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

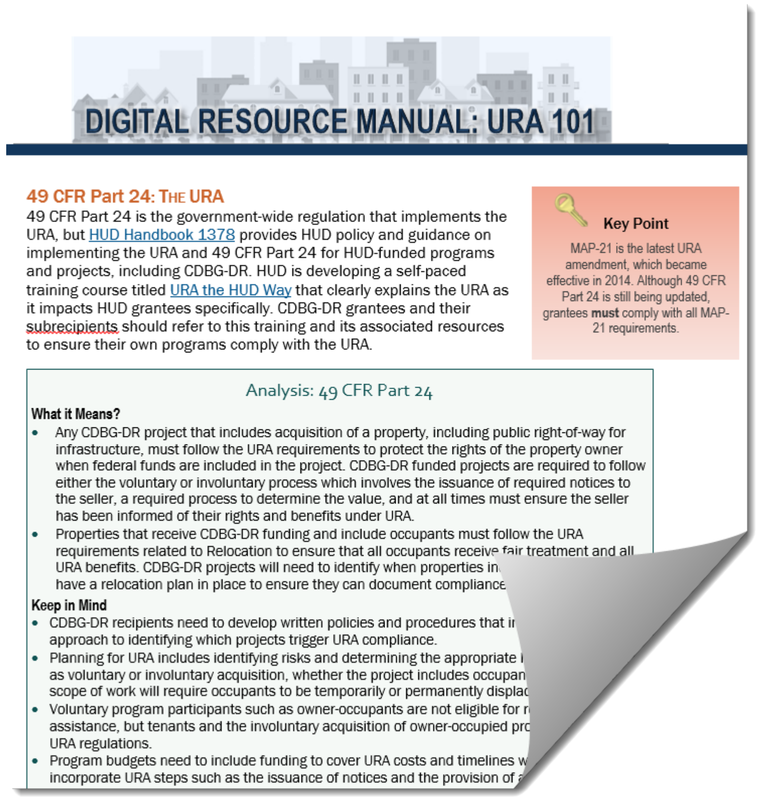
Applied to Subrecipients

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



DIGITAL RESOURCE MANUAL: URA 101

49 CFR Part 24: The URA

49 CFR Part 24 is the government-wide regulation that implements the URA, but HUD Handbook 1378 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 URA the HUD Way that clearly explains the URA as it impacts HUD grantees specifically. CDBG-DR grantees and their subrecipients should refer to this training and its associated resources to ensure their own programs comply with the URA.

Key Point

MAP-21 is the latest URA amendment, which became effective in 2014. Although 49 CFR Part 24 is still being updated, grantees **must** comply with all MAP-21 requirements.

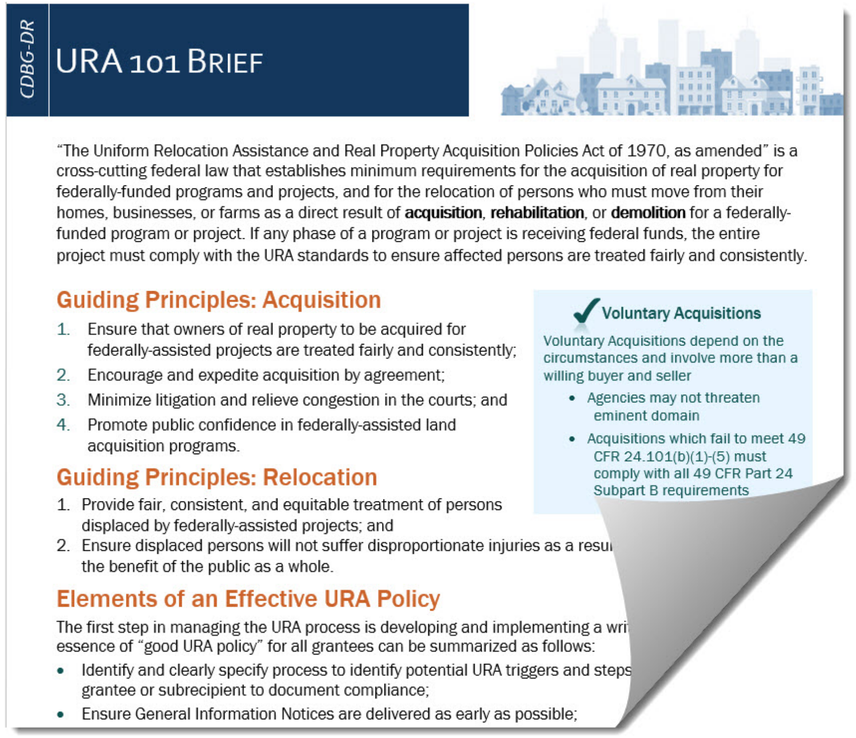
Analysis: 49 CFR Part 24

What it Means?

- Any CDBG-DR project that includes acquisition of a property, including public right-of-way for infrastructure, must follow the URA requirements to protect the rights of the property owner when federal funds are included in the project. CDBG-DR funded projects are required to follow either the voluntary or involuntary process which involves the issuance of required notices to the seller, a required process to determine the value, and at all times must ensure the seller has been informed of their rights and benefits under URA.
- Properties that receive CDBG-DR funding and include occupants must follow the URA requirements related to Relocation to ensure that all occupants receive fair treatment and all URA benefits. CDBG-DR projects will need to identify when properties in
have a relocation plan in place to ensure they can document compliance

Keep in Mind

- CDBG-DR recipients need to develop written policies and procedures that ir
approach to identifying which projects trigger URA compliance.
- Planning for URA includes identifying risks and determining the appropriate
as voluntary or involuntary acquisition, whether the project includes occupan
scope of work will require occupants to be temporarily or permanently displac
- Voluntary program participants such as owner-occupants are not eligible for r
assistance, but tenants and the involuntary acquisition of owner-occupied pro
URA regulations.
- Program budgets need to include funding to cover URA costs and timelines w
incorporate URA steps such as the issuance of notices and the provision of



CDBG-DR

URA 101 Brief

"The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended" is a cross-cutting federal law that establishes minimum requirements for the acquisition of real property for federally-funded programs and projects, and for the relocation of persons who must move from their homes, businesses, or farms as a direct result of **acquisition**, **rehabilitation**, or **demolition** for a federally-funded program or project. If any phase of a program or project is receiving federal funds, the entire project must comply with the URA standards to ensure affected persons are treated fairly and consistently.

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.

Voluntary Acquisitions

Voluntary Acquisitions depend on the circumstances and involve more than a willing buyer and seller

- Agencies may not threaten eminent domain
- Acquisitions which fail to meet 49 CFR 24.101(b)(1)-(5) must comply with all 49 CFR Part 24 Subpart B requirements

Guiding Principles: Relocation

1. Provide fair, consistent, and equitable treatment of persons displaced by federally-assisted projects; and
2. Ensure displaced persons will not suffer disproportionate injuries as a resu
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 wri
essence of "good URA policy" for all grantees can be summarized as follows:

- Identify and clearly specify process to identify potential URA triggers and steps
grantee or subrecipient 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:
  - 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

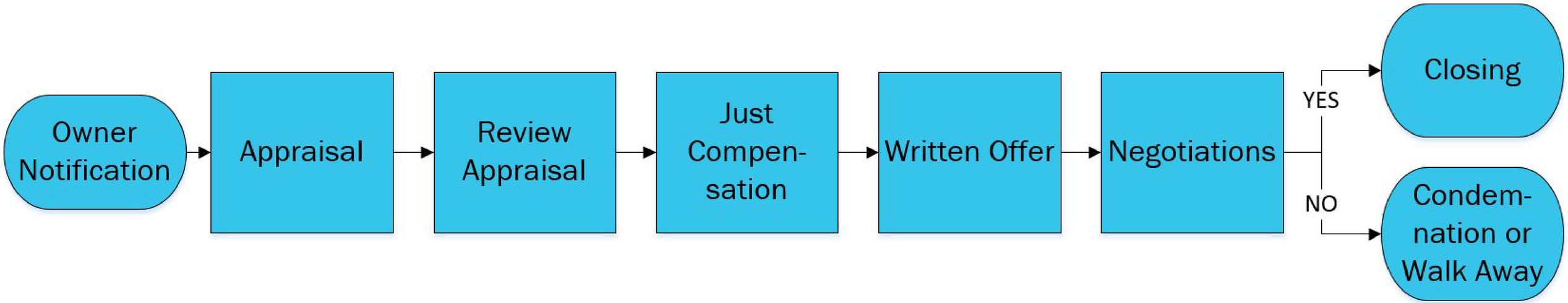
Types of Voluntary Acquisition	
Acquiring Agency	Applicable Citation
Agency not using eminent domain	49 CFR 21.101(b)(1)
Subrecipient without eminent domain authority	49 CFR 21.101(b)(2)
Federal agency, state, state agency	49 CFR 21.101(b)(3)

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



Test Your Knowledge

True or False

The URA applies to federally-funded projects involving **acquisition**, **rehabilitation**, or **demolition**.

TRUE

Test Your Knowledge

True or False

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

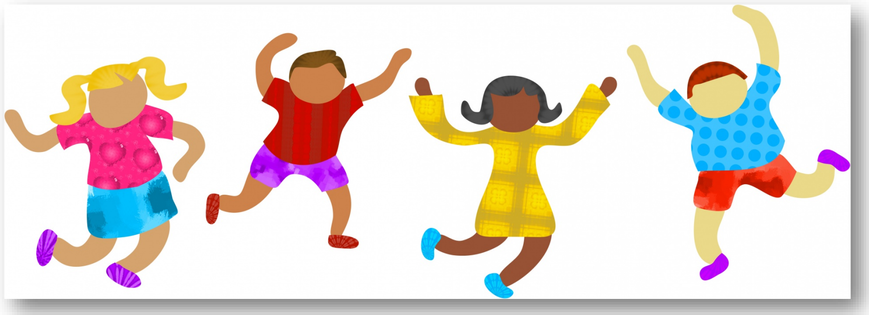
False

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

URA Temporary Relocation

- 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

URA Permanent Relocation

Site identification + planned or intended use of federal funds = compliance actions commence

Basic Process

General Information Notice

Notification of relocation eligibility

Eligibility surveys & tenant interviews

Permanent displacement assistance

Permanent displacement relocation services

URA Required Notices

Notice	"Trigger"	Purpose
General Information Notice (GIN)	Documented legal intent Site identification	Informs affected persons of potential displacement
Notice of Relocation Eligibility	7-10 days after Initiation of Negotiations	Confirms displacement Establishes relocation eligibility
90-Day Notice to Vacate for Displaced Persons	90+ days before earliest move-out date	Establishes earliest move-out date

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
  - RHP ensures affordable housing for a 42-month period
  - Lump sum payments are prohibited
  - 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

Appeals

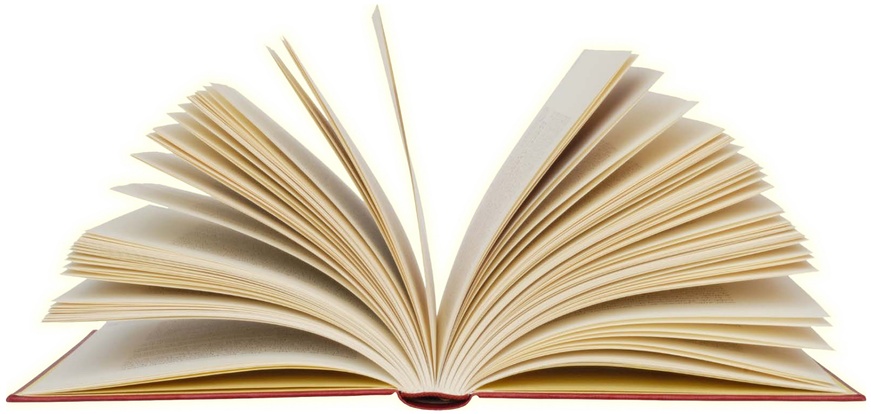
- A person, household, or business can seek review if they feel they have not been granted all protected rights and protections under the URA
- Subrecipients must adopt a complaint/appeal process
- Process must be provided to each participant in writing
- Subrecipients must establish the timeline to 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
  - 49 CFR 24 – URA
  - 24 CFR 42 – 104(d)
  - 24 CFR 570 – CDBG
- Federal Register Notices covering supplemental appropriations (waivers & alternative requirements)
- HUD Handbook 1378 & other policies



Section 104(d) & Waivers

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

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

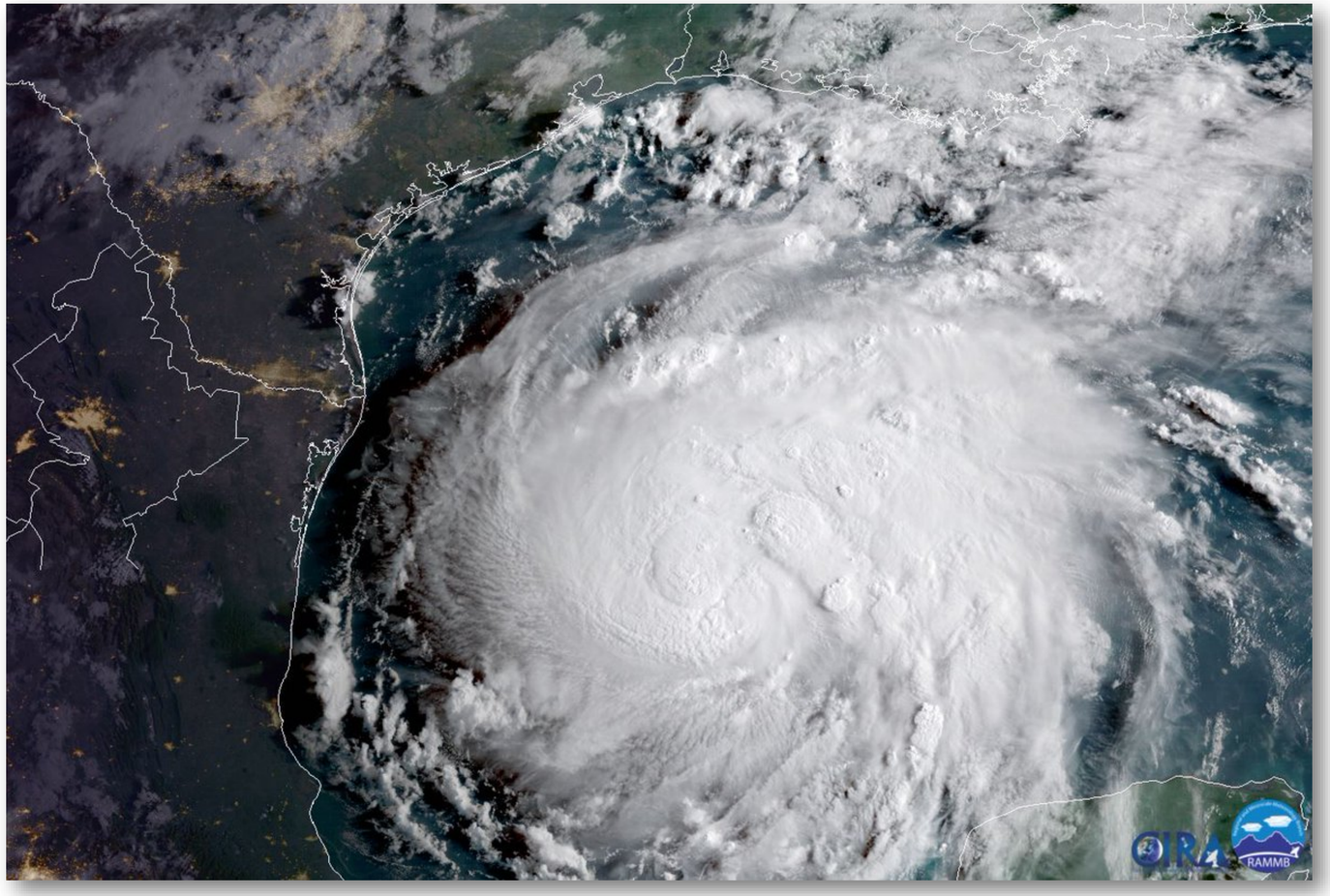
True or False

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).

Questions?



Survey

[URA 101 Survey]