (3)).
2. Non-Residential Tenants: The following is required for tenants and, acquisition requirements are not fulfilled, owners.
- a. Name and type of business being relocated, name of business owner(s);
 - b. Certification of legal residence/citizenship or documentation supporting a hardship claim and DCA's determination;
 - c. Identify owner of the property being vacated (is it the displaced business or some other entity), copy of the property lease;

- d. Survey of relocation needs (URA - Appendix 9, Site Occupant Record, may be used for this purpose);
- e. Information on advisory services provided (URA - Appendix 10, Record of Advisory Assistance and Other Contacts, may be used for this purpose);
- f. Moving cost estimates, bills and/or receipts for actual moving and related expenses; or documentation supporting the alternative fixed moving expense calculation (URA - 49 CFR 24.305);
- g. Documentation to support all related nonresidential eligible expenses (URA - 49 CFR 24.303);
- h. Documentation supporting reestablishment expenses and searching costs (URA - 49 CFR 24.304) including receipts, bills, lease, etc.; and
- i. Copies of any inspection(s) of personal property at the displacement and replacement sites (URA - 49 CFR 24.301(i)(2)).

PERMANENT MOVE RECORDS

Residents and Non-Residential Tenants that move offsite without relocation assistance will be considered displaced unless proven otherwise. The Applicant is responsible for proving that such Residents and Non-Residential Tenants were ineligible. To do so, Applicant must submit the following documentation to DCA for each non-displaced permanent move from the date Occupancy Records are required (*see below*):

1. Reason to Move Certification;
2. If Residents and Non-Residential Tenants do not execute notice or certification, provide records of any notices and personal contact regarding the move-out, such as those that explain that they will not qualify for relocation payments as a displaced person;
3. A reason for the move. Justifiable reasons include the following:
 - a. The Resident or Non-Residential Tenant was lawfully evicted. Documentation to support eviction for cause is required (49 CFR 24.206);
 - b. Documentation to support a determination that a person was not a legal occupant of the property; or
 - c. **URA** – see 49 CFR 24.2(a)(9)(ii) for what qualifies a person as not displaced.
4. Notices provided at the appropriate time, to ensure that the Residents and Non-Residential Tenants were aware of their potential or actual eligibility for relocation assistance. For example:
 - a. The Resident or Non-Residential Tenant moved in after ION and was provided the Move-In Notice before signing a lease or moving in;
 - b. The Resident or Non-Residential Tenant received timely written notice that they would not be displaced; or
 - c. HOME, NHTF, and CDBG: The Resident received a timely offer of a reasonable opportunity upon construction completion, to lease and occupy a suitable and affordable decent, safe, and sanitary dwelling in the development. See HOME - 24 CFR 92.353(c)(2), NHTF - 24 CFR 92.352(c)(2), CDBG - 24 CFR 570.606(b)(2).
5. For involuntary moves, supporting documentation (such as eviction outcome); and
6. A copy of any appeal or complaint filed and Owner or Applicant response.

QUARTERLY REPORTING, VISITS, AND COMPLIANCE

Submit to DCA quarterly to relocationreview@dca.ga.gov.

1. Updated Resident Information and Cost Estimate Workbook.
2. Permanent Move records.

DCA may visit at any time during the application and construction period. Resident files, condition of living space and common areas, tenant certifications, and other required documents will be reviewed. Failure to comply with Federal or State regulations will be considered noncompliance.

The 120-Day Household Certification Rule and Safe Harbor Income Testing both apply to relocation policy. Please be sure to follow the Office of Portfolio Management's guidance and direction regarding these policies.

DEFINITIONS

120-day Household Certification Rule: Acquisition and rehab credits are both satisfied with one set of certification paperwork. The effective dates for these Residents can be retroactive to the acquisition date and the paperwork is valid for 120 days. Income certifications for households who are in-place on the date of acquisition that are completed no more than 120 days before or after the date of acquisition may have an effective date as of the acquisition date. Certifications completed after the 120 days are effective the date the last adult signs the certification.

Advisory Services: Assistance for residential and non-residential displacements including an explanation of rights and assistance afforded by the URA, referrals to social services that may benefit the tenant, counseling, and advice regarding rights under the Fair Housing Act. This service is ongoing through the completion of the project or displacement of the tenant.

Affordable Rent: For tenants with income less than or equal to HUD's 80% of area median, rent must not exceed the greater of:

- 30% of adjusted household monthly income, or
- 10% of gross household monthly income

Agency: The term *Agency* means the Federal Agency, State, State Agency, or person that acquires real property or displaces a person.

Appeals: If a person disagrees with the determination concerning the relocation payment(s) or other relocation assistance for which the person is eligible, the person may file a written appeal with (add DCA appeal process)

Applicant: Any individual who submits an application for funding for a project

Application: The complete and entire set of required and requested documents, submitted by an Applicant to DCA under the current QAP.

Community Development Block Grant (CDBG): Community development activities build stronger and more resilient communities. To support community development, activities are identified through an ongoing process. Activities may address needs such as infrastructure, economic development projects, public facilities installation, community centers, housing rehabilitation, public services, clearance/acquisition, microenterprise assistance, code enforcement, homeowner assistance, etc.

Comparable Replacement Dwelling: The dwelling to which a household is Permanently Displaced. (For URA, see 49 CFR 24.2(6)). It is:

- Decent, safe, sanitary.
- Functionally equivalent to the displaced dwelling.
- In an area not subject to adverse environmental conditions.
- In a location generally not less desirable than the location of the displacement dwelling.

- On a site that is typical in size for residential development with normal site improvements.
- Currently available to the displaced person; within the financial means of the displaced person.

Decent, Safe, and Sanitary: The term *decent, safe, and sanitary dwelling* means a dwelling which meets local housing and occupancy codes. However, any of the following standards which are not met by the local code shall apply unless waived for good cause by the Federal Agency funding the project.

1. Be structurally sound, weather-tight, and in good repair.
2. Contain a safe electrical wiring system and heating system.
3. Be adequate in size with respect to the number of rooms and area of living space, including adequate bathroom and kitchen.
4. Contain unobstructed egress to safe, open space at ground level, or at least two means of egress if on the second story or above.
5. The dwelling must meet all pertinent accessibility standards for disabled persons. This requirement will also be met if they select on their own a dwelling that they determine is suitable for their own needs. And,
6. Comply with lead-based paint requirements of 24 CFR Part.35.

Displacement/Displaced Person, Resident, Non-Residential Tenant: An entity which moves permanently from the real property for the sake of the project. Specifically, a displaced entity is one which moves after the property owner (seller/lessor), person in control of the site, or Applicant issues a vacate notice to the person, refuses to renew an expiring lease to evade the responsibility to provide relocation assistance, or the appropriate notices are not provided if the move occurs on or after the displacement consideration trigger.

Under URA: (49 CFR 24.2(a)(9)(i)) The term displaced person means, except as provided in paragraph (a)(9)(ii) of this section, any person who moves from the real property or moves his or her personal property from the real property. (This includes a person who occupies the real property prior to its acquisition, but who does not meet the length of occupancy requirements of the Uniform Act as described at § 24.401(a) and § 24.402(a)):

1. As a direct result of a written notice of intent to acquire (see § 24.203(d)), the initiation of negotiations for, or the acquisition of, such real property in whole or in part for a project.
2. As a direct result of rehabilitation or demolition for a project. Or
3. As a direct result of a written notice of intent to acquire, or the acquisition, rehabilitation or demolition of, in whole or in part, other real property on which the person conducts a business or farm operation, for a project. However, eligibility for such person under this paragraph applies only for purposes of obtaining relocation assistance advisory services under § 24.205©, and moving expenses under § 24.301, § 24.302 or § 24.303.

Dwelling: The term *dwelling* means 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 mobile home; or any other residential unit.

- Displacement Dwelling: The unit occupied by an existing resident prior to displacement or relocation. (49 CFR 24.2(6)).
- Comparable Replacement Dwelling: All Comparable Replacement Dwelling, Temporary Housing, and Return Housing must be “decent, safe and sanitary,” by meeting 49 CFR 24.2(a)(8), as well as any other applicable housing occupancy codes.

Economic Displacement: If a household’s rent increases as a result of a federally assisted activity, and the rent is more than the family can afford, the household “s”rent burdened.” Rent burdened households are eligible for payments to cover the difference between the old rent and the new rent for a period of time.

Federal Funding (see 49 CFR 24.2(a)(13) for definition):

- HUD funding in a project typically represents federal financial assistance.
- Sole use of Low-Income Housing Tax Credits (LIHTC) or FHA mortgage insurance is not considered federal financial assistance

Grandfathering of existing residents: “Households determined to be income-qualified for purposes of the IRC §42 during the 15-year compliance period are concurrently income-qualified households for purposes of the +30-year extended use agreement. As a result, any household determined to be income qualified at the time of move-in for purpose of the extended use agreement is a qualified low-income household for any subsequent allocation of IRC §42 credit. This provision only applies if the original extended use agreement is in place; and only income qualification is grandfathered, not student status.

HOME: The HOME Investment Partnership Program.

Household: All persons occupying the same housing unit, regardless of their relationship to each other.

Household income: The total gross income received for a twelve (12) month period from all sources (earned and unearned) including, but not limited to wages, salary, child support, alimony, unemployment benefits, workers compensation, social security, and/or the net income from a business. It does not include income received or earned by dependent children and full-time students less than eighteen (18) years of age. Full-time students may be considered dependent unless the person demonstrates otherwise

Housing of Last Resort: The URA requires that comparable decent, safe, and sanitary replacement (DSS) housing within a person’s financial means be made available before that person may be displaced. When such housing cannot be provided by using

replacement housing payments, the URA provides for “housing of last resort.” Housing of last resort may involve the use of replacement housing payments that exceed the URA maximum amounts. Housing of last resort may also involve the use of other methods of providing comparable decent, safe, and sanitary housing within a person’s financial means.

HUD: The U.S. Department of Housing and Urban Development

HUD Handbook 1378: This Handbook provides HUD policy and guidance on the implementation of acquisition, relocation, and related requirements for HUD funded programs and projects.

Inadequate or imperfect documentation: For household files with inadequate or imperfect documentation and where it is impossible to retroactively correct the file, take the steps to qualify them. DCA will review tenant file for over-income households on a case-by-case basis.

Initiation of Negotiation (ION): The ION date is the trigger date for issuance of the Notice of Eligibility for Relocation Assistance or Notice of Non-Displacement to existing occupants and Move-in Notices to all persons seeking to rent in the project.

- **LIHTC-only developments:** the ION is the date the Applicant executes the Limited Partnership Agreement.
- **URA:** in most conditions where URA applies, the ION is the date of the execution of the agreement covering the acquisition, rehabilitation, or demolition of the project. Program-specific definitions are listed in HUD Handbook 1378, Chapter 1, Exhibit A.
- **Program Specific:** Many HUD regulations establish program-specific definitions of ION. Refer to the following regulations for program-specific definitions listed in HUD Handbook 1378, Chapter 1, Exhibit A. (<https://www.hud.gov/sites/documents/1378EXHIBITACPDH.PDF>) and their regulations:
 - **HOME:** 24 CFR 92.353(c)(3).
 - **HTF:** 24 CFR 93.352(c)(3).
 - **CDBG:** 24 CFR 570.606(b)(3).
 - **RAD:** Notice H 2016-17 Section 8 PBRA: 24 CFR 983.7(d).

Low Income Household: For purposes of determining Relocation Assistance, a Low-Income Household’s annual gross income is under 80% AMI. Data available at [ric.novoco.com/tenant/rent income/calculator/z1.jsp](http://ric.novoco.com/tenant/rent%20income/calculator/z1.jsp).

- **Under URA:** A household earning 80% or less than Area Median Family Income for their county, as defined by HUD under 49 CFR 24.2(a)(14).
- **104 (d):** A household that earns at or below 80% of the Area Median Family Income for the county in which they reside, as defined by HUD under 24 CFR Part 5.

Mobile Home: Includes manufactured homes and vehicles used as residences. See 49 CFR Part 24, Appendix A, Sec. 24.2(a)(17).

Moving Expenses: Households who are displaced are eligible for moving costs, either as a fixed payment or documented reasonable expenses. The fixed payment consists of a flat moving expense and dislocation allowance, as set by the Federal Highway Administration. The Residential Moving Expense and Dislocation Allowance Payment Schedule is published annually in the Federal Register.

NHTF: The National Housing Trust Fund, established by HUD.

Non-Displaced Permanent Moves: Residents and non-residential tenants who move offsite after the above dates will be considered displaced unless proven otherwise. These will be reviewed at:

- Application, before construction and at final allocation application.
- Before Construction. Or,
- Final Allocation Application.

Non- Residential Temporary Relocation: If a business will be shut down for any length of time, it may be *temporarily relocated* and reimbursed for all reasonable out-of-pocket expenses or must be determined to be displaced, at the agency's option.

Non-Residential Tenant: A Business, Non-Profit, or Farm.

Non-Residential Permanent Relocation: The permanent displacement of a Business, Non-Profit, or Farm.

Over-Income Household: A household with income exceeding the income limit designated for the unit.

- Existing Households: Income certification guarantees safe harbor during the construction period.
- Resyndication: Tenants are grandfathered in.

Permanent Displacement: Temporary relocation lasting longer than 12 months

Project: The phrase "program or project" is defined in 49 CFR Part 24 as, "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."

PCC: A Project Concept Change

RAD: The HUD Rental Assistance Demonstration program.

Relocation Notices: Notices are personally served or sent by certified or registered first-class mail, return receipt requested, and documented in the program system of record. When notifications are personally served, recipients will be asked to sign an acknowledgment of notification.

Replacement Housing Assistance: This may involve Replacement Housing Payments (RHP) to compensate a tenant for any increase in rent and utility costs. The RHP is calculated by multiplying the monthly difference in rent and other housing costs by 42 months. (See Handbook 1378 Sections for additional guidance) This payment must not be made as a lump sum but as reasonable installments.

Replacement Unit: The unit into which the displaced person moves.

Relocation Assistance: The URA provides at 49 CFR 24.402(b) that a displaced person is eligible to receive a rental assistance payment that is calculated to cover a period of 42 months. By contrast, section 104(d) allows a lower-income displaced person to choose between the URA rental assistance payment and a rental assistance payment calculated over a period of 60 months.

Relocation Plan: Should clarify the relocation process in sufficient detail to permit consistent implementation of the rules and accurate communication to project occupants.

Residential Temporary Relocation: Residential tenants who will not be required to move permanently may be required to relocate temporarily for the project. Temporary relocation should not extend beyond one year.

Safe Harbor Income Testing: Residents who qualified at Acquisition or the date the household started occupying the unit and were qualified, whichever is later, are considered income qualified for the first credit year. This ensures that households who become over-income during the rehabilitation or construction period and before the credits are claimed are tax qualifying households (Rev. Proc. 2003-82).

Section 104(d): Section 104(d) of the Housing and Community Development Act of 1974 (“104(d)”) covers developments funded by CDBG, HOME, and other HUD funding (See *HUD 1378 Chapter 7*). 104(d) requires one-for-one replacement of lower-income units (defined as within HUD’s Housing Choice Voucher Fair Market Rents) lost to demolition or conversion to market-rate or otherwise unaffordable housing, or other uses. Replacement includes vacant, occupiable units.

Temporary Housing: The dwelling to which a household is Temporarily Relocated

URA: A federal law known as The Uniform Relocation Assistance and Real Property Acquisition Policies Act (URA) of 1970 or programs’ regulations applies when “any activity or series of activities [is] 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. (49 CFR § 24.2(22))” See *attachment 25-1 of HUD CPD Monitoring Handbook (6509.2) for a list of funding programs that trigger URA (link in Part IV of Manual)*. URA applies to both occupied and unoccupied properties and their owners. (For unoccupied properties, see *DCA’s HOME Rental Housing Loan Program Manual*.) Owners, displaced households (regardless of income), businesses, farms, and

nonprofits have URA rights. All reference and use of URA should be as the law is currently amended.

Utility cost: The term utility cost means expenses for electricity, gas, other heating and cooking fuels, water and sewer.

QUICK SUMMARY OF RELOCATION PROGRAMS

ELIGIBILITY

Subject	LIHTC Only	URA	Section 104
Displaced Person	All Residential and Non-Residential tenants	Residential tenants and homeowner occupants Nonresidential owners and tenants (businesses, nonprofits & farms)	Only residential tenants are covered Other displaced persons (e.g., homeowners) may be eligible under URA provisions.
Income Requirements	Covers all income levels	No income requirements, covers persons of all income levels.	Only lower-income (LI) residential tenants
Persons displaced by acquisition	Eligible for assistance	Eligible for assistance	NA (unless housing units are demolished, or LI units are converted ¹)
Persons displaced by rehabilitation	Eligible for assistance	Eligible for assistance	NA (unless LI units are converted as a result of rehabilitation)
Persons displaced by demolition	Eligible for assistance	Eligible for assistance	Displaced LI residential tenants are eligible.
Persons displaced by conversion of lower income dwelling	NA	NA (provided no acquisition, rehabilitation, or demolition involved)	Displaced LI tenants eligible only if market rent (including utilities) of the displacement dwelling did not exceed the FMR before conversion.

ASSISTANCE

Subject	LIHTC	URA	Section 104
Advisory Services	Comprehensive services provided	Comprehensive Advisory Services	Same as URA
Rental Assistance	Payment equals 12 x monthly rental assistance payment	Payment equals 42 x monthly rental assistance payment	Payment equals 60 x monthly rental assistance payment
Monthly Rental Assistance Payment	<p>Monthly difference between the lesser of:</p> <ul style="list-style-type: none"> • Old rent/utility costs; • 30% of gross monthly income (if low income); • Welfare rent (as paid) <p>And</p> <ul style="list-style-type: none"> • Monthly rent/utility costs for the lesser of: <ul style="list-style-type: none"> ➢ comparable or DSS replacement dwelling occupied 	<p>Monthly difference between the lesser of:</p> <ul style="list-style-type: none"> • Old rent/utility costs; • 30% of gross monthly income (if low income); • Welfare rent (as paid) <p>And</p> <ul style="list-style-type: none"> • Monthly rent/utility costs for the lesser of: <ul style="list-style-type: none"> ➢ comparable or DSS replacement dwelling occupied 	<p>Monthly difference between Total Tenant Payment (TTP), the greater of:</p> <ul style="list-style-type: none"> • 30% of adjusted monthly income; • 10% of gross monthly income; • Welfare rent (as paid); • Minimum Rent (PHAs) <p>And</p> <ul style="list-style-type: none"> • Monthly rent/utility costs for the lesser of: <ul style="list-style-type: none"> ➢ comparable or DSS replacement dwelling occupied
Down payment Assistance	Payment equals 12 x monthly Limited to purchase of Assistance rental assistance payment.	Payment equals 42 x monthly Limited to purchase of Assistance rental assistance payment. cooperative or mutual housing Agency may increase up to and based on present \$7,200 (if calculation is less)	Limited to purchase of Assistance rental assistance payment. cooperative or mutual housing Agency may increase up to and based on present \$7,200 (if calculation is less). 1 (discounted) value of 60 x monthly rental assistance payment

Moving and Related Expenses	Same as URA	Displaced person may choose: <ul style="list-style-type: none"> • Payment for actual moving and related expenses; • Fixed Residential Moving • Cost Schedule; or in some cases, a combination of both.	Same as URA
Pay Security Deposit	Payment Required	Only if non-refundable	Payment Required

REGULATIONS AND RESOURCES

This portion of the manual is not a conclusive guide to regulations that may apply, and Applicants are encouraged to seek expert advice from their own Relocation Specialist in ensuring that all federal requirements are followed. In addition, for any questions on developments with federal financing, please contact your local U.S. Dept. of Housing and Urban Development (HUD) Regional Relocation Specialist for assistance.

IRC §42, Low-Income Housing Credit	https://www.irs.gov/pub/irs-utl/lihc-form8823guide.pdf
National Housing Trust Fund Program	24 CFR Part 93 https://ecfr.federalregister.gov/current/title-24/subtitle-A/part-93 24 CFR Part 93.352 https://www.govinfo.gov/app/details/CFR-2015-title24-vol1/CFR-2015-title24-vol1-sec93-352/context
HOME Investment Partnerships Program	24 CFR Part 92 https://www.hudexchange.info/resource/2333/24-cfr-part-92-home-investment-partnerships-program-final-rule/ 24 CFR Part 92.353 https://www.govinfo.gov/app/details/CFR-2018-title24-vol1/CFR-2018-title24-vol1-sec92-353/context
Community Development Block Grant	See 24 CFR Part 570.606 https://www.govinfo.gov/app/details/CFR-2013-title24-vol3/CFR-2013-title24-vol3-sec570-606/context
HUD Handbook 1378: Tenant Assistance, Relocation, & Real Property Assistance	https://www.hudexchange.info/resource/310/hud-handbook-1378-tenant-assistance-relocation-and-real-property-acquisition/
URA The HUD Way	Real Estate Acquisition and Relocation - HUD Exchange
HUD Brochures	Real Estate Acquisition and Relocation Publications - HUD Exchange
Section 104(D) also known as Barney Frank Amendment	For guidance, see 24 CFR Subpart C and HUD Handbook 1378 Chapter 7: https://www.hud.gov/sites/documents/1378C7CPDH.PDF
HUD CPD Monitoring Handbook (6509.2) for a list of funding programs that trigger URA	CPD Monitoring Handbook (6509.2) HUD.gov / U.S. Departm https://www.hud.gov/sites/documents/DOC_16291.PDF ent of Housing and Urban Development (HUD)
Planning & Budgeting	https://www.hud.gov/sites/documents/DOC_16291.PDF
HUD Programs Covered by URA and/or Section104(D)	https://www.hud.gov/offices/adm/hudclips/handbooks/cpdh/6509.2/index.cfm - Attachment 25-1