Texas General Land Office
Community Development and Revitalization

“The GLO stands ready to help our state maximize the use of this disaster recovery funding to build back stronger and more resilient communities.”

~ Commissioner George P. Bush
URA 101 Training

**Agenda**

- Key Resources
- When URA Applies
- Voluntary/Involuntary Acquisition
- URA Relocation
- Questions?

**Presenter**
Les Warner, ICF

**Icons**
- Future Training
- Applied to GLO-CDR
- Applied to Subrecipients

Presenter: Les Warner, ICF
Key HUD Exchange Resources

If you want to learn more...

Take the course at your own pace on the HUD Exchange or visit GLO’s recovery website.
Key Resources

49 CFR Part 24: The URA

49 CFR Part 24 is the government-wide regulation that implements the URA, but HUD Handbook 1717 provides HUD policy and guidance on implementing the URA and 49 CFR Part 24 for HUD-funded programs and projects, including CDBG-DR. HUD is developing a self-paced training course titled "The HUD Way: How to Clearly Explain the URA" as it implements HUD’s guidance specifically. CDBG-DR grantees and their subrecipients should refer to this training and its associated resources to ensure their programs comply with the URA.

Guiding Principles: Acquisition

1. Ensure that owners of real property to be acquired for federally-assisted projects are treated fairly and consistently.
2. Encourage and expedite acquisition by agreement.
3. Minimize litigation and relieve congestion in the courts; and
4. Promote public confidence in federally-assisted land acquisition programs.

Guiding Principles: Relocation

1. Provide fair, competent, and equitable treatment of persons displaced by federally-assisted projects; and
2. Ensure displaced persons will not suffer disproportionately injuries as a result of the project (the benefit of the public as a whole).

Elements of an Effective URA Policy

The first step in managing the URA process is developing and implementing a written statement of "good URA policy" for all grantees can be summarized as follows:

- Identify and clearly specify process to identify potential URA triggers and steps necessary to document compliance;
- Ensure general information notices are delivered as early as possible;
Uniform Act

Addresses the impact of federally-funded public improvement projects on persons

49 CFR Part 24

- Uniform Relocation Assistance and Real Property Acquisition Policies Act (URA)
- Minimum standards for federally-funded programs/projects
- Triggered when real property is acquired or persons displaced as a direct result of acquisition, demolition, and rehabilitation
- Applies to government agencies, private organizations, and others
- Applies to full project if federal funds used in any phase
- GLO is liable for subrecipient actions
When URA Applies

• Applies to the whole project if federal financial assistance is used in any phase of a project involving:
  o Acquisition
  o Rehabilitation
  o Demolition
  o Infrastructure

• Examples:
  o Using non-federal funds to acquire easements for a CDBG-DR funded stormwater improvement project
  o Rehabilitating apartments with non-federal funds, but using CDBG-DR funds for Architecture & Engineering costs
### When URA Applies

#### Purchasers
- CDBG-DR Grantee
- Nonprofits & for-profits with federal assistance
- Agent or consultant (on grantee’s behalf)
- Homebuyers with federal down payment assistance

#### Purchase Types
- Fee simple title
- Permanent easements
- Temporary easements necessary for the project
- Life estate
- Long-term lease (50+ years)
# Involuntary & Voluntary Acquisition

<table>
<thead>
<tr>
<th>Types of Acquisition</th>
<th>Voluntary</th>
<th>Involuntary</th>
</tr>
</thead>
<tbody>
<tr>
<td>Non-essential parcels</td>
<td>Essential parcels</td>
<td></td>
</tr>
<tr>
<td>Streamlined process</td>
<td>Subpart B criteria and processes</td>
<td></td>
</tr>
<tr>
<td>Cannot be followed by eminent domain</td>
<td>Threat of eminent domain</td>
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Acquisitions considered “involuntary” unless documented by issuance of the Voluntary Acquisition Notice

<table>
<thead>
<tr>
<th>Types of Voluntary Acquisition</th>
<th>Applicable Citation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Acquiring Agency</td>
<td></td>
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<tr>
<td>Agency not using eminent domain</td>
<td>49 CFR 21.101(b)(1)</td>
</tr>
<tr>
<td>Subrecipient without</td>
<td>49 CFR 21.101(b)(2)</td>
</tr>
<tr>
<td>eminent domain authority</td>
<td></td>
</tr>
<tr>
<td>Federal agency, state, state</td>
<td>49 CFR 21.101(b)(3)</td>
</tr>
<tr>
<td>agency</td>
<td></td>
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</table>
Voluntary Acquisition

• Determine if the unit is owner- or tenant-occupied to assess the URA implications

• Owner Occupants not eligible for relocation benefits when the transaction is voluntary but tenants are eligible

• Tenants eligible at the time of an agreement to purchase between buyer and seller
Involuntary Acquisition

Must comply with full Subpart B requirements of 49 CFR Part 24

1. Owner Notification → Appraisal
2. Review Appraisal → Just Compensation
3. Written Offer → Negotiations
4. Closing
5. YES
6. NO
   - Condemnation or Walk Away
True or False
The URA applies to federally-funded projects involving acquisition, rehabilitation, or demolition.

TRUE
True or False

Federal funds are being used on only one phase of a project and therefore URA requirements only apply to that phase.

False

If federal funds are used in any phase of the project, URA requirements apply to all acquisition of real property and relocation of persons for the project.
Who is a Displaced Person?

- Any person who moves from real property, or moves his/her personal property from real property as a direct result of an acquisition by a Federal agency or with Federal financial assistance. Eligible for relocation assistance under the URA.

- Any person who moves without being provided the required notices is also considered displaced.

- Can be an individual, family, partnership, corporation, or association.

- See 49 CFR 24.2(a)(9) for the full definition.
Who is not a Displaced Person?

- Occupants who receive Notice of Non-Displacement
- Occupants who are able to return after temporary relocation
- Owner-occupants with voluntary rehabilitation
- Unauthorized persons not lawfully present in the U.S.
- Persons with no legal right to occupy the property
- Persons who were evicted for good cause
• Non-displaced persons may need to be temporarily relocated while project is completed; URA provides temporary relocation benefits to these persons

• Temporary replacement housing must be **decent, safe, sanitary**

• Temporary relocation assistance is limited to a maximum of $5,000 and no more than three months for temporary moving and relocation costs

• Temporary unit may be on-site or off-site
URA Permanent Relocation

Requirements

- Relocation advisory services
- Moving expense payments
- Comparable replacement dwelling
- Replacement housing payments
- 90-day minimum written notice to vacate
- Housing of last resort
Site identification + planned or intended use of federal funds = compliance actions commence
## URA Required Notices

<table>
<thead>
<tr>
<th>Notice</th>
<th>“Trigger”</th>
<th>Purpose</th>
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</thead>
<tbody>
<tr>
<td>General Information Notice (GIN)</td>
<td>Documented legal intent</td>
<td>Informs affected persons of potential displacement</td>
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<tr>
<td></td>
<td>Site identification</td>
<td></td>
</tr>
<tr>
<td>Notice of Relocation Eligibility</td>
<td>7-10 days after Initiation of Negotiations</td>
<td>Confirms displacement</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Establishes relocation eligibility</td>
</tr>
<tr>
<td>90-Day Notice to Vacate for Displaced Persons</td>
<td>90+ days before earliest move-out date</td>
<td>Establishes earliest move-out date</td>
</tr>
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</table>
Relocation Planning & Budgeting

- Determine current occupancy and who will be able to remain and who must go
- Complete *Relocation Assessment and Plan* for budget implications
- Paying for relocation
  - Impact on feasibility
  - Public or private funds
- Staffing plan and timeline for required actions and notices
- Subrecipients can procure a URA Specialist/Vendor
- Current rules emphasize planning, especially for business moves
Comparable Unit Requirements

- Decent, safe, and sanitary
- Functionally equivalent
- Adequate in size
- Accessible to employment
- Equal or better location
- Currently available
- No unreasonable environmental conditions
- Affordable
Eligible Costs

• Replacement Housing Payments (RHP) make up the gap between the current rent and the new rent utilizing a specific formula for calculation
  o RHP ensures affordable housing for a 42-month period
  o Lump sum payments are prohibited
  o Total RHP limited to $7,200 except for “housing of last resort” payment

• Moving expenses based on one of three allowed methods

• Costs related to Relocation Advisory Services
• A person, household, or business can seek review if they feel they have not been granted all protected rights and protections under the URA

• Subrecipients must adopt a complaint/appeal process

• Process must be provided to each participant in writing

• Subrecipients must establish the timeline to file a written appeal and to receive a written decision
Recordkeeping

- Adequate records of acquisition and displacement activities 49 CFR 24.9
- Required regardless of whether displacement is anticipated
- See HUD Handbook 1378-Chapter 6 for additional details
Standards

• URA & Section 104(d) statutes

• Regulations
  o 49 CFR 24 – URA
  o 24 CFR 42 – 104(d)
  o 24 CFR 570 – CDBG

• Federal Register Notices covering supplemental appropriations (waivers & alternative requirements)

• HUD Handbook 1378 & other policies
## Section 104(d) & Waivers

<table>
<thead>
<tr>
<th>104(d) requirement</th>
<th>Waiver*</th>
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<tbody>
<tr>
<td>Replace low-to-moderate income housing units lost through conversation or demolition</td>
<td>One-for-one replacement waived for disaster damaged units not suitable for rehabilitation</td>
</tr>
<tr>
<td>Provide relocation assistance to lower-income residential tenants displaced as direct result of demolition of any dwelling unit or conversion</td>
<td>URA is sole standard for relocation assistance</td>
</tr>
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</table>

*Waivers and alternative requirements do not apply to other funds*
Implement URA Successfully

- Ensure notices are delivered on time and with a receipt
- Document the inspection of all replacement units
- Issue General Information Notice (GIN) as early as possible
- Document provision of advisory services
Test Your Knowledge

True or False
A Notice of Relocation Eligibility informs affected persons of potential displacement.

False
A Notice of Relocation Eligibility confirms that a person will be displaced and establishes their relocation eligibility. It must be sent 7-10 days after an Initiation of Negotiations (ION).