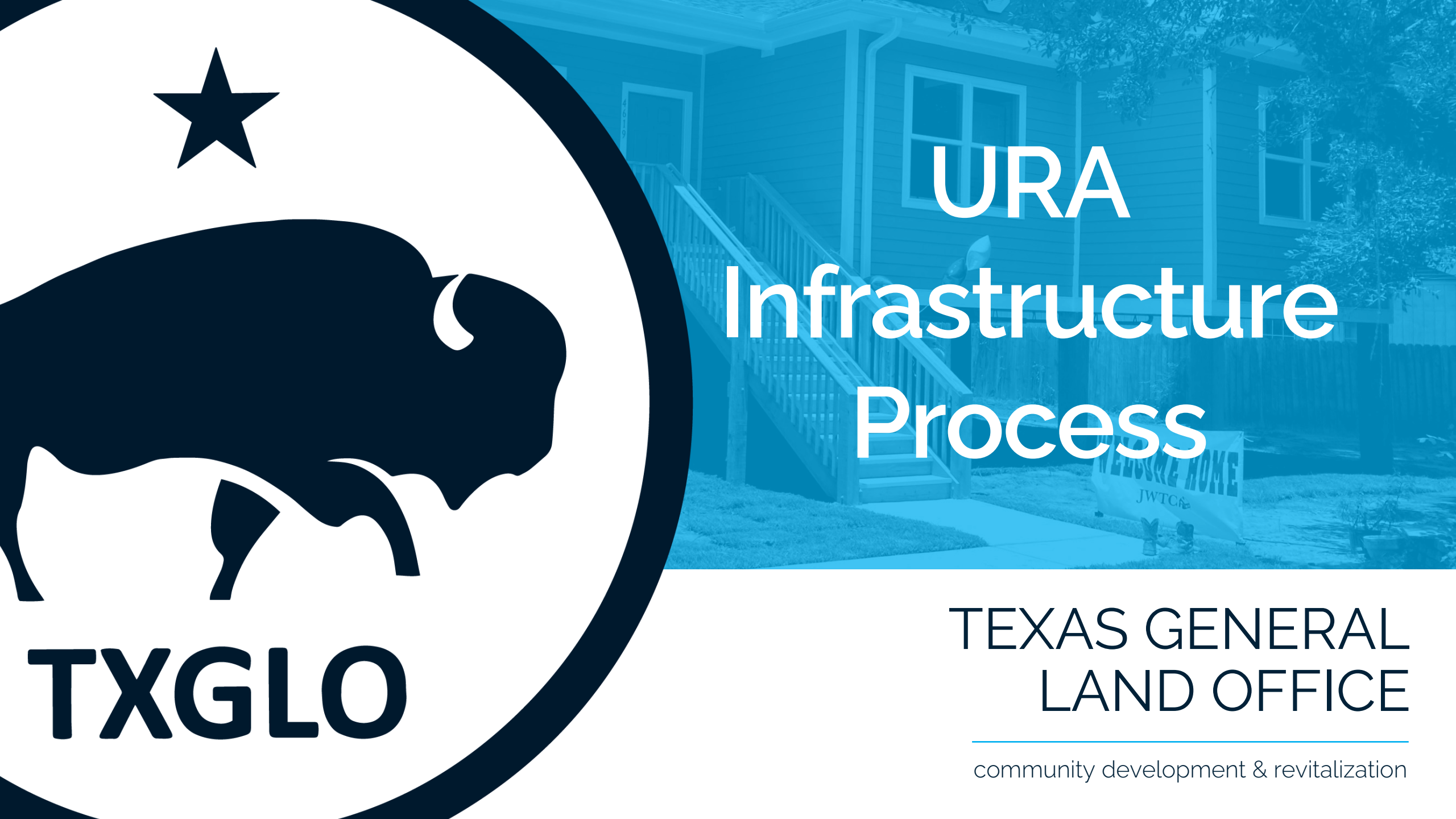

URA Infrastructure Process

TEXAS GENERAL LAND OFFICE

community development & revitalization

PRESENTER

Les Warner

Senior Technical Specialist | ICF

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AGENDA

- When URA Applies
- Voluntary/Involuntary Acquisition
- Involuntary Scenario
- Required GLO documents
- Questions?

Uniform Act

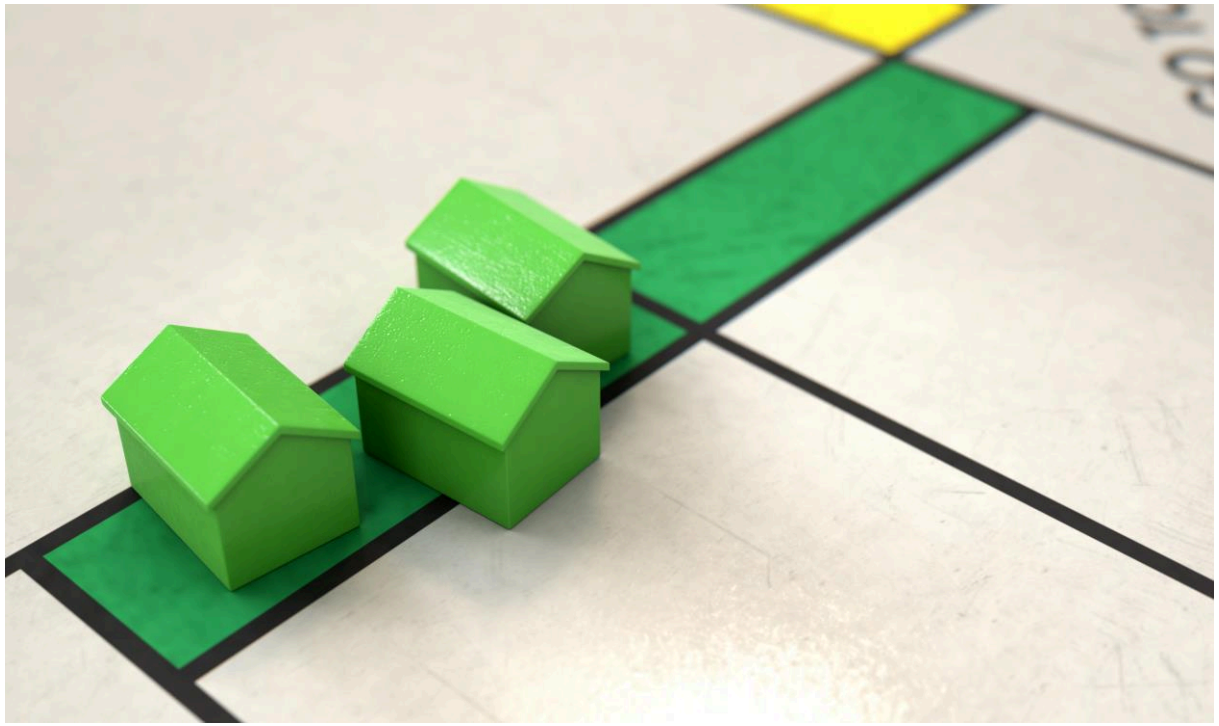
Addresses the impact of federally-funded public improvement projects on persons

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:
  - Acquisition
  - Rehabilitation
  - Demolition
  - Infrastructure
- Examples:
  - Using non-federal funds to acquire easements for a CDBG-DR funded stormwater improvement project
  - 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

Types of Acquisition	
Voluntary	Involuntary
Non-essential parcels	Essential parcels
Streamlined process	Subpart B criteria and processes
Cannot be followed by eminent domain	Threat of eminent domain

Voluntary Acquisition

Acquisitions considered "involuntary" unless documented by issuance of the Voluntary Acquisition Notice

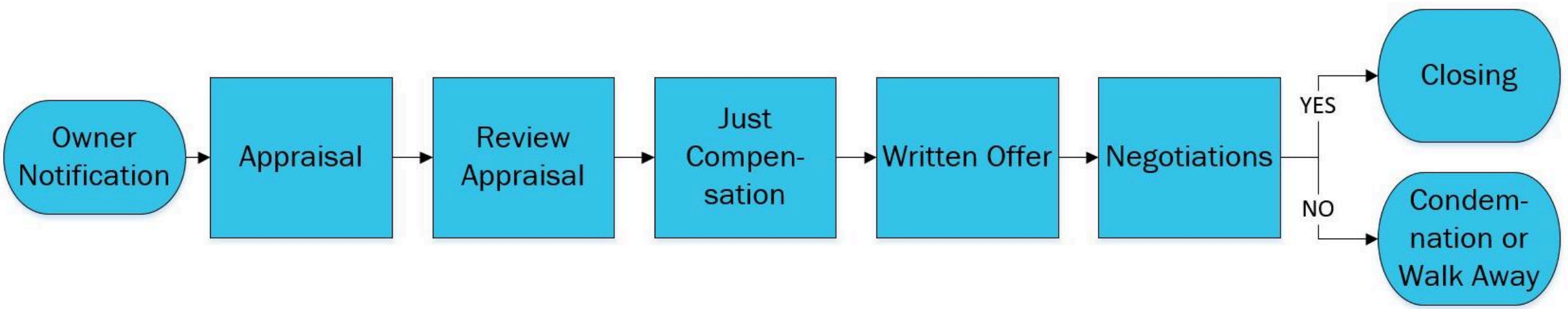
Types of Voluntary Acquisition	
Acquiring Agency	Applicable Citation
Agency not using eminent domain	49 CFR 21.101(b)(1)
Subrecipient without eminent domain authority	49 CFR 21.101(b)(2)
Federal agency, state, state agency	49 CFR 21.101(b)(3)

Voluntary Acquisition

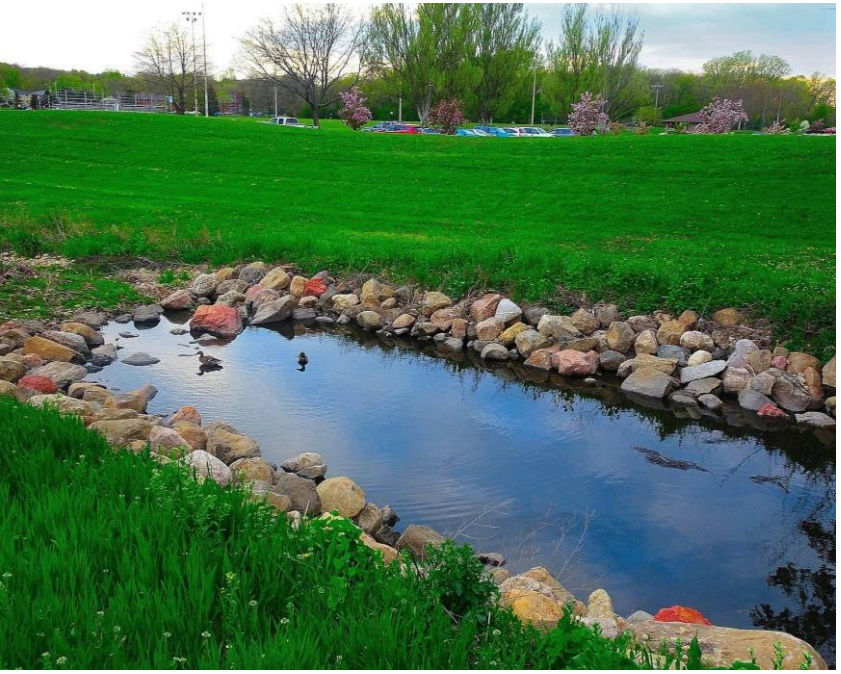
- Determine if the unit is owner- or tenant-occupied to assess the URA implications
- Owner Occupants not eligible for relocation benefits when the transaction is voluntary but tenants are eligible
- Tenants eligible at the time of an agreement to purchase between buyer and seller

Involuntary Acquisition

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



Involuntary Acquisition: Infrastructure



Scenarios : Infrastructure Projects

Program Activities

- Street improvements being completed within the public right –of way. Temporary easements will be needs for construction access and for short term storage of equipment during the construction period. Scope includes 5 parcels – one homeowner has expressed interest in making a donation.
- To create a retention pond, the community hopes to acquire 10 parcels in a neighborhood. The funding will be a mix of CBDG-DR funds and other funds. The community has stated they are willing to seek an alternative site or find an alternative project. They want to follow the voluntary acquisition process.

Voluntary or Involuntary

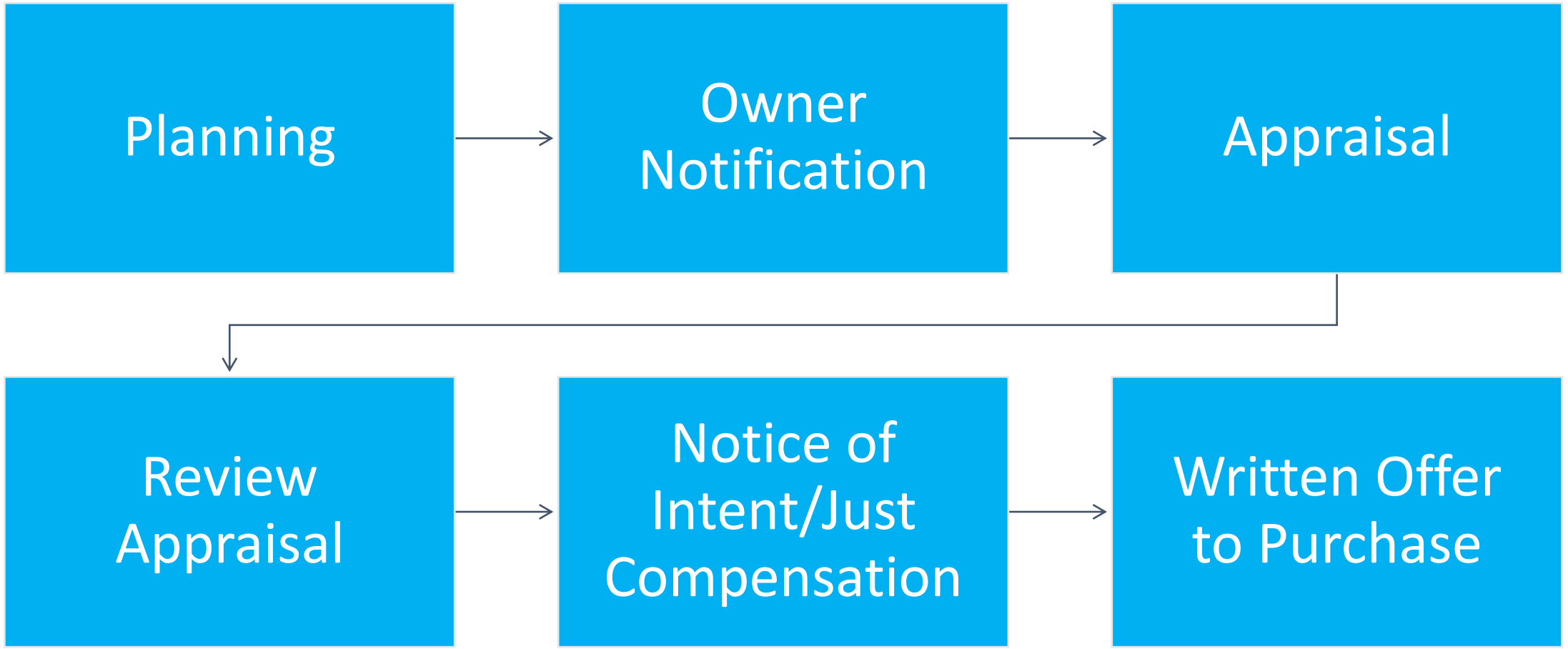
Voluntary

- Retention Pond – if the community is willing to find another site or scrap the project they can document as voluntary – this would be a streamlined process.

Involuntary

- Street Improvements – the temporary easements are required for access and storage – this project must follow Subpart B. Donations are still possible after the owner has been fully informed of their URA rights.

Involuntary Acquisition



Step 1: Planning

- Identify footprint/path for each project and size of required acquisitions, including temporary work and site storage areas
- Minimize displacement where possible
- Identify appraisers and review appraisers – complete procurement process
- Develop a budget and staffing plan for all aspects of the project including the URA requirements
- Ensure that temporary easements follow URA acquisition requirements
- Verify that project meets public benefit requirements for involuntary acquisition

Required Documentation

- ✓ Map with project impact area, overlap of property ownership by parcel, and location of temporary and permanent easements
- ✓ Documentation and description of any project modifications to minimize displacement (where possible)

Initial Real Property Acquisition Estimate

INITIAL REAL PROPERTY ACQUISITION ESTIMATE

The Texas General Land Office
Community Development & Revitalization

1. General Information

Subrecipient: Rango County

Contract #: 20-555-555-C555

Is real property acquisition required for this contract? (Yes / No) Yes

>> Complete sections 2 thru 4 below.

Example Initial Real Property Acquisition Estimate

2. Acquisition Activities

List all activities requiring acquisition and provide a brief narrative with the description / details of each.

Activity	*Description / Details* *(e.g., Sewer line easements, water well site, street right of way, etc.)*
4 - Street Improvements	Temporary easement on 5 parcels within right of way
5 - Flood and Drainage (F&D) Facilities	Acquisition of property for retention pond on 10 parcels. No structures on property No relocation of property owners necessary.

☑ < Check if condemnation will be pursued for any of the above activities TXGLO-CDR Notification Date: 11/30/2020

☑ < Check if Voluntary Acquisition applies / involved for any of the above activities

☑ < Check if Subrecipient has eminent domain authority

If acquisition activity(ies) have occurred, provide the date of the ***Last / Final Acquisition Activity***: NA

Example Initial Real Property Acquisition Estimate

3. Acquisition Estimate Information

Acquisition Type	# of Parcels	Total Dollar Amount Paid	
		TXGLO-CDR Funds	Other Funds
Involuntary Acquisition	**4**	$20,000.00	$0.00
Involuntary Acquisition (by donation)	1	$0.00	$0.00
Voluntary Acquisition (not by donation)	**10**	$300,000.00	$150,000.00
Voluntary Acquisition (by donation)			
Acquisition through another Public Entity*			
Totals:	**15**	**$320,000.00**	**$150,000.00**

Example Initial Real Property Acquisition Estimate

4. Preparer Signature & Information

Janine Jones	Recoverable Signature
Printed Name	X Janine Jones
	Preparer Signature
County Judge	Signed by: 57a0fd95-b6c7-42af-b583-14626eed2a02
Title / Position	
12/20/2021	(111)111-1111
Date Signed	Phone Number

Disclaimer *: The Texas General Land Office has made every effort to ensure the information contained on this form is accurate and in compliance with the most up-to-date CDBG-DR and/or CDBG-MIT federal rules and regulations, as applicable. It should be noted that the Texas General Land Office assumes no liability or responsibility for any error or omission on this form that may result from the interim period between the publication of amended and/or revised federal rules and regulations and the Texas General Land Office's standard review and update schedule.*

Step 2: Owner Notification

Issue notice to all impacted property owners (including temporary easements)

- Provide overview of involuntary acquisition and the rights provided for owners whose property may be acquired for a federally funded project
- Provide HUD brochure
- If the property includes a structure, determine if it is tenant-occupied
- Send GIN Notice to all tenant-occupied units

Required Documentation

- ✓ Notice to Owner
- ✓ HUD brochure "When a Public Agency Acquires your Property"
- ✓ Receipt of GIN Notice
- ✓ "The Texas Landowner's Bill of Rights"

Step 3: Appraisal

- If FMV is less than $10,000: follow waiver valuation process
- If FMV is above $10,000: complete an appraisal to determine the value for each acquisition
  - See Handbook 1378 Appendix 1 9 (URA Guide for Preparing an Appraisal Scope of Work)
  - Invite each owner to accompany the appraiser

Required Documentation

- ✓ Owner Invitation
- ✓ Appraisal
- ✓ Documentation of basis of waiver valuation

Step 4: Review Appraisal

- Review appraisal required for all acquisitions without waiver valuation
- Examines the assumptions and appraisal decisions used to present and analyze the market data
- Reviewer makes value adjustments if needed
- New appraisal may be required if significant issues arise
- Valuation process is critical to establish the value and may be part of future court review if property goes through the condemnation process

Required Documentation

- ✓ Credentials of the review appraiser
- ✓ Review appraisals
- ✓ Documentation of review appraiser and adjustments

Step 5: Just Compensation

- Justification for the amount to be offered as compensation for the acquisition
- Valuation statement must be issued by the program rather than delegated to a consultant
- Can exceed FMV determined by the appraisal process reflecting a negotiated value or administrative settlement
- Administrative settlement must be reasonable, expedite the agreement, and demonstrate savings over a court-based settlement

Required Documentation

- ✓ Notice of Just Compensation
- ✓ Justification of any amount in excess of appraisal valuation
- ✓ Administrative settlement, if completed

Step 6: Written Offer

- Issued to the property owner based on statement of Just Compensation
- Closing can proceed if owner accepts written offer or agrees to negotiated updated amount
- If the offer is not accepted and no reasonable negotiation can settle the difference, file paperwork with the courts to proceed with condemnation
- Make a deposit with the courts based on Just Compensation

Required Documentation

- ✓ Notice of Just Compensation
- ✓ Written Offer
- ✓ Sales agreement
- ✓ Closing documents

Real Property Acquisition Report

- Report tracks the completion of the key acquisition process
- Report should be filed with GLO for each parcel at the completion of the acquisition process
- Subrecipient files will contain documentation for each step of the process including all required notifications to the property owner
- In the event a sale can not be negotiated the documents will be part of the filing with the court system along with the deposit of the just compensation.

Sample Real Property Acquisition Report

COMMUNITY DEVELOPMENT & REVITALIZATION
The Texas General Land Office
Real Property Acquisition Estimate

Subrecipient:	Rango County	Contract Number:	20-555-555-C555
Address of Acquired Property:	555 Dulce Lane Enterprise, TX 12345		
Owner(s) Name:	Roberto Smith	Phone:	(123)122-1222
Property Acquired For: e.g., easement, well site, etc.	Temporary Easement for Right of Way		

SOURCE OF FUNDS USED TO ACQUIRE THIS PROJECT: (Check appropriate box[es] below)

☑ GLO-CDR/HUD Funds ☐ Other Funds ☐ None (donation)

METHOD USED TO ACQUIRE THIS PROPERTY: (Check one box below)

☐ Voluntary Acquisition through:
- ☐ Acquired by Negotiation/Just Compensation
- ☐ Acquired by Donation

☑ Involuntary Acquisition through:
- ☐ Acquired by Negotiation/Just Compensation
- ☐ Acquired by Donation
- ☑ Acquired by Condemnation

☐ Acquired from another public grantee (grantee has no power of eminent domain)

Sample Real Property Acquisition Report

Provide the Date for each Acquisition Activity		Date
Official Determination to Acquire Property		11/30/2020
Notice of Interest in Acquiring Property and General Information Sent (including HUD brochure when a public grantee acquires your property)		12/15/2020
Survey Obtained		12/20/2020
Title Evidence Obtained		12/20/2020
Invitation to Accompany Appraiser Provided		NA Waiver Valuation Prepared
Statement of the Basis for the Offer of Just Compensation Completed		1/1/2021
Appraisal Completed		Waiver Valuation Prepared 1/1/2021
Name of Appraiser:		N/A
Review Appraiser's Recommendation Made		NA Waiver Valuation Prepared
Just Compensation Determined (Amount)		7,500
Written Purchase Offer and Summary Statement Delivered		1/15/2021

Sample Real Property Acquisition Report

COMMUNITY DEVELOPMENT & REVITALIZATION
The Texas General Land Office
Real Property Acquisition Estimate

Provide the Date for each Acquisition Activity	Date
Landowner's Bill of Rights Statement Provided to Seller	1/15/2021
Purchase Agreement Executed	N/A
Deed Executed	4/1/2021
Purchase Price Paid	4/1/2021
Purchase Price Paid (Amount):	$7,500
Settlement Costs Paid	N/A
Deed Recorded	4/5/2021

IF ACQUIRED BY CONDEMNATION:	Date
Sent GLO-CDR Notice of Attempt to Acquire Property by Exercise of Eminent Domain Rights/Condemnation.	12/15/2021
Condemnation Proceedings Instituted	1/31/2021
Estimated Market Value Deposited with Court	2/5/2021
Court Award Made	3/20/2021
Court Award Made (Amount):	7,500
Deficiency Judgment Deposited with Court	N/A
Appeal Filed, if any	N/A

Infrastructure Documents

Required Documentation

- ✓ Notice to Owner, HUD brochure, and receipt
- ✓ Owner Invitation to the Owner
- ✓ Appraisal and Review Appraisals
- ✓ Documentation of basis of waiver valuation
- ✓ Notice of Just Compensation
- ✓ Landowner's Bill of Rights Statement
- ✓ Justification of any amount in excess of the appraisal valuation
- ✓ Written Offer
- ✓ Sales agreement
- ✓ Closing documents
- ✓ Documentation of public benefit (if using eminent domain)
- ✓ GLO Notice of Attempt to Acquire Property by Exercise of Eminent Domain

Resources

Regulations and Guidance

- 49 CFR Part 4 https://www.govinfo.gov/content/pkg/FR-2005-01-04/pdf/05-6.pdf
- 1378 Handbook https://www.hudexchange.info/resource/310/hud-handbook-1378-tenant-assistance-relocation-and-real-property-acquisition/

Online Resources

- URA Online Training series https://www.hudexchange.info/trainings/ura-the-hud-way/

- GLO URA Forms https://recovery.texas.gov/grant-administration/grant-implementation/infrastructure/index.html

QUESTIONS?

cdr@recovery.texas.gov

Texas General Land Office

@glotx

@txglo