**GUIDEFORM NOTICE OF ELIGBILITY AND NONDISPLACEMENT**

**TO RESIDENTIAL TENANT**

**Must be on Grantee or Agency Letterhead**

Date:

Tenant Name:

Apartment Name: Apt. #

Street Address:

City, State, Zip Code:

Dear :

On (*date*) , the (*City, County, State, Public Housing Authority (PHA), other*), notified you of proposed plans to (*acquire, rehabilitate, demolish or convert*) the property you currently occupy at (*address*) . On (*date*) , the project was approved and will receive funding from the Georgia Department of Community Affairs (DCA) under the Housing Tax Credit program and from U.S. Department of Housing and Urban Development (HUD) under the *(HOME/NHTF/CDBG/RAD/other)* program. Construction is expected to begin on (*date*) .

This is your Notice of Eligibility for relocation assistance and Notice of Non-displacement. You will have to move out of your home for (*# of months*) for the development. **Do not move yet.** As a result, you are considered temporarily relocated (not displaced) and have the guarantee to return. You are also being offered displacement assistance because the time period for relocation is so long.

This notice guarantees you the following:

1. Upon construction completion, you will be able to lease and occupy (*your present apartment or another suitable, decent, safe, and sanitary apartment in the same building/complex under reasonable terms and conditions*)\*
2. Your new rent will be $\_\_\_\_\_\_\_\_\_\_ per month. Utilities will cost $\_\_\_\_\_\_\_\_\_.
3. When you move, you will be reimbursed for all of your extra expenses, including the cost of moving to and from housing and any increased housing costs. The housing will be decent, safe and sanitary, and all other conditions of the move will be reasonable.

You do not need to move now. You will be provided with advance written notice of the date by which you will be required to move. This date will be no less than 90 days from the date comparable replacement housing has been made available to you.

RELOCATION ASSISTANCE

You can get the following relocation assistance:

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

Security Deposit and Credit Checks. If needed, we can (*advance funds with a repayment plan / cover deposits and receive the return*) for any security deposit and credit check required to rent a decent, safe and sanitary replacement dwelling and for a credit check.

Payment for Moving Expenses. You may choose:

1. Payment for your actual, reasonable moving and related expenses (including refundable or non-refundable utility deposits);
2. Fixed moving payment in the amount of $ based on the Fixed Residential Moving Cost Schedule; or
3. A combination of both (where reasonable and necessary).

Replacement Housing Payment. You are eligible for a replacement housing payment to rent or buy a replacement home. The payment is based on several factors, including your current housing costs, the cost of a comparable replacement dwelling and your household income. If you ask, we will give you a detailed explanation on how your replacement housing payment was calculated.

(NOTE: If you would like to receive relocation assistance and cannot provide documentation that shows you are lawfully permitted to reside in the United States, please send Relocation Specialist a written explanation of the hardships your household would face without relocation assistance. The Relocation Specialist will then provide the explanation to Georgia DCA for their review. See contact information below.)

CHOICE BETWEEN TEMPORARY AND PERMANENT

You are expected to be relocated for over 12 months. As a result, you have the right to choose to be temporary relocated (return to property when finished) or permanently displaced (to not return to property). You can choose, with assistance, to move:

1. Temporarily for an agreed upon period;
2. Permanently to the home you temporarily move to, if it is available; or
3. Permanently elsewhere.

You can choose between the above options now, after 12 months, or when pre-leasing starts.If the decision is to be permanently displaced (remain at the temporary housing or move permanently elsewhere), you will have the rent and utility cost difference paid for 12 months after moving.

If you decide to return to the property after construction is complete, you can expect the following changes to your home and the property.

* (*Describe changes to the unit)*
* *(Describe changes to the site)*
* Lease terms will (*stay the same, change*). (*If changed, describe here*.)
* Property/Community rules will (*stay the same, change*). (*If changed, describe here.)*

RENTAL ASSISTANCE

Listed below are three comparable replacement dwellings that you may wish to consider for your replacement home. If you would like, we can arrange transportation for you to inspect these and other replacement dwellings. For details, see attachment.

Address Rent & Utility Costs Contact Info

1.

2.

3.

We believe that the house at (address) with a monthly rent and utility cost of $ is the most similar to your present home. Our replacement housing payment calculations are made based on this comparable house. Although you can choose to move to a different house, you must move to a decent, safe and sanitary house to get housing assistance. If you rent a home where the monthly rent and average estimated utility costs are less than $ per month, your rental assistance payment would be based on the actual cost of such unit. Please contact us immediately if you believe the selected house is not similar to your current home. We can discuss why we chose this and your concerns.

Based on the information you gave about your income and the rent and utilities you now pay, your estimated maximum replacement housing payment is $ (42 x $ ). That is, if you rent the home identified above as the most comparable to your current home or rent another home of equal cost.

Housing payments do not change if there are future rent increases or changes in income. This is the maximum amount that you can receive. If you choose to rent a home where the monthly rent and average estimated utility costs are less than the comparable home, your housing payment will be based on the actual cost of the home. All housing payments must be paid in installments. Your payment will be paid in # installments.

DOWNPAYMENT ASSISTANCE

If you choose to buy (rather than rent) a decent, safe and sanitary replacement dwelling, there are several options which may be of assistance to you. Let us know if you would prefer to buy a replacement home and we will help you find housing that is within your means with your assistance:

You are eligible under the URA for down payment assistance of $ (*indicate all 42 payments as lump sum*\*\*) . Under the URA, you can choose any type of home.

Please note that all replacement housing must be inspected in order to ensure it is decent, safe and sanitary before we can make any housing payments. Payments cannot be made for a house that is not decent, safe and sanitary. Do not commit yourself to rent or buy a replacement home until we inspect it.

QUESTIONS, ACCESSIBILITY, COMPLAINTS

If you know that any of the above terms do not fit your needs, please contact us immediately.

Following this letter is a brochure entitled, "Relocation Assistance to Tenants Displaced from Their Homes." Please read the brochure carefully. It explains your rights and provides additional information on eligibility for relocation payments and what you must do in order to receive these payments.

If you have any questions about this letter and your eligibility for relocation assistance and payments, please contact (*name*) , (*title*) using the information listed below. They will assist you with your move and help make sure that you continue to be eligible for all relocation payments. To help you fully participate in the relocation process, reasonable accommodations can be made for persons with disabilities and language assistance will be made available for persons with limited English proficiency. Please let us know if you need auxiliary aides, written translation, oral interpretation, or other assistance to fully and comfortably participate in the relocation process.\*\*\*

You also have the right to file complaints (grievances) and appeal the determination if you feel that your application for assistance was not properly considered. If you would like to file a grievance or an appeal, please contact us or the Housing Development Relocation Specialists of the Department of Community Affairs (contact information below).

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

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| --- | --- |
| **Important Contact Info** | |
| **Relocation Specialist**  (for questions about relocation, assistance, and to file grievances) | Name:  Mailing Address:  Phone:  Email: |
| **DCA Housing Development Relocation Specialists**  (to file grievances and appeals) | Online Form: <http://form.jotform.com/82054715249155>  Phone: (800) 359-4663  Email: [relocationreview@dca.ga.gov](mailto:compliance@dca.ga.gov) |

Sincerely,

(name & title)

Attachment/s

* *Comparable Replacement Dwelling form*
* *Fair Housing description*
* *Brochures*
  + *"Relocation Assistance to Tenants Displaced From Their Homes" (for URA)*
  + *"Relocation Assistance to Persons Displaced from Their Homes (Section 104(d))."*

\* Decent, safe, and sanitary housing is housing that:

* Meets applicable housing and occupancy requirements.
* Is structurally sound, weathertight, and in good repair.
* Contains a safe, adequate electrical wiring system.
* Has adequate living space for the occupants.
* Has a kitchen with a sink, hot and cold running water, and connections for a stove and refrigerator (if you were displaced from a housekeeping unit).
* Has a separate, complete bathroom with hot and cold running water.
* Has heating as required by climatic conditions.
* Has an unobstructed exit to safe, open space at ground level.
* Meets standards protecting occupants from lead-based paint hazards.
* If you are person with a physical disability, is free of any barriers which would preclude your reasonable use of the unit.

*Remove from Notice before distributing to Tenant*

NOTES

\*\* Unless Housing of Last Resort is required, under the URA, a down payment assistance payment that is less than $7,200 may be increased to any amount not to exceed $7,200. (See 49 CFR 24.402(c)(1)) If the Relocation Specialist deems this appropriate, please describe in the Relocation Plan.

1. If a Housing Choice Voucher is provided and the cost of a replacement dwelling (the lesser of (a) the comparable replacement dwelling or (b) the actual replacement dwelling) exceeds the voucher payment standard, cash assistance must be provided to cover the gap for a 60-month period. It must be provided in installments (see Paragraph 3-7D).
2. The case file must indicate the manner in which this notice was delivered (e.g., personally served or certified mail, return receipt requested) and the date of delivery. (See Paragraph 2-3 J of Handbook 1378.)
3. This is a Guideform. It should be revised to reflect the circumstances.
4. Optional paragraphs for displaced residents of public housing projects (may be modified based on the PHA’s resident return policy):

“Even though you will be provided all of the assistance the URA or section 104(d) requires for a permanent move, the Authority believes that every resident displaced from the site should have the right to reapply for occupancy once this project is complete. For this reason, after project completion, every resident who receives assistance as a “displaced person” will be contacted and offered an opportunity to reapply for occupancy in the newly-revitalized community. Furthermore, because you will be a former occupant who was “displaced” from the site, you will also receive a priority preference to return.

In the event the number of those who request to return and qualify for housing exceeds the number of units available, rating and ranking criteria will be used to identify those who will be offered a unit at the site until all available units are filled. If you do return, the Authority may help defray the costs of the return move. If you have Replacement Housing Payments not yet spent or obligated, you may be asked to forfeit these payments as a condition for returning to public housing, since this assistance will no longer be necessary to meet your housing needs. Such assistance, if not forfeited, must be considered as income and may affect your eligibility and rent.”

\*\*\*Title VI of the Civil Rights Act of 1964 requires agencies to take reasonable steps to ensure meaningful access to their programs and activities by persons with limited English proficiency. HUD guidance is available at 72 FR 2732 to assist agencies in complying with this requirement. While the text provided regarding language assistance is not required and is provided for illustrative purposes only, providing appropriate translation and counseling for persons who are unable to read and understand required notices is mandatory. See 49 CFR 24.5.