



# RELOCATION MANUAL 2021

60 Executive Park South  
Atlanta, GA 30329  
Email: [RelocationReview@dca.ga.gov](mailto:RelocationReview@dca.ga.gov)

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# RELOCATION AND DISPLACEMENT GENERAL POLICIES

## 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 funded with a HOME loan or which receive a Federal Tax Credit Allocation 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 project. 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 feasibility and analyzing 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 resolved;*
- *Incur financial penalties; or*
- *Deem the Applicant ineligible to participate in all DCA programs in one or more future years.*

## APPLICABLE REGULATIONS & ELIGIBILITY

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**LIHTC-ONLY:** DCA requires relocation assistance for residents and non-residential tenants.

**APPLICATIONS WITH FEDERAL FUNDING:** 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:

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.

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)** 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. The applicant must describe relocation assistance to be provided to businesses, farms, and nonprofits in Relocation Plan and include budget.

**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.

**Other regulations**: Requirements for program-specific funding (**HOME, NHTF, and CDBG**) and federal funds not allocated by DCA (such as **RAD**) are summarized, when necessary for purposes of DCA review.

## **WAIVERS AND PROJECT CONCEPT CHANGES**

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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 adjust the application to further minimize displacements and will communicate with the Applicant during that process. For 9% 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 household of permanent displacement without DCA approval of that household's permanent displacement.

Non-Displaced Permanent Moves will be reviewed at:

1. Application, before construction and at final allocation application;
2. Before Construction; or
3. Final Allocation Application.

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. Narrative:
  - 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. Relocation and Displacement Workbook: Submit the Workbook based on Application stage and whether interviews and certifications have been conducted:
  - a. 9% Waivers: Manually fill in the Summary tab with currently available household information and Application information.
3. Household Data Forms and Income Documentation (*See Administration & Recordkeeping*);
4. Documentation as required by the Eligibility for Assistance and Return Matrix;
5. Written confirmation from federal agency (if applicable); and
6. Any other supporting documentation.

Project Concept Changes must include the following:

1. Evidence of Posters: Photos of the Posters in common areas with descriptions of location;
2. Occupancy records: rent rolls since date of last submitted rent roll;
3. Permanent Move Records: *See Administration and Recordkeeping*;
4. Updated Resident Info and Cost Estimate Workbook;
5. Updated Relocation and Displacement Plan;
6. Documentation as required by the Eligibility for Assistance and Return Matrix;
7. Recordkeeping of complaints and resolutions;
8. Advisory Log;
9. **URA**; and
  - a. HUD's Acquisition Checklist (*See Appendix Section in HUD Handbook 1378.0*)
10. Each of the following if Applicant has reached the stage where these documents are required:
  - a. Full Income Documentation (or Tenant Income Certification (TIC));
  - b. Copies of the following notices signed by heads of households or accompanied by certified mail return receipts:
    - i. Notice of Eligibility (NOE) or Notice of Non-Displacement (NND);
    - ii. Permanent Relocation: Comparable Replacement Dwelling options;
    - iii. Move-in Notices;
    - iv. HUD Brochure (If Applicable);
    - v. 90-Day Notice;
    - vi. 60-Day Notice;
    - vii. Notice of Moving Date; and
    - viii. Move-In Notices;

- c. Completed Decent, Safe, and Sanitary (DSS), Uniform Physical Condition Standards (UPCS) or Housing Quality Standards (HQS) forms;
- d. Records of referrals to Comparable Replacement dwellings; and
- e. Claims and evidence of moving cost and housing payment. (*See Administration & Recordkeeping*).

## **CONTINGENCY REQUIREMENTS**

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All relocation budgets must include the following. The Application Uses section must reflect the relocation budget:

1. Minimum contingency of 5% added to the project budget;
2. For Applicants for Resyndication that do not provide initial/original Tenant Income Certifications or recertifications, a waiver must be requested.
3. For Applicants that do not provide TICs but do provide the Household Data Form at Application, then the Application must include one of the following:
  - a. A unit mix with at least 5% of units designated as market rate (if existing LURC states otherwise, Applicant cannot choose this option);
  - 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 10% of households or, if resyndication or RAD, 5% of households;
4. When no resident data can be provided at Application then a waiver must be requested. If approved, the Application must include a description detailing why no resident data and one of the following:
  - 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; or
  - c. Budget for displacement of 20% of households.

## TIMELINE

<p><b>PRE-APPLICATION SUBMISSION</b></p>	<ul style="list-style-type: none"> <li>• Distribute General Information Notice</li> <li>• Begin providing Move-In Notices</li> <li>• For URA: Post Voluntary Acquisition notices and forms</li> <li>• For 9% Permanent Displacement: Submit waiver</li> </ul>
<p><b>APPLICATION SUBMISSION</b></p>	<ul style="list-style-type: none"> <li>• Interview Residents &amp; Determine Eligibility</li> <li>• Submit Plan, Workbook, and supporting documents</li> </ul>
<p><b>COMMENCEMENT SUBMISSION</b></p>	<ul style="list-style-type: none"> <li>• Submit Updated Plan and Worksheet</li> <li>• Submit Notices of Eligibility or Non-Displacement</li> <li>• Provide advisory services, identify Temporary, Comparable Replacement Housing</li> <li>• Submit Project Concept Change if new Permanent Displacement identified</li> </ul>
<p><i>Before Moving Residents</i></p>	<ul style="list-style-type: none"> <li>• Inspect Temporary and Comparable Replacement Housing for Decent, Safe, and Sanitary (DSS) Conditions</li> <li>• Distribute 90- and 60-day Notices, Notice of Moving Date</li> </ul>
<p><i>During Construction &amp; Relocation</i></p>	<ul style="list-style-type: none"> <li>• Manage moving logistics and emergencies</li> <li>• Process claims, payments, and grievances</li> </ul>
<p><b>FINAL ALLOCATION APPLICATION SUBMISSION</b></p>	<ul style="list-style-type: none"> <li>• Submit remaining Notices</li> <li>• Submit DSS forms</li> <li>• Submit claims, payments, grievances</li> <li>• Complete logistics for Return move</li> <li>• Submit Project Concept Change if new Permanent Displacement identified</li> </ul>
<p><i>Continued Compliance</i></p>	<ul style="list-style-type: none"> <li>• Lease addendum required</li> </ul>

## PRE-APPLICATION

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### ACTION

1. Determine program-specific Initiation of Negotiation (ION) and displacement consideration trigger. (*See Relocation Considerations*).
2. **URA:** Provide property seller or ground leasor with Notice to Owner and Pre-Contract Agreement. (*See HOME Manual*).
3. Applicant employs a Relocation Specialist to provide advisory services to relocation efforts.
4. Distribute General Information Notices (GIN) to all impacted residents and non-residential tenants.

### SUBMISSION

1. If permanent displacement is expected for 9% Application, submit waiver.

## APPLICATION

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### ACTION

1. Interview heads of households.
2. Fill out DCA Household Data Form or gather equivalent (*see Submission below*).
3. Identify relocation housing options.
4. Complete Resident Information and Cost Estimate Workbook (Application Submission and budget sections). Adjust proposed unit designations in Core Application to maximize households who can return. Include Relocation Budget in Uses tab.
5. Compose Preliminary Relocation and Displacement Plan containing all information indicated in, and organized according to, the DCA template.
6. Provide Move-In Notices to all persons interested in moving into project after the date the Pre-Application or NOFA was submitted.
7. **RAD:** Distribute RAD Information Notices (RINs) to all households.

### SUBMISSION

Make sure all information is clear and consistent between documents. Any changes must be submitted to DCA for written approval prior to implementation.

1. Copies of GINs signed by heads of households or accompanied by certified mail return receipt.
2. Tenant Selection Plan (TSP): Provide Management Company's tenant selection plan. Review for Fair Housing and other regulation compliance.
3. Relocation/Displacement Workbook: Please read "Instructions" sheet of the workbook for how to complete. This workbook will be used on an ongoing basis throughout the development process and the applicable columns of "Tenant Data" sheet must be updated accordingly at those times.
4. Evidence of Resident and Non-Residential Eligibility:
  - a. Resyndications:
    - i. Initial/original Tenant Income Certifications (TICs) or recertifications.
    - ii. For current market units, DCA Household Data Forms (*see DCA Income Averaging Policy*).
  - b. HUD subsidized properties: Form 50058 or completed and executed DCA Household Data Forms.



- c. Naturally occurring affordable multifamily, single family, mobile homes, and other residential: Completed and executed Tenant Household Data Forms.
- d. *For Tenant Household Data Forms: All forms must be completely filled out with each question answered and signed by resident unless DCA specifies otherwise (see COVID 19 updates). For vacant units, a resident data sheet listing unit # and date of last occupancy must be provided.*
- e. Businesses, farms, non-profits:
  - i. Name and type of business being relocated, name of business owner(s).
  - ii. Identify owner of the property being vacated (is it the displaced business or some other entity), copy of the property lease.
  - iii. **URA** certification of legal residence/citizenship or documentation supporting a hardship claim and DCA's determination.
- 5. Permanent Move records: *(See Administration and Recordkeeping).*
- 6. Occupancy Records: Three months prior to pre-application (or application if no pre-application submitted), NOFA publication, or the date at which the land became intended for federal funds (if applicable) whichever is earlier. *(See Administration and Recordkeeping).*
  - a. Resyndication: Affordable rent roll report.
- 7. Relocation and Displacement Plan: *(See Relocation Plan Template).*
- 8. Multifamily Tenant Relocation Plan Certification signed.
- 9. Applicant's Relocation Specialist's resume.
- 10. Federal funding application with submission date, if applicable.
- 11. URA**
  - a. Executed Pre-Contract Agreement.
  - b. The following notices signed or accompanied by certified mail return receipts:
    - i. Notice to Owner.
  - c. HUD Brochure.
- 12. RAD**
  - a. Copies of RINs signed by heads of households or accompanied by certified mail return receipts.
  - b. If households may be permanently displaced and Applicant received waivers of right to return, these must be submitted.

## **IF APPLICATION DENIED**

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### **ACTION**

- 1. Distribute Notice of No Relocation to residents and non-residential tenants.

## **60-DAYS BEFORE COMMENCEMENT**

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### **ACTION**

- 1. Post at least one (1) relocation notification poster in the development rental office and one (1) poster in each building.
- 2. Continue to provide advisory services to all households and non-residential occupants.
- 3. Confirm household needs, eligibility for relocation, and complete resident certification for LIHTC.
  - a. Confirm Replacement Housing Payments and associated costs.

4. Identify Comparable Replacement Dwelling options.
5. Determine whether households and non-residential occupants choose:
  - a. Actual reasonable moving and related expenses; or
  - b. Fixed payment for moving expenses.
6. Update budget and plan.
7. Issue Notices of Eligibility for Relocation Assistance (NOE) or Notices of Non-Displacement (NND).
  - a. NOEs and NNDs must be distributed after the Initiation of Negotiations (ION).
  - b. NOE and NND must be accompanied by written notice of DCA's grievance procedure.

## **SUBMISSION**

Make sure all information is clear and consistent between documents. The following is due for all Awarded/Allocated deals. Submit documentation to [relocationreview@dca.ga.gov](mailto:relocationreview@dca.ga.gov).

DCA must be notified immediately if household certification determines new, unapproved displacements.

Due date: Must be submitted more than 60 days prior to Commencement or 60 days prior distributing first Notice of Moving Date (90- or 60-Day Notice), whichever is earlier.

1. Copies of the following notices signed by heads of households or accompanied by certified mail return receipts:
  - a. NOE or NND, with applicable attachments;
  - b. Permanent Relocation: Comparable Replacement Dwelling options;
  - c. Move-in Notices; and
2. Evidence of Posters: Photos of the Posters in common areas with descriptions of location.
3. Occupancy records: rent rolls since date of last submitted rent roll.
4. Permanent Move Records: (*See Administration and Recordkeeping*).
5. Updated Resident Information and Cost Estimate Workbook.
6. Full Income Documentation (or TIC). For resyndication, initial/original Tenant Income Certifications (TICs) or recertifications and report.
7. Updated Relocation and Displacement Plan.
8. Recordkeeping of complaints and resolutions.
9. Advisory Log.
10. Executed commitment by Applicant and Limited Syndicator, if applicable.

## **11. RAD**

- a. Evidence of notification to residents whose relocation is anticipated to exceed 12 months that they may choose to voluntarily accept permanent displacement assistance and waive their right to return rather than be temporarily relocated.
- b. Evidence of notification to residents who may be precluded from returning to the rehabilitated project due to proposed plans that they may object to such plans and that their objection would require the plans to be altered to accommodate their right to return.
- c. Evidence of notification to residents who may be precluded from returning to the rehabilitated project due to proposed plans that they may object to such plans and that their objection would require the plans to be altered to accommodate their right to return if residents waived their right to return, copies of signed waivers.
- d. Copies of signed alternative housing option offers.

## **BEFORE MOVING RESIDENTS**

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### **ACTION**

1. Inspect Comparable Replacement and Return Housing for DSS.
2. Distribute 90-Day Notices (Permanent Displacement) and 60-day Notices (Temporary Relocation).
3. Distribute Notice of Moving Date.

## **DURING CONSTRUCTION & RELOCATION**

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### **ACTION**

1. Manage logistics and emergencies for moving residents and non-residential tenants.
2. Process claims, payments, and grievances.
3. Construction: All Management and Construction Staff must wear clear and visible identification at all times while on the project site during rehabilitation.
4. Applicant's Relocation Specialist and property management must provide impacted residents, businesses, non-profits, and farms an emergency contact number. This number must be posted in a prominent location at the site and must be included in all correspondence leading up to and throughout the construction period.

### **SUBMISSION**

Submit to DCA quarterly to [relocationreview@dca.ga.gov](mailto: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.

## **FINAL ALLOCATION APPLICATION**

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### **SUBMISSION**

1. Copies of the following notices signed by heads of households or accompanied by certified mail return receipts:
  - a. 90-Day Notice;
  - b. 60-Day Notice;
  - c. Notice of Moving Date; and
  - d. Move-In Notices.
2. Occupancy History: rent rolls from date of last submitted rent roll.
3. Updated Resident Information and Cost Estimate Workbook.
4. Permanent Move records.
5. Completed Decent, Safe, and Sanitary (DSS), Uniform Physical Condition Standards (UPCS) or Housing Quality Standards (HQS) forms.

6. Records of referrals to Comparable Replacement dwellings (form, date of referral and availability, reason(s) person declined).
7. Claims and evidence of moving cost and housing payment. (*See Administration & Recordkeeping*).
8. Advisory Log: Dates of personal contacts and advisory services provided. (*See Administration & Recordkeeping*).

## **CONTINUED COMPLIANCE**

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Review DCA's HOME Manual, Section XVIII for "Tenant and Participant Protections".

# RELOCATION CONSIDERATIONS

## DISPLACEMENT

### **DISPLACED RESIDENT, NON-RESIDENTIAL TENANT (BUSINESS/NONPROFIT/FARM)**

An entity which moves permanently from the real property for the sake of the project. Any moves after the following dates will be considered displacement unless proven otherwise.

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:

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).

**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(c), and moving expenses under § 24.301, § 24.302 or § 24.303.

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").

See *Eligibility for Assistance and Return Matrix* for more information.

#### Non-Displaced Permanent Move

Residents and non-residential tenants who move offsite after the above dates will be considered displaced unless proven otherwise.

#### **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 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 responsibility entity, except if there is a financial hardship exemption (§ 5.630(b)).<sup>1</sup>
      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.
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.

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

**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 resident chooses permanent displacement assistance, provide 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 resident chooses to be temporarily relocated, Applicant must *choose one of the following options*:
  - a. If the resident is otherwise eligible, allow resident to return to 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.

## **PROGRAM ANOMALIES**

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### **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 voluntarily permanently relocate rather than object, Applicants must obtain written consent.

### **OVER-INCOME HOUSEHOLD**

A household with income exceeding the income limit designated for the unit.

1. Existing Households: Income certification guarantees safe harbor during construction period. (*See Temporary Relocation>Existing Households>Safe Harbor*).
2. Resyndication: Tenants are grandfathered in. (*See Temporary Relocation*).

### **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).

## 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.

## HOUSING SIZE

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### 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.<sup>2</sup>

### 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

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<sup>2</sup> 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](https://www.dca.ga.gov/sites/default/files/georgia_landlord-tenant_handbook.pdf))



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 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.

## **HOUSING STATUS, 90 OCCUPANTS, AND INITIATION OF NEGOTIATION**

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### **HOUSING STATUS**

1. Comparable Replacement Dwelling. The dwelling to which a household is Permanently Displaced. (For URA, see 49 CFR 24.2(6)).
2. Decent, safe, and sanitary dwellings (DSS). 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.
3. Displacement Dwelling. The unit occupied by an existing resident prior to displacement or relocation. (49 CFR 24.2(6)).
4. Temporary Housing. The dwelling to which a household is Temporarily Relocated.

### **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). Low-Income Households and households that did not receive Move-In Notice do qualify for housing assistance benefits.

### **INITIATION OF NEGOTIATIONS (ION)**

The ION date is the trigger 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.

1. LIHTC-only developments: the ION is the date the Applicant executes the Limited Partnership Agreement.
2. **URA**: When there is no program-specific ION or related acquisition by a Federal or State Agency, ION means the notice to the person that they will be displaced by the project or, if there is no notice, the actual move of the person from the property.
3. 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:
  - a. **HOME**: 24 CFR 92.353(c)(3).
  - b. **HTF**: 24 CFR 93.352(c)(3).
  - c. **CDBG**: 24 CFR 570.606(b)(3).
  - d. **RAD**: Notice H 2016-17 Section 8 PBRA: 24 CFR 983.7(d).

# 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.

**Applicants must:**

- Use applicable DCA-provided notices.
- Adjust notices to reflect individual households’ needs and assistance.
- Translate notices (if applicable) to preferred language and reading accommodations.

Permanent Displacement	Temporary Relocation	Relocation 12 + Months	Non-Residential Tenants
<ul style="list-style-type: none"> <li>● GIN;</li> <li>● Notice of Relocation Eligibility (NOE) with Comparable Replacement Dwelling form;</li> <li>● 90-Day Notice;</li> <li>● Notice of Moving Date; and</li> <li>● Relocation Poster.</li> </ul>	<ul style="list-style-type: none"> <li>● GIN;</li> <li>● Notice of Non-Displacement;</li> <li>● 60-Day Notice;</li> <li>● Notice of Moving Date; and</li> <li>● Relocation Poster.</li> </ul>	<ul style="list-style-type: none"> <li>● GIN;</li> <li>● Notice of Non-Displacement;</li> <li>● 90-Day Notice;</li> <li>● Notice of Moving Date; and</li> <li>● Relocation Poster.</li> </ul>	<ul style="list-style-type: none"> <li>● GIN;</li> <li>● Notice of Non-Displacement or NOE/NND (if relocation is more than 12 months);</li> <li>● 90-Day Notice (if relocation is more than 12 months) or the 60-Day Notice;</li> <li>● Notice of Moving Date; and</li> <li>● Relocation Poster.</li> </ul>

If an alternative is required for a HUD-program (and not an Optional Guide Form), submit documentation to DCA in advance of distribution. If the notice is in addition to those provided by DCA, include at relevant Submission. Notices must include the Applicant’s Relocation Specialist and/or Applicant contact information (phone, email, and physical address) and be personally served with a signature receipt or sent by certified or registered first class mail, return receipt requested.

1. General Information Notice (GIN). The GIN informs all occupants of a possible project and of their rights under the DCA Relocation Manual and other applicable regulations. This notice advises the household not to move at this time and advises them of the likelihood of potential relocation or displacement.  
 Must be provided 15 days before whichever is earliest:
  - a. If the applicant has site control, the date of the initial submission of the application for federal funding or assistance;
  - b. If the applicant has site control, the date of the Pre-Application for LIHTC; or
  - c. If site control is not obtained until after “i” or “ii” stated above, the date the applicant obtains site control.

**URA:** Notice must include HUD’s brochure ([www.hudexchange.info/programs/relocation/publications/](http://www.hudexchange.info/programs/relocation/publications/)).

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.”

2. **RAD General Information Notice (RIN)**. Informs all occupants of a possible project and of their rights under the Relocation Assistance Demonstration (RAD). (HUD Notice H 2016-17)
3. **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.
4. **Move-In Notice**. 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.
  - a. **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.
  - b. Other funding sources, do not provide a Move-In Notice. Instead do the following:
    - i. If household desires to move in before eligibility determinations, then a GIN must be provided in advance of moving in or signing a lease; or
    - ii. If household desires to move in after eligibility determinations, then household eligibility must be determined. The GIN and, based on tenant’s eligibility, the Notice of Eligibility or Notice of Non-Displacement must be provided to household in advance of moving in and signing a lease.
5. **Notice of Eligibility (NOE)**: Notice provided to persons who will be permanently displaced. The NOE must be distributed promptly after the Initiation of Negotiations and more than 90 days before moving date. 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.
  - f. **RAD**: 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. Residents must be provided at least 30 days to decide whether to be temporarily relocated or voluntarily permanently displaced.
6. **Notice of Non-Displacement (NND)**: Notice provided to persons who will be temporarily relocated and not permanently displaced for a project. Such persons, however, may be required to move to another unit onsite or offsite temporarily while the property is developed. 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).

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.
7. Combined Notice of Eligibility and Notice of Non-Displacement (NOE/NND): Notice provided to persons who are temporarily relocated for more than 12 months and are offered displacement assistance. Such households have a choice between:
- a. Temporarily for an agreed upon period;
  - b. Move permanently to the home you temporarily move to, if it is available; or
  - c. Move permanently elsewhere (and, if **RAD**, waive their right to return).

The NOE/NND must include all provisions of an NOE and an NND. NOE/NND must be distributed promptly after the Initiation of Negotiations and more than 90 days before moving date.

8. 90-day Notice: Notifies tenant of moving date and moving logistics for Permanent Displacement or Temporary Relocation for over 12 months. 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.
9. Combined NOE and 90-Day Notice. Where time to begin work on the project is critical, HUD 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).

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.

10. 60-Day Notice. Notifies tenant of moving date and moving logistics for Temporary Relocation for fewer than 12 months. Notice must:
- a. Be distributed at least 60 days before tenants will be required to move;
  - b. Include the specific date by which tenants must move or state that the tenant will not be required to move for at least 60 days and that the Notice of Moving Date will be distributed no less than 30 days prior to the date tenants must move;

- c. Not be provided until Temporary Housing is identified and will be available for the resident's moving date. Include details in this notice unless provided earlier; and
  - d. Include moving logistics unless move is a self-move.
- 11. Notice of Moving Date. Informs tenants of the specific date by which they must move. Must be provided at least 30 days prior to the date by which tenants must move.
- 12. Poster. Within 15 days after award, the Applicant or property manager must post at least one (1) relocation notification poster in the project rental office and one (1) poster in each building clearly visible inside building entrance. These must:
  - a. Remain in place for the duration of the relocation period when residents are living on the property;
  - b. Be replaced if damaged or destroyed; and
  - c. Be at least 11 by 17 inches and a minimum 14-point font or greater to ensure its readability.

# ADVISORY SERVICES

## GENERAL OVERVIEW

### APPLICANT'S RELOCATION SPECIALIST

DCA requires that the Applicant engage a Relocation Specialist to provide the following relocation advisory services to work with eligible Residents.

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. When available, DCA will also recommend a community advocate partner.

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/](http://www.hudexchange.info/trainings/ura-the-hud-way/)).

### ADVISORY SERVICES

1. Plan  
Determine the most appropriate relocation/displacement strategy. Write the Relocation Plan.
2. Claims, Payments, and Grievances
  - a. Assist Residents and Non-Residential Tenants in preparing claims;
  - b. Process claims and provide advance payment when needed; and
  - c. Respond to grievances promptly. Refer Residents and Non-Residential Tenants to DCA.
3. 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.
  - a. **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:

- i. A signed copy of the NOE or NND;
    - ii. 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
    - iii. Resident and Non-Residential Tenant explanation of why they chose to move.
  - b. **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 and Non-Residential Tenant’s lease may not be terminated due to resident seeking to exercise right to return.
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

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.

Communication (notices, meetings, schedules) within the required timeframe and interviewing heads of household, ensures Residents and Non-Residential Tenants understand:

a. Interview

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:

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

b. Notices. *See Notice Requirements Section.*

## **FEEDBACK AND MEETINGS**

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For residents and non-residential tenants that are likely to return, the following section applies. 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.

1. Distribute a property / redevelopment survey

DCA will provide a standard survey to each Applicant to distribute among all Residents and Non-Residential Tenants at the property.

The survey must be distributed virtually, and paper copies mailed out/delivered by property managers with return envelopes and stamps. 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. DCA and Applicant will receive all results.

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.

2. Host Engagement Meetings at Property

When public meetings are held:

- a. 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;
- b. Residents and Non-Residential Tenants must be given at least 7-day notice for any meeting; and
- c. 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*).

- a. 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.
- b. First Meeting  
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.
  - i. 9% Applications: First meeting must be held within 60 days after award; and
  - ii. 4% Applications: First meeting must be held within 60 days before Application.
- c. Between First and Second Meetings  
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.
- d. Second Meeting



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 meeting 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.

## IN-PLACE REHAB WITH 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. The following must be conducted to ensure minimal cost and challenges are incurred in the Residents day-to-day activities:

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

Meal Allowance Per-Diem (per person)		
Eligible Meals	Standard Area	High-Cost Area
Breakfast	\$6.00	\$7.00
Lunch	\$7.00	\$9.00
Dinner	\$15.00	\$20.00

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 WiFi;
  - 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 left clean and free of debris, which is included but 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.
5. Residents must relocate to Temporary Replacement Housing if:
  - a. Work exceeds an eight-hour day;
  - b. Work requires packing, moving or storing belongings;

- c. 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
- d. The Residents do not have access to functional kitchen or bathroom facilities.

## TEMPORARY RELOCATION

All Residents are considered temporarily relocated, unless approved for permanent displacement by DCA. Temporarily relocated Residents are guaranteed return to a suitable unit within the placed-in-service property. Residents who cannot afford the Return Rent, may be considered Permanently Displaced (*see Permanent Displacement and Eligibility for Assistance and Return Matrix*). Temporary relocation benefits must be made available for all Residents who currently reside in the building and whose lives will be disrupted by the construction work, unless deemed ineligible.

### RELOCATION OVER 12 MONTHS

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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 construction of a unit runs longer than planned and a household's relocation will exceed 12 months, Applicant must notify DCA. DCA may require 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.

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.

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.

Specifically, Residents must be given the opportunity to choose:

1. To continue to temporarily relocate;
2. To be permanently displaced; or
3. Permanently remain in the unit which has been their Temporary Housing/location, if it is available to do so.

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.

### EXISTING HOUSEHOLDS

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1. Resident chose to not return: If a Resident is relocated off-site during the relocation and wishes to remain there, they may. Applicant must submit a Reason for Move Certification for DCA's review.
  - a. DCA may require the Applicant to pay the rent differential for the remainder of what would have been the relocation term.

2. Placed in Service and Annual Certification dates: A building is placed in-service when it is ready for its intended purpose. For new construction or existing buildings being used for housing for the first time, this is generally the date when the first unit in a building can legally be occupied. In most cases, this is evidenced by a certificate of occupancy (CO) or similar. However, with acquisition/rehab projects, these rules are less obvious.
  - a. Acquisition: For buildings that are acquired with households living in-place, the building is ready for its intended purpose upon acquisition. Therefore, the date of acquisition by purchase (as defined by section 179 (d)(2) depreciation rules) becomes the placed in-service date for the tax credits.
  - b. Rehabilitation: The rehabilitation placed in-service date does not directly relate to occupancy. Rather it is an expenditure test to determine what year credits can be claimed and when the eligible basis that can support the planned credits is met. Technically speaking, rehab credits can be placed in-service at the close of any 2-year period, over which the rehab expenditures are made. The greater of 20% of the adjusted basis of the project or a minimum set by the IRS must be spent.
  - c. Start of Acq/Rehab Credit Periods: Tax credits for both the rehab and acquisition can be claimed as early as the later of the acquisition date or the start of the year a building rehabilitation is placed in-service. If not claimed that year, credits maybe deferred one year.
3. 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.
4. 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).

## RESYNDICATION

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1. 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. (IRS 8823 Guide)” In other words, people who income qualify for tax credits for the first set of credits and are in-place at the start of the second set of credits automatically continue as LIHTC-qualified for the second set, regardless of income at the time of the start of new credits. Sometimes this is referred to as “grandfathering” those residents into the new credits.
  - a. This provision only applies if the original extended use agreement is in place; and
  - b. Student status: Only income qualification is grandfathered, not student status.

2. 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.
3. Income limits: Since grandfathered households continue to qualify based on their original certification, income limits at the time of the start of new credits are not fundamentally relevant to their status with the new credits. Of course, if an existing household is being certified at the time of resyndication, then current limits will be used. Households who move in after the acquisition date will also be held to the current income limits. Subsequent tenant income certifications for all households must reflect current income limits.
  - a. Safe Harbor Income Testing: For resyndication projects that are less than 100% LIHTC, grandfathered households and those who have moved in since will not need to be re-qualified at the start of the credit period. If they have been in the property more than 120 days before the start of the first year of the credit period, however, an “income test” will need to be run on the household at the start of the first credit year. The income test is self-certification by the household as to whether their income has changed since they were initially qualified. The household will provide supporting documentation, such as paystubs, to allow for new calculations if their income has changed. The household's eligibility to stay is not in question, but the Next Available Unit Rule (AUR) will be applied to any units that are over the 140% limit at the time of the start of the credit period.
4. 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 afterwards, 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. Income limits will hold harmless from the new placed in-service date on.
5. 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.
6. Developments with existing restrictions: LURCs and LURAs remain on the property until the end of their stated term.

#### **TEMPORARY RELOCATION NOTICES:**

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.

1. GIN;
2. Notice of Non-Displacement;
  - i. Residents must be notified of any changes in rent, home and site changes, management, rules and regulations.
3. 90-Day Notice (if Temporary Relocation is over 12 months) or 60-Day Notice; and
4. Notice of Moving Date.

## PERMANENT DISPLACEMENT

While developing an Application and determining feasibility, Applicant must identify ineligible Residents based on the Eligibility Determination (*see Relocation Considerations and Eligibility for Assistance and Return Matrix*). 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 (*see the Eligibility for Assistance and Return Matrix*).

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 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 household is economically displaced), the rent differential must be covered in the relocation budget to pass 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.

The *Relocation Considerations* section and *Eligibility for Assistance and Return Matrix* lists what an Applicant must consider in order to minimize displacements. (*see Relocation and Displacement General Policies*).

**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. Applicants 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.

Non-Displaced Permanent Moves: Residents who move offsite will be considered displaced unless proven otherwise, if the Residents move after the earlier of:

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 obtains site control; or
4. The date at which the land became intended for federal funds (if applicable).

Residents deemed ineligible for relocation assistance, the Applicant is responsible for proving that such Residents were ineligible. To do so, Applicant must submit the documentation described in *Permanent Move Records in the Administration and Recordkeeping section* to DCA for each non-displaced permanent move from earliest Occupancy Record date to Placed-In Service (due at the subsequent submission date).

#### Permanent Displacement

No displacement can occur without DCA approval of Waiver (Pre-Application Waiver for 9%) or Project Concept Change (PCC). See *General Policies* for Waiver and PCC requirements.



# HOUSING ASSISTANCE

## GENERAL REQUIREMENTS

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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 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. Decent, Safe and Sanitary: All dwellings must be “decent, safe and sanitary,” by meeting the following standards, as well as any other applicable housing occupancy codes:
    - i. Be structurally sound, weather-tight and in good repair;
    - ii. Contain a safe electrical wiring system and heating system;
    - iii. Be adequate in size with respect to the number of rooms and area of living space, including adequate bathroom and kitchen;
    - iv. Contain unobstructed egress to safe, open space at ground level, or at least two means of egress if on second story or above;
    - v. The dwelling must meet all pertinent accessibility standards for disabled persons. This requirement will also be met if the selects on their own a dwelling that they determine is suitable for their own needs; and
    - vi. Comply with lead-based paint requirements of 24 CFR Part.35.
  - 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 principle 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.

## TEMPORARY RELOCATION HOUSING OPTIONS

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All Temporary Housing must be decent, safe, and sanitary. A suitable replacement home on-site (Applicants are encouraged to stage work so that Residents are relocated within the development).

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 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 a waiver/PCC must be submitted; and
      - ii. Include map of Temporary Housing sites, displacement site, and PMA in Relocation Plan. And,
    - 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. A friend or family member's residence, if the Applicant and Resident reach a written agreement concerning this and relocation. This decision must be based on households' stated needs and desires. Agreement must be submitted with Application.
- 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. Voluntarily: 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. Involuntarily: 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. Definition: The unit within the project that a temporarily relocated household occupies when they return.
- 2. If household is not able to return to their Displacement Dwelling, 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 underhoused; 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**

- 1. Hotel costs: If hotel rooms do not have a full kitchen with amenities that match displacement unit, 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.

Meal Allowance Per-Diem (per person)		
Eligible Meals	Standard Area	High Cost Area
Breakfast	\$6.00	\$7.00
Lunch	\$7.00	\$9.00
Dinner	\$15.00	\$20.00

Please confirm price per county at <https://www.gsa.gov/travel/plan-book/per-diem-rates>.

**Housing Cost**

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. Friend or family: If moving to a friend or family member’s residence, must include reasonable payments, including rental payment and/or meal reimbursement.
- 3. Return rents:
  - a. *See Economic Displacement in Relocation Considerations*; 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 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

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Comparable Replacement Dwelling options that meeting 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 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.
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.

### Notices to Permanently Displaced Residents:

1. GIN;
2. Notice of Relocation Eligibility (NOE) with Comparable Replacement Dwelling form;
3. 90-Day Notice; and
4. Notice of Moving Date.

### 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: *See Calculations Tab of Relocation Workbook and Calculations Form.*

1. Number of months after displacement: Applicant must provide housing assistance from the date displacement occurred until the below number of months, dependent on the program:
  - a. **LIHTC-only**: Cost differential due for Comparable Replacement Dwelling the greater of 12 months or other households' temporary relocation timeframe;
  - b. **URA**: Cost differential due for 42 months; or
  - c. **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*:
      - i. 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
      - ii. 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**:
      1. 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
      2. 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 total tenant payment (24 CFR § 5.628).
  - d. **URA, 104(d)**: If 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 cost 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 receipt of transaction claim.

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

### 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](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 household to relocation housing on move in day up to 50 miles. For Temporary Housing farther than 50 miles, with waiver/PCC for being outside the 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 cost 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.

# NON-RESIDENTIAL TENANTS

## SUMMARY OF TEMPORARY RELOCATION ASSISTANCE

Non-Residential Tenants such as businesses/nonprofits/farms that are able to return to a comparable location onsite, must be offered the following advisory and financial assistance:

- Notices: The following notices must be presented at the applicable times. These notices must be adjusted to accommodate the circumstances of each tenant:
  - GIN;
  - Notice of Non-Displacement or NOE/NND (if relocation is more than 12 months);
  - 90-Day Notice (if relocation is more than 12 months) or the 60-Day Notice; and
  - Notice of Moving Date.
- Advisory Services includes referrals to suitable replacement locations, help in preparing claim forms 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 temporary relocation is required for the duration the tenant is off-site. If relocation is to exceed twelve months, the tenant must be offered displacement assistance but can choose either temporary relocation or permanent displacement. Methods for calculating expenses are as follows:
  - Method A & B - Payment for Actual, Reasonable Moving and Related Expenses. If this payment is chosen, the recipient may also be eligible for a Payment for Reestablishment Expenses, up to \$25,000.
  - Method C - Fixed Payment (“In Lieu Of” Payment). As an alternative to receiving payment for actual, reasonable and related moving and reestablishment expenses, certain business/nonprofits are eligible to choose a Fixed Payment in the amount of \$1,000 - \$40,000.

## SUMMARY OF DISPLACEMENT ASSISTANCE

Eligible displaced Non-Residential Tenants, must be offered the following advisory and financial assistance:

- Notices: The following notices must be presented at the applicable times. These notices must be adjusted to accommodate the circumstances of each tenant.
  - GIN;
  - The Notice of Eligibility;
  - 90-Day Notice; and
  - Notice of Moving Date.
- Advisory Services includes referrals to suitable replacement locations, help in preparing claim forms 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 fall into two general categories (Method descriptions below):



- Method A & B - Payment for Actual, Reasonable Moving and Related Expenses. If this payment is chosen, the recipient may also be eligible for a Payment for Reestablishment Expenses, up to \$25,000.
- Method C - Fixed Payment (“In Lieu Of” Payment). As an alternative to receiving payment for actual, reasonable and related moving and reestablishment expenses, certain business/nonprofits are eligible to choose a Fixed Payment in the amount of \$1,000 - \$40,000.

## **MOVING PROCEDURES AND REGULATIONS**

The displaced business/nonprofit may elect a method of payment as follows (Method “A”, “B”, or “C” detailed below):

In addition to Method A-Self Move, or Method B- Actual Cost Move, the following Moving Incidentals will 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.

### **1. Method A - Self-Move**

The owner or tenant may elect to move themselves and under this provision. An estimate by the Applicant’s Relocation specialist must be prepared not to exceed \$10,000.00. The DCA’s Relocation Specialist will review estimates over \$10,000 to determine if it is reasonable and in line with similar relocation estimates and a decision will be made to determine if a second estimate is necessary. (For method “A” moves, the estimates will not include insurance because in choosing Method A moves, the displacee assumes all responsibility. If Method “B” move is chosen, then the insurance may be elected by the displacee and included in the estimate.) Typically, the relocatee/displacee will be reimbursed an amount not to exceed the lower of the estimates obtained. The relocation benefits file should document any reasons why a lower estimate was not used (i.e. less detailed, less reliable, etc.). The displaced business/nonprofit may elect to be reimbursed by submitting paid receipted bills, but no payment can exceed what would have been paid to a commercial contractor. If the move will exceed \$10,000.00 and no estimate can be obtained, the displaced business/nonprofit may be reimbursed based on costs incurred supported by receipted bills or other evidence of costs incurred. In this case, the displacee should submit a good faith estimate of anticipated costs prior to move so the costs can be reviewed by DCA’s Relocation Specialist.

2. Method B - Reasonable Actual Cost

The costs involved, including insurance (based on replacement value), and to remove, re-assemble and re-install equipment (including the modification of equipment) will be determined by soliciting at least two qualified moving firms. In most cases, the moving contract should be awarded to the lowest moving estimator and the firm will be paid directly by the Applicant after satisfactorily completing the move. Provided that an estimate is less than \$10,000.00, one estimate may be deemed adequate, if it is considered reasonable in comparison with similar moves (must be pre-approved). If there are not two estimates obtained (for over \$10,000 situations), the DCA Relocation Specialist will document the relocation benefits file with any reasons or justification.

3. Method C - Actual Direct Loss of Tangible Business/Nonprofit Property (Alternate Payments in addition to Methods "A" or "B")

Businesses or farms may be eligible for actual direct losses of tangible business/nonprofit property when they are entitled to relocate such business/nonprofit property in whole or in part but elect not to do so. Such payments may only be made after a bona fide effort has been made by the owner to sell the item(s) involved. A bona fide effort to sell means by appropriate publicity such as: newspaper advertisement, public auction, radio announcements, written public notices, posted signs or any other sincere effort, and such method used must be documented by the Owner/Applicant and the documentation furnished to DCA. The sales prices, if any and the actual reasonable costs of advertising and conducting the sale must be supported by a copy of the bills of sale or similar documents and by copies of any advertisement, offers to sell, auction records and other documents supporting the bona fide nature of the sale. A bona fide sale as used in this manual means an authentic, sincere sale made in good faith without the intent of fraud or deceit. A sale to a business associate, partner, wife, husband or relative would not normally be considered a bona fide sale unless it was given appropriate publicity and such sale was competitive bidding open to the public. The district is to obtain, prior to the move, be sold and/or not moved by the displaced business/nonprofit. Such inventory may be prepared by the displaced business/nonprofit(s) and a personal inspection and verification of such items is then made by the District.

- a. If an item of business/nonprofit property which is used in connection with the business is not moved but promptly replaced with substitute item that performs a comparable function at the new location, the reimbursement shall be the lesser of:
  - i. The cost of the substitute item including installation costs at the replacement site minus any proceeds from the sale;
  - ii. The estimated costs of moving and installing the replaced item based on the approved low bid or estimate, but not to exceed 50 miles and with no allowance for storage; or
  - iii. In addition, the reasonable cost incurred in attempting to sell the item(s).
- b. If the item is not to be replaced in the re-established or discontinued business, the payment will be the lesser of:
  - i. The fair market value of the item for continued use at its location prior to displacement less the proceeds from its sale. When payment for property loss is claimed for goods held for sale, the fair market value shall be based on the cost of the goods to the business, not the potential selling price;
  - ii. The estimated costs of moving and installing the item based on the approved low bid or estimate, but not to exceed 50 miles and with no allowance for storage; or
  - iii. Reasonable cost incurred in attempting to sell the item(s).

- c. If a bona fide sale is not affected under section (A) or (B ) above because no offer is received for the property and the property is abandoned; payment for the actual direct loss of that item(s) may not be more than the fair market value of the item for continued use at its location prior to displacement or the estimated cost of moving the item(s) 50 miles but with no allowance for storage, whichever is less, plus the cost of the attempted sale irrespective the cost to the Applicant of removing the item(s). The fair market value or the replacement cost of an item of the business/nonprofit property, whichever is applicable, is to be determined by employing the services of a person who specializes in the manufacture, sale, lease erection, installation or maintenance of the item(s) to the extent that he is considered to be an expert on its value or employing the services of a fee appraiser. The fair market value for continued use or replacement cost of the item(s) must be documented in writing giving a complete description and name of each item including, where applicable, information such as manufacturer's name, age of item/ year built, model serial number, nameplate data as to size, H.P./B.T.U, ratings, voltage class, etc.; give new installed cost including cost of item and cost of installation; give depreciation including physical, functional and economic with the reasoning and method by which it was derived; give the present value in the place of the item; set forth all sources of estimate such as cost manuals, and indexes, manufacturer's quotations, used equipment suppliers, tradesman, etc.; be signed by the person making the determination.
4. Actual Reasonable Expenses in Searching for a replacement Business Site (In addition to Method 'A' or "B"). The owner of a displaced business may be reimbursed for the actual reasonable expenses in searching for a placement business site, not to exceed \$2,500.00. Such expenses may include transportation expenses, meals, lodging away from home and the reasonable value of time actually spent in search, including the fees of real estate brokers or agents who assist in the location of a replacement site (Note: this does not mean sales commission.)
  - a. Receipted Bills – All expenses claimed except value of time actually spent in search must be supported by receipted bills; and
  - b. Time Spent in Search – Payment for time actually spent in search shall be based on applicable hourly wage rate for the person(s) conducting the search. A certified statement of the dates and hours spent searching, including the places visited and the person(s) contacted, must accompany the claim.
5. Average Earnings Business or Farm/ In Lieu Of – Method "C" "In Lieu Of" all other relocation payments, a displaced business (Including a displaced business, which is discontinued) may elect to receive an amount equal to the average annual net earnings of the business except that such payment will not be less than \$1,000.00 or more than \$40,000.00. The term "average annual net earnings" means one-half of any net earnings of the business before Federal, State and local income taxes, during the two (2) taxable years immediately preceding the taxable year in which the business is displaced. If the business was not in operation for the full two (2) taxable years prior to displacement, net earnings will be based on the actual period of operation at the acquired site during the two (2) taxable years prior to displacement, projected to an annual rate. In addition, if the two (2) taxable years immediately preceding displacement are not representative, an alternate two (2) year period may be used and the average net earnings may then be based upon a different period of time when DCA determines it to be more equitable. Further, it must be determined that the proposed construction has been the cause resulting in a decline in net income or clientele for the business prior to utilizing alternate tax year's procedure. Net earnings include any compensation obtained from the business or farm operation by its owner, the owner's

spouse, or dependents. Such earnings and compensation may be established by Federal income tax returns or certified financial statements certified by a Certified Public Accountant, authorized to practice in the state of Georgia, filed by the business its owner, spouse, and dependents during the two (2) year period. In the case of a corporate owner of a business, earnings shall include any compensation paid the spouse or dependents of the owner of majority interest in the corporation. In the purpose of determining majority ownership, stock held by a husband, his wife, and their dependent children shall be treated as one unit.

- a. For the owner of a business to be entitled to this payment, DCA must determine that:
  - i. The business owns or rents personal property which must be moved in connection with such displacement and for which an expense would be incurred in such a move; and the business vacates or relocates from its displacement site;
  - ii. The business cannot be relocated without a substantial loss of its existing patronage (clientele or net earnings). A business is assumed to meet this test unless it is determined that it will NOT suffer a substantial loss of its existing patronage;
  - iii. The business is not part of a commercial enterprise having more than three (3) other entities which are not being acquired by DCA, and which are under the same ownership and engaged in the same or similar business activities;
  - iv. The business is not operated at a displacement dwelling solely for the purpose of renting the dwelling to others;
  - v. The business is not operated at the displacement site solely for the purpose of renting the site to others;
  - vi. The business contributed materially to the income of the displaced person during the two (2) taxable years prior to displacement; and
  - vii. The “contributed materially” test may be waived by DCA for documented good cause:
    1. *Contribute materially.* The term *contribute materially* means that during the 2 taxable years prior to the taxable year in which displacement occurs, or during such other period as the Agency determines to be more equitable, a business or farm operation:
      - a. Had average annual gross receipts of at least \$5,000;
      - b. Had average annual net earnings of at least \$1,000;
      - c. Contributed at least 33 1/3 percent of the owner's or operator's average annual gross income from all sources; or
      - d. If the application of the above criteria creates an inequity or hardship in any given case, the Agency may approve the use of other criteria as determined appropriate.
- b. In determining whether two (2) or more displaced legal entities constitute a single business, which is entitled to only one fixed payment, all pertinent factors will be considered, including to the extent to which:
  - i. The same premises and equipment are shared;
  - ii. Substantially identical or interrelated Business functions are carried out and business and financial affairs are commingled;
  - iii. The entities are held out to the public and to those customarily dealing with them as one business; and
  - iv. The same person(s) or closely related persons own control or manage the affairs of the entities.

## **FARMS**

“In Lieu Of” all other relocation payments, a displaced farm operator may elect to receive an amount equal to the average annual net earnings of the farm operation except that such payment will not be less than \$1,000.00 or more than \$40,000.00.

The term “average annual net earnings” means one-half of any net earnings of the farm operation before Federal, State and local income taxes, during the two (2) taxable years immediately preceding the taxable year in which the farm operation is displaced.

If the farm was not in operation for the full two (2) taxable years prior to displacement, net earnings will be based on the actual period of operation at acquired site during the two (2) taxable years prior to displacement, projected to an annual rate. Net earnings include any compensation obtained from the farm operation by its owner, the owner’s spouse or dependents. Such earnings and compensation may be established by federal income tax returns or certified financial statements certified by a CPA (certified public accountant) authorized to practice in the state of Georgia filed by the farm operator, its owner, its spouse, and dependents during the two (2) year period. In the case of a corporate owner or a farm operation, earnings shall include any compensation paid to the spouse or dependents of the owner of a majority interest in the corporation. In the purpose of determining majority, stock held by a husband, wife and their dependent children would be treated as one unit. For the owner to be eligible for this payment, DCA must determine prior to the move by documentation that:

1. The farm operation products or commodities in sufficient quantity to be capable of contributing materially to the operator’s support;
2. The farm operator was required to discontinue his entire farm operation at its present location or was required to relocate the entire farm operation; or
3. In the case of a partial acquisition, the operator will be considered to have been displaced from a farm operation if:
  - i. The acquisition of part of the land caused the operator to be displaced from the farm operation on the remaining land; or
  - ii. The partial acquisition caused substantial change in the nature of the farm operation.

## **NONPROFIT ORGANIZATIONS**

“In Lieu Of” all other relocation payments, displaced nonprofit organizations may elect to receive an amount equal to the average annual net earnings of the farm operation except that such payment will not be less than \$1,000.00 or more than \$40,000.00 if:

1. The nonprofit organization cannot be relocated without a substantial loss of its existing patronage (members or clientele). A nonprofit organization is assumed to meet this test, unless DCA demonstrates otherwise; and
2. Any payment in excess of \$1,000.00 must be supported with financial statements for the two (2) twelve (12)-month periods prior to acquisition. The amount to be used for the payment is the average of two (2) years annual gross revenues less administrative expenses.

## **OWNER MUST PROVIDE INFORMATION**

For the owner of a Non-Residential Tenant to be entitled to the “In Lieu of” moving payment, the owner must provide information to support its net earnings. City and/or County, State or Federal tax returns for the tax years in question are the best sources of this information and would be accepted as evidence of earnings. At the Applicant’s discretion, commonly acceptable methods could be accepted such as certified financial statements or an affidavit from the owner stating the net earnings, provided it grants DCA the

right to review the records and accounts of the business. The owner's statement of his income alone would not be sufficient if the amount exceeds \$1,000.00.

### **REESTABLISHMENT COSTS (IN ADDITION TO METHOD "A" OR "B" MOVE)**

In addition to expenses for moving and searching for a replacement site, a small business (*see definitions, Uniform Act*), farm or nonprofit organization is entitled to receive a payment, not to exceed \$25,000.00 for expenses actually incurred ("arms-length") in relocating and reestablishing such small Non-Residential Tenants at a replacement site. Expenses should be pre-approved in writing as eligible, and reasonable and necessary. The reestablishment payment eligibility extends to the following entities that are required to relocate:

- An owner of a rental dwelling being rented to others;
- An owner of a building being rented for a business;
- An owner who owns a multi-tenant commercial/retail building whereby the owner operates a business and leases the remaining building space to others, is eligible to claim two (2) reestablishment payments (One for his/her business as well as a second payment entitlement for the building being rented to others). In this case, the owner is eligible for up to a maximum of \$25,000.00 each for both establishments and operations;
- A tenant who leases the building from others for his/her business operation;
- A tenant who subleases a building to others with the owner's consent;
- An owner of a mobile home lot being rented to others; and
- A tenant who subleases a mobile home lot to others with the owner's consent.

### **REESTABLISHMENT ELIGIBLE EXPENSES**

Reestablishment expenses must be reasonable and necessary, as determined by DCA. A detailed list of the charges were 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 as stated above (\$25,000.00). They may include, but 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.

### **REESTABLISHMENT INELIGIBLE EXPENSES**

The following is a nonexclusive listing of reestablishment 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.

### **GENERAL MOVING PAYMENTS**

Moving payments may be made when any eligible person, families, business, farm, or nonprofit organization is displaced as the result of the acquisition or clearance for construction of a highway project. There is no occupancy time limit for eligibility of moving expenses, except a displaced person must be in legal occupancy at the initiation of negotiations or at the time title passes to DCA. Illegal immigrants are NOT eligible for benefits under the provisions of the Uniform Relocation Act.

### **NON-RESIDENTIAL TENANT OVERSIGHT (BUSINESS, FARMS AND NONPROFIT ORGANIZATIONS)**

It is required by law that all moving expenses be actual and reasonable. To assure this, DCA's Relocation personnel will provide oversight commensurate with the expected expenditures involved. Emphasis will be directed toward those moves that are of a complicated nature and/or a substantial expenditure. All Non-Residential Tenants must provide the Department seven (7) days advance notice of the approximate date of the start of the move or disposition of the personal property.

### **PERSONAL, MOVABLE (PERSONALTY) INVENTORY**

The owner of a Non-Residential Tenant and DCA's Relocation Specialist must be in agreement regarding the items to be moved as personalty, meaning personal and moveable property. The agreed upon inventory of personalty to be moved is determined in the appraisal process (i. e. specialty report such as trade fixture analysis). Upon completion of the move (under Method "A" or "B"), the displaced person must support the bill or his/her claim for payment with a list of actual cost items. If the items moved deviates an appreciable extent from the agreed upon inventory, the amount estimated or agreed to, will be appropriately adjusted before payment is made. Items of personalty, trade fixtures and realty are determined in the appraisal and specialty reporting process.

### **ABANDONED PERSONAL PROPERTY**

When personal property is abandoned, three (3) attempts must be to contact the owner of the property to dispose of it. These attempts must be documented. If the property owner does not dispose of the property, then the buyer and the seller of the sight must arrange for its disposal and the expenses of such.

### **DISTANCE OF MOVE**

There is no limitation on the distance a relocatee/displacee may move either interstate or intrastate; however, reimbursement for transportation charges is limited to a distance of fifty (50) miles. Exceptions will only be allowed when the relocation cannot be accomplished within the fifty-(50) mile area and then only to the nearest available site.

### **STORAGE**

Normally storage will only be approved when Method "B" Move/Actual Cost Move is used. Since this is not a regular relocation benefit extended to all displacees, it must be determined reasonable and necessary by the Relocation Specialist. It must also be necessary for a relocated person to store his/her personal property for a reasonable time, not to exceed twelve (12) months (costs of such storage shall be

eligible for payment as part of the actual cost moving expenses). Storage of personal property on property already owned or leased by the person is NOT eligible for payment.

### **REMOVAL & RE-INSTALLATION EXPENSES**

Physical changes to real property at the replacement location of a Non-Residential Tenant are NOT reimbursements as part of moving costs. Expenses for providing utilities to the building or improvements are excluded.

However, the expenses of disconnecting, dismantling, removing, re-assembling and re-installing relocated machinery, equipment, and other personal property are eligible. This includes connection to utilities available nearby. Also included are modifications to the personal property necessary to adapt it to the replacement structure, the replacement site to the personal property. Such costs are not applicable to items classified as real property and retained by the owner through the owner retention process. Prior to payment of any expenses for removal and re-installation of such property, the owner and DCA shall agree in writing that the property is personalty and state his release from any payment for the property as realty.

### **LOSSES IN MOVING**

The reasonable replacement value of personal property lost, stolen or damaged (not caused by the fault or negligence of the displaced person, his agent or employee) in the process of moving, where insurance coverage for such loss, theft, or damage is not available, is reimbursable.

### **PROFESSIONAL SERVICES**

Professional services necessary for planning the move, moving, and installing the relocated personal property at the replacement location, is reimbursable. This must be pre-approved by the DCA Relocation Specialist prior to payment by including cost in the Application's relocation budget.

### **INELIGIBLE MOVING COSTS**

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

1. Additional operating expenses incurred because of operating or living in a new location except as noted under "Professional Services";
2. Cost of moving any structures, or other real property improvements in which the displaced person reserved ownership;
3. Improvements to the replacement site;
4. Interest on loans to cover moving expenses;
5. Loss of goodwill;
6. Loss of trained employees;
7. Loss of business and/or profits;
8. Personal injury;
9. Cost of preparing the application for moving and related expenses;
10. Payment for search cost in connection with locating a replacement dwelling; or
11. Costs for storage of personal property on real property already owned or leased by the displaced person.

### **NOTICE OF DENIAL OF CLAIM**

If DCA disapproves all or part of a payment claimed or refuses to consider the claim on its merits because of untimely filing or other grounds, the claimant will be promptly notified in writing of this determination and the basis for it.



## **DOCUMENTATION OF CLAIMS FOR PAYMENT OF REIMBURSABLE RELOCATION EXPENSES**

Any such claim must be supported by copies of invoices, estimates, paid receipts, contracts, and/or proposals, which contain breakdowns of associated cost and must be under a company letterhead accompanied by a company representative's signature. The documentation must be verified and initialed by the Acquisition agent assigned to administer the relocatee/displacee's relocation assistance benefits. Since these payments are reimbursements, the documentation should be marked paid and the Acquisition agent must verify that the associated expenses have been incurred.

## **CLAIM SUBMISSION**

All relocation assistance claims must be submitted for payment within six months of the date the tenant moves.

## **EVICTION FOR CAUSE**

Eviction for cause must conform to applicable state law. Any person, business or nonprofit, who occupies the real property and is not in unlawful occupancy on the date of the initiation of negotiations, is presumed to be entitled to relocation payments and other assistance unless DCA determines that:

- The person, business or nonprofit received an eviction notice prior to initiation of negotiations and as a result of that notice is later evicted;
- The person, business or nonprofit is evicted after the initiation of negotiations for serious or repeated violation of material terms of the lease or occupancy agreement; or
- In either case, the eviction was not undertaken in the purpose of evading the obligation to make available the payments and other assistance.

# GRIEVANCES AND APPEALS

## 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:

Compliance Portal: <http://form.jotform.com/82054715249155>

Telephone Housing Development Compliance: (800) 359-4663

Email: [relocationreview@dca.ga.gov](mailto: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.

Determinations which may be appealed include, but are not limited to:

1. Eligibility for relocation assistance;
2. Amount of relocation assistance offered;
3. Comparability of identified replacement dwelling; or
4. Eligibility to return.

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 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 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:

Compliance Portal: <http://form.jotform.com/82054715249155>

Telephone Housing Development Compliance: (800) 359-4663

Email: [relocationreview@dca.ga.gov](mailto:relocationreview@dca.ga.gov)

## ADMINISTRATION & RECORD KEEPING

### 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 does 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.

### 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 on the earliest of the following dates:
  - a. Three months prior to pre-application (or application if no pre-application submitted);
  - b. Notice of Funding Availability publication;
  - c. The date the applicant obtains site control; or
  - d. The date at which the land became intended for federal funds (if applicable).
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.

## HOUSEHOLD DOCUMENT SUBMISSION

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: Acceptable documentation includes Form 50058 (public housing or Section 8 households), file audit (for re-syndication), Household Form, Tenant Income Certifications (TIC). DCA may request supporting documents such as; wage statement from employer(s), W-2s, copy of current tax return; if employment is sporadic obtain a self-certification; Government and/or private pensions, disability payments, benefit income (such as welfare, SSI, etc.) can be documented with a copy of an eligibility letter or statement, check or record of regular bank deposits; and other reasonable evidence of income accepted under HUD subsidized housing programs;
  - 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. Acceptable documentation includes copies of a lease rent receipts, utility receipts, statement from utility company(ies); or other similar evidence. Utilities included in the rent and those that must be paid separately by the household need to be identified and calculated. Form HUD-40061 (Appendix 12) may be used to summarize and record the rent and utilities information obtained on the displacement and comparable units (but is not a substitute for required documentation); and
    - ii. **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 a 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)).

#### **QUARTERLY REPORTING AND VISITS**

Submit to DCA quarterly to [relocationreview@dca.ga.gov](mailto: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.

## 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.

### RESOURCES BY FUNDING TYPE

#### LIHTC:

- IRC §42 + Guide for Completing Form 8823, Low-Income Housing Credit Agencies Report of Noncompliance or Building Disposition  
<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 PROGRAM REGULATIONS

- 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>

All resources and requirements regarding URA and 104(d) can be found through [www.hud.gov/relocation](http://www.hud.gov/relocation).

#### THE UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES ACT OF 1970 (URA):

- See Title 24 CFR Subpart C. See attachment 25-1 of HUD CPD Monitoring Handbook (6509.2) for a list of funding programs that trigger URA:  
[https://www.hud.gov/program\\_offices/administration/hudclips/handbooks/cpd/6509.2/](https://www.hud.gov/program_offices/administration/hudclips/handbooks/cpd/6509.2/)

- The Tenant Assistance, Relocation and Real Property Acquisition Handbook provides guidance, updates (Notices), and relevant forms:  
[http://portal.hud.gov/hudportal/HUD?src=/program\\_offices/administration/hudclips/handbooks/cpd/13780](http://portal.hud.gov/hudportal/HUD?src=/program_offices/administration/hudclips/handbooks/cpd/13780)
- Notices and training can be found on the HUD Exchange:  
<https://www.hudexchange.info/programs/relocation/>
- Planning and Budgeting Relocation costs (note that this does not include notice updates):  
[https://www.hud.gov/sites/documents/DOC\\_16291.PDF](https://www.hud.gov/sites/documents/DOC_16291.PDF)
- HUD Brochures: <https://www.hudexchange.info/programs/relocation/publications/>

SECTION 104(D) OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT (also known as the Barney Frank Amendment). See 24 CFR 570.496a(c)(1) and 24 CFR 570.606(c)(1).

- For guidance, see 24 CFR Subpart C and HUD Handbook 1378 Chapter 7:  
<https://www.hud.gov/sites/documents/1378C7CPDH.PDF>



Attachment 1  
Relocation and Real Property Acquisition

**HUD PROGRAMS COVERED BY URA AND/OR SECTION 104(d)**

The following HUD programs are subject to the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and/or section 104(d) of the Housing and Community Development Act of 1974. The program name and citations for their program-specific relocation regulations, where applicable, are provided. HUD Notices of Funding Availability (NOFAs) and grant agreements may also incorporate URA and other relocation-related requirements by reference.

HUD no longer funds new projects under programs marked with an asterisk (\*). In some cases, HUD continues to provide project-based or other subsidies for existing projects in order to make the housing affordable to lower-income occupants.

PROGRAM	REGULATION
<b><i>Community Planning and Development</i></b>	
Community Development Block Grants (CDBG) Entitlement Program	24 CFR 570.606
CDBG HUD-Administered Small Cities and Insular Area Programs	24 CFR 570.420(b)(3)(iv)/570.606
State CDBG Program	24 CFR 570.488/570.606
Section 108 Loan Guarantees	24 CFR 570.606/570.700
CDBG Insular Area Grants	24 CFR 570.405/570.606
Brownfields Economic Development Initiative (BEDI)	NOFA incorporates by reference 24 CFR 570.606
Self Help Homeownership Opportunities Program (SHOP)	Section 1 of the Housing Opportunity Program Extension Act of 1996 (42 U.S.C. 12805)
Home Investment Partnerships Program (HOME)	24 CFR 92.353
Emergency Shelter Grants (ESG)	24 CFR 576.59
Housing Opportunities for Persons with AIDS (HOPWA)	24 CFR 574.630
Section 8 Moderate Rehabilitation Single Room Occupancy (SRO)	24 CFR 882.810
Shelter Plus Care (S+C)	24 CFR 582.335
Supportive Housing Program (SHP)	24 CFR Part 583.310
Urban Empowerment Zones (EZs) Round II	Grant Agreement incorporates URA by reference
Historically Black Colleges and Universities Program (HBCU)	24 CFR 570.404
Economic Development Initiative (EDI)	24 CFR 570.606 (competitive); 49 CFR Part 24 (non-competitive)
Youthbuild	24 CFR 585.308
Special Purpose Grants	24 CFR 570.400/570.606
Urban Development Action Grants (UDAG)	24 CFR 570.457/570.606* <i>Terminated</i>
<b><i>Public and Indian Housing Programs</i></b>	
Community Development Block Grants for Indian Tribes and Alaska Native Villages	24 CFR 1003.602
HOPE VI	URA or Section 18, as applicable
Indian Housing Block Grant Program (IHDBG)	24 CFR 1000.14
Native Hawaiian Housing Block Grant Program (NHHBG)	24 CFR 1006.375
Project-Based Voucher Program and Project-Based Certificate Program	24 CFR 983.10
Public Housing Capital Fund Program	URA or Section 18, as applicable
Public Housing Homeownership (Section 32)	24 CFR 906.24
Required and Voluntary Conversion of Developments (Public Housing)	24 CFR 972.130 and 24 CFR 972.230
<b><i>Housing Programs</i></b>	
Assisted Living Conversion Program	24 CFR 891.510
Disposition of Multifamily Projects and Up Front Grants	24 CFR 290.17
Prepayment of Low Income Housing Mortgages	Prepayment not subject to URA, see 24 CFR 248.165. Resale or rehabilitation projects receiving HUD financial assistance may be covered by URA.
Section 8 Loan Management Set-Aside for projects with HUD-Insured and HUD-Held Mortgages	24 CFR 886.338
Section 202 Supportive Housing for the Elderly	24 CFR 891.155
Section 811 Supportive Housing for Persons with Disabilities	24 CFR 891.155

## ELIGIBILITY FOR ASSISTANCE AND RETURN MATRIX

*Displaced person generally means any person who moves permanently as a direct result of acquisition, rehabilitation, or demolition for a project (refer to 49 CFR 24.2(a) for the complete definition).*  
 If the answer is “Maybe”, Applicant must consult DCA for approved action before next submission.

		Eligible for Assistance			Eligible to Return				
Category	Specifics	RAD	URA	LIHTC-only	RAD	URA	LIHTC-only	Exceptions & Clarifications	Actions and Minimum Documents
Program restrictions	Student Household	yes	yes	yes	no	no	no	HOME, PBRA & LIHTC, return: have distinct student exceptions.	if no, determine if including market rate units is feasible or adjust applicable fraction. <u>For displacement waiver submit:</u> 1. Core Application with residents’ needed unit mix 2. Core Application with proposed unit mix 3. If chosen, Commitment executed by Applicant and Syndicator to not claim credit on student households’ units.
	Undocumented person	no	maybe	yes	no	maybe	yes	RAD/URA, assistance & return (exception): If citizen or documented family member would experience “exceptional and extremely unusual hardship” then eligible (49 CFR § 24.208)	Arrange for advocacy group to establish first contact, describe the GIN, and write impact statement. See link for advocacy groups: <a href="https://lcfgeorgia.maps.arcgis.com/apps/webappviewer/index.html?id=b1aa176cd9634539bcda783f57f6a1e5">https://lcfgeorgia.maps.arcgis.com/apps/webappviewer/index.html?id=b1aa176cd9634539bcda783f57f6a1e5</a> <u>For displacement waiver submit:</u> 1. Impact statement of household’s circumstances and potential displacement impact. Describe whether exception may apply.

## ELIGIBILITY FOR ASSISTANCE AND RETURN MATRIX

Category	Specifics	Eligible for Assistance			Eligible to Return			Exceptions & Clarifications	Actions and Minimum Documents
		RAD	URA	LIHTC-only	RAD	URA	LIHTC-only		
Proposed Development	Change in unit mix (bedroom sizes) or unit count	yes	yes	yes	yes	yes	yes	<p>RAD, return (clarification): no involuntary displacement, no reduction in units by the greater of 5% or five assisted units. (HUD Notice 2012-32 (REV-2))</p> <p>All, return (clarification): Tenants must be offered a return unit of the "right-size" or larger.</p>	<p>Determine household preference and whether they can be right-sized (based on occupancy standards)</p> <p><u>For displacement waiver include:</u></p> <ol style="list-style-type: none"> <li>Household Survey that show preferred unit size</li> <li>Applicable Occupancy Standards</li> <li>Waitlist and vacancy</li> <li>Market need and other available options within the primary market area</li> <li>If RAD, evidence following RAD requirements</li> <li>Core Application with residents' needed unit mix</li> <li>Core Application with proposed unit mix</li> </ol>
	Tenancy change	yes	yes	yes	yes	yes	yes		Use least restrictive tenancy. Soft preference can be applied with all households grandfathered in.
	Tenancy preference	yes	yes	yes	yes	yes	yes	All, return (clarification): Preference gets priority up until the proportion is met.	
	Proposed unit mix not matching current households' income (including economic displacement)	yes	yes	yes	yes	yes	yes		<ol style="list-style-type: none"> <li>Rent differential paid during eligible displacement period (with offer of return unit).</li> <li>Rent or AMI must be adjusted (Exhibit in LURC);</li> </ol> <p><u>For displacement waiver:</u></p> <ol style="list-style-type: none"> <li>Core Application with residents' needed unit mix</li> <li>Core Application with proposed unit mix</li> </ol>
	Over-Income	yes	yes	yes	yes	yes	yes	<p>All, return (clarification): Safe Harbor if certified before move-out. (Rev. Proc. 2003-82, 2003-2 C.B. 1097)</p> <p>Resyndication, return (clarification): Grandfathered in (8823 Guide 4-26 &amp; 7)</p>	<p>Choose between (1) market rate or applicable AMI units for over-income households and (2) Commitment executed by Applicant and Syndicator to not claim credit on units of over-income households. The Revenues and Expenses tab of the Application must reflect unit mix.</p> <p><u>For displacement waiver submit:</u></p> <ol style="list-style-type: none"> <li>Core Application with residents' needed unit mix</li> <li>Core Application with proposed unit mix</li> <li>For resyndication with inadequate documentation, submit tenant file</li> <li>If applicable, executed commitment with Applicant and Syndicator</li> </ol>
	# of proposed accessible units doesn't match current residents' needs	yes	yes	yes	yes	yes	yes	All, return (clarification): Cannot decrease accessible units	Ask Tenant is they have an accessibility need during Interview/Household Data Form. If they answer yes, provide Reasonable Accommodation Request Form and submit to DCA. Application must reflect reasonable accommodations.

## ELIGIBILITY FOR ASSISTANCE AND RETURN MATRIX

		Eligible for Assistance			Eligible to Return				
Category	Specifics	RAD	URA	LIHTC-only	RAD	URA	LIHTC-only	Exceptions	Actions and Minimum Documents if ineligible
Screening Criteria	Occupancy standards – max persons per bedroom	yes	yes	yes	yes	yes	yes	Return (exception): feasibility and market considerations	Right size households if needed, if cannot accommodate then request a waiver. <u>For displacement waiver include:</u> 1. Household Survey that shows preferred unit size 2. Applicable Occupancy Standards 3. Waitlist and vacancy 4. Market need and other available options within the primary market area (can submit market study) 5. If RAD, evidence following RAD requirements 6. Feasibility – Application as evidence
	Occupancy requirements – doesn't have social security number	yes	yes	yes	maybe	maybe	yes	RAD/URA, return (exception): Certain federal funds (excluding HOME and NHTF) require a social security number to verify income.	<u>For displacement waiver include:</u> 1. Provide the applicable regulation or guidance.
	Income-to-rent ratio minimum	yes	yes	yes	yes	yes	yes	See “proposed unit mix not matching current households’ income (including economic displacement)” under Proposed Development	
	Minimum credit score and history	yes	yes	yes	yes	maybe	maybe	URA/LIHTC, return (exception): VAWA exception	<u>For displacement waiver include:</u> 1. Review potential denials for disparate impact, using “HUD’s Disparate Impact Regulations, a burden-shifting analysis”. (24 CFR 100.500 <a href="https://www.hud.gov/sites/documents/HUD_OGCGUIDAPPFHASTANDCR.PDF">https://www.hud.gov/sites/documents/HUD_OGCGUIDAPPFHASTANDCR.PDF</a> ) 2. Provide Analysis to DCA. 3. Include Tenant Selection Plan. DCA reserves the right to approve Plan. 4. Provide DCA documentation (lease, cause and notice)
	Employment history	yes	yes	yes	yes	maybe	maybe		
	Rental history	yes	yes	yes	yes	maybe	maybe		
	Criminal background-conviction record	yes	yes	yes	yes	maybe	maybe	URA/LIHTC, return (exception): Depends on Tenant Selection Plan	
	Criminal background – arrest record	yes	yes	yes	yes	yes	yes	Return (exception): Depends on Tenant Selection Plan	
	Registered sex offender	yes	yes	yes	no	no	no		<u>For displacement waiver include:</u> 1. Documentation of registration
Bedbug history	yes	yes	yes	yes	yes	yes			

## ELIGIBILITY FOR ASSISTANCE AND RETURN MATRIX

		Eligible for Assistance			Eligible to Return				
Category	Specifics	RAD	URA	LIHTC-only	RAD	URA	LIHTC-only	Exceptions	Actions and Minimum Documents If ineligible
House Rules/Community Standards	Change in lease terms	yes	yes	yes	no	no	no		<p>Notice of change must be provided at earliest possible Notice, no later than the Notice of Non-Displacement, and include (1) any change of lease terms and (2) resident certification of whether or not they can and will comply.</p> <p><u>For displacement waiver submit:</u></p> <ol style="list-style-type: none"> <li>1. Provided notices</li> <li>2. In workbook, describe why each tenant will not be able to comply with new lease terms</li> </ol>
	Pet policy	yes	yes	yes	yes	yes	yes	<p>All, return (exception):</p> <ol style="list-style-type: none"> <li>1. Grandfather existing pets.</li> <li>2. Owner cannot apply or enforce any pet rules against animals that are necessary as a reasonable accommodation to assist, support, or provide service to persons with disabilities (as described in 24 CFR 960).</li> <li>3. Housing for elderly or persons with disabilities: No project owner may "As a condition of tenancy or otherwise, prohibit or prevent any tenant of such housing from owning common household pets or having such pets living in the tenant's dwelling unit" (as described in 24 CFR 5).</li> </ol>	<p>Tenants must be notified of any change in policy. Leases must:</p> <ol style="list-style-type: none"> <li>1. State that tenants are permitted to keep common household pets in their units subject to pet rules;</li> <li>2. Incorporate the pet rules by reference;</li> <li>3. Have language that states that the tenant agrees to comply with these rules; and</li> <li>4. State that the tenant agrees to comply with these rules and that a violation of any of these rules may be grounds for removal of the pet or termination of the pet owner's tenancy (or both). Pet rules: <a href="https://www.hud.gov/sites/documents/DOC_35713.PDF">https://www.hud.gov/sites/documents/DOC_35713.PDF</a></li> </ol>
	Amenity fees	yes	yes	yes	yes	yes	yes	LIHTC, return (exception): Amenity Fees are not allowed. Only onsite laundry can be charged.	Remove from proposal and underwriting.

## ELIGIBILITY FOR ASSISTANCE AND RETURN MATRIX

		Eligible for Assistance			Eligible to Return				
Category	Specifics	RAD	URA	LIHTC-only	RAD	URA	LIHTC-only	Exceptions	Actions and Minimum Documents If ineligible
Tenants that moved prior to move-out date or return	Households that move without providing notice	maybe	maybe	maybe	maybe	maybe	maybe	See Lease Termination and Non-Renewal Guide	To prove household is not eligible for assistance or return displaced submit: 1. Self-Certification of Move 2. Supporting documentation 3. Move Reason Form
	Households that voluntarily move	maybe	maybe	maybe	maybe	maybe	maybe		
	Households that move in advance of dispossession action	maybe	maybe	maybe	maybe	maybe	maybe		
	Households dispossessed or lease terminated	maybe	maybe	maybe	maybe	maybe	maybe		

## ELIGIBILITY FOR ASSISTANCE AND RETURN MATRIX

		Eligible for Assistance			Eligible to Return				
Category	Specifics	RAD	URA	LIHTC-only	RAD	URA	LIHTC-only	Exceptions	Actions and Minimum Documents
<b>Other</b>	Unlawful occupant	maybe	maybe	maybe	maybe	maybe	maybe	<p>All (exception): If tenant meets state law requirement of being tenant occupant, the owner knew they were there and did not provide notice within five (5) business days, or if they paid rent.</p> <p>URA (exception): Tenants who were in occupancy 90 days or more prior to the initiation of negotiations may be eligible for a Rental Assistance payment or a Down Payment assistance.</p>	
	At-will tenant	yes	yes	yes	yes	yes	yes		
	Month to month	yes	yes	yes	maybe	maybe	maybe	<p>All (exception): Tenants who were in occupancy 90 days or more prior to the initiation of negotiations may be eligible for a Rental Assistance payment or a Down Payment assistance.</p>	
	Business, farm, non-profit	yes	yes	yes	no	no	no		
	Tenant new to the site after the earlier of dates listed under DCA Relocation Manual “Displaced Resident, Business/Non-Profit/Farm”	maybe	no	maybe	maybe	maybe	maybe	<p>All (exception): If households were not provided a Move-In Notice/Notice to Prospective Tenant in advance of signing lease and occupying the property, household is eligible for relocation assistance and return.</p>	

# RELOCATION PLAN TEMPLATE

The Relocation Plan must be:

1. Thorough and clear;
2. Detail the entire projected relocation process;
3. Consistent with requirements outlined in all sections of this manual; and
4. Follow this Template.

## TEMPLATE

1. Table of Contents: Must include page numbers
2. Executive Summary: Summarize each of the following sections
3. Funding sources and applicable regulations:
  - a. Activity summary
    - i. Demolition/reconstruction, rehabilitation, new construction
    - ii. Changes from current to proposed unit mix (bedroom size, AMI designation, unit count)
  - b. Development and operating funding sources that trigger regulations
    - i. Federal funding
    - ii. Resyndication
  - c. Applicable regulations
    - i. If resyndication include
      - a. Original application number
      - b. If LURC or LURA affordability period over, provide expiration date
      - c. If there is a LURC or LURA provide table with applicable rent and income restrictions in current terms
  - d. Relevant dates (actual or projected)
    - i. Federal funding application submission, if applicable
    - ii. LIHTC Pre-Application
    - iii. Tenant Income Certification
    - iv. LIHTC Application
    - v. Site control
      - a. Option to purchase or ground lease
      - b. Purchase or ground lease, if applicable
    - vi. Initiation of Negotiation (see definition)
    - vii. Relocation move-out and return
4. Expected Resident Impact:
  - a. Number of tenants to be temporarily relocated
  - b. For tenants to be permanently displaced (with waiver)
    - i. Number of tenants
    - ii. Name of Heads of Households
    - iii. Which Category and Specifics apply from the *Eligibility for Assistance and Return Matrix*
  - c. At 60-Day Commencement update:
    - i. Changes to property rules and regulations, if applicable
    - ii. Changes to property management, if applicable



5. Timeline: Provide dates for each of the following (differentiate between actual and projected):
  - a. The dates from (3)(iv) of this Template
  - b. Notices (*see Notice Requirements*)
    - i. Which notices will be used
    - ii. Distribution date
    - iii. Method of notice distribution
  - c. Other resident communication:
    - i. Interviews
    - ii. Surveys
    - iii. Meetings
  - d. Relocation and Construction duration
    - i. For phasing and on-site, create list, table, or infographic that includes
      - a. Unit numbers
      - b. Household size
      - c. Unit size
      - d. Dates for each phase
      - e. Natural attrition rate
    - ii. Projected construction schedule
6. Moving Assistance
  - a. Relocation moving assistance
  - b. Cost estimates and sources
7. Housing Assistance
  - a. Off-site Temporary Housing and Comparable Replacement Dwelling:
    - i. Table with the following (must align with the Application's Market Study):
      - a. Housing option names and addresses (projection at Application, actual at Commencement submissions):
        1. Permanent displacement: The number of comparable replacement dwellings in the area that fulfill the needs of each displaced household
        2. Temporary Relocation: A minimum of three locations
        3. Households with accessibility needs
      - b. Current number of vacancies for each site
      - c. Bedroom sizes for each site
      - d. Rent, utility cost, and total
    - ii. Hotel:
      - a. Vacancy
      - b. Amenity description (kitchen, suite with door to separate living room, etc.)
      - c. Why apartments are not used
    - iii. Map(s) showing Displacement, Comparable Replacement, and Temporary dwellings
  - b. In-place rehabilitation (with waiver):
    - i. In-unit and relevant construction activities
    - ii. The projected impact on tenants
    - iii. Methods for minimizing impact (such as hotel units or comm for day use)
    - iv. If construction plans have changed since waiver, describe how.

- c. Applicant efforts and methods:
  - i. How the impact of the relocation process will be minimized
  - ii. Methods used to prevent displacement, if applicable
  - iii. **RAD:** Plans to accommodate households that may be precluded from returning due to proposed unit mix or LIHTC eligibility. Core Application must reflect such circumstances.
- 8. Other
  - a. Describe approved applicable waivers
  - b. If other relevant information is missing, describe here
- 9. Uncertainties and contingency plans
  - a. Describe budget allotment for contingencies (*see General Policies*)
  - b. Identify any uncertainties and describe plan for what will be done in those cases