



CDBG-CV ACQUISITION/RELOCATION GUIDELINES

Overview

The Uniform Relocation and Real Property Acquisition Policies Act of 1970 (URA or sometimes Uniform Act for short) applies to acquisition activities and displacement (temporary or permanent). URA imposes requirements on U.S. Department of Housing and Urban Development (HUD)-assisted projects carried out by public agencies, non-profit organizations, private developers, or others; AND, real property acquisition for HUD-assisted projects (whether publicly or privately acquired) must adhere to URA-established provisions.

All acquisitions made in order to support a Community Development Block Grant (CDBG) activity are subject to the URA. An acquisition that takes place on or after the date of submission of a CDBG application to fund an activity on that property is subject to URA, unless the grantee shows that the acquisition was unrelated to the proposed CDBG activity. An acquisition that takes place before the date of submission of the application will be subjected to the URA if DEO determines that the intent of the acquisition was to support a subsequent CDBG activity. The URA provisions apply to all types of long-term acquisition of property, including when acquiring full fee title, fee title subject to retention of a life estate or a life use, long-term leases (including leases with options for extensions) of 50 years or more, and to permanent and temporary easements necessary for the project.

[49 CFR Part 24](#) is the government-wide regulation that implements the URA. [HUD Handbook 1378](#) provides HUD policy and guidance in implementing the URA and 49 CFR Part 24 for HUD funded programs and projects.

Definition of “Program or Project”

The phrase “program or project” is defined in 49 CFR Part 24 as, “any activity or series of activities 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.” **The “any phase” language is important.** For example, privately owned housing with low-income housing tax credits are not subject to the URA, but if the water/sewer lines for the project were paid for by CDBG funds, the URA would apply to the entire project.

Details are found in [49 CFR 24.2\(a\)\(22\)](#), and [Chapter 1 of HUD Handbook 1378](#).

NOTE: The URA requirements for **voluntary acquisitions and involuntary acquisitions differ significantly**. Subgrantees should carefully examine the requirements for the use of each process.

- **Voluntary acquisition** is not the same as just a willing seller. Voluntary acquisition must meet several requirements that are clarified in [49 CFR 24.101\(b\)\(1\)-\(5\)](#) and [Chapter 5 of HUD Handbook 1378](#).
- **Involuntary acquisition** is not the same as eminent domain. Involuntary acquisition may occur with or without eminent domain. Also, involuntary acquisition may occur even if the buyer does not

have eminent domain powers. Involuntary acquisition is defined and the required procedures described in [49 CFR 24.102](#) and [Chapter 5 of HUD Handbook 1378](#).

Projects Involving Displacement (Relocation)

The URA establishes minimum standards for all federally funded projects that acquire property or displace persons from their homes, businesses, or farms. Under the URA, all persons displaced as a direct result of acquisition, rehabilitation, or demolition for a CDBG-assisted project are entitled to relocation payments and other assistance under the URA.

Grantees should assure that they take all reasonable steps to minimize displacement as a result of a project.

Early, common sense planning is necessary to ensure that sufficient funds will be budgeted to comply with applicable law and regulations. Relocation assistance is costly and can seriously affect the viability of a project. Errors in judgment or determinations on eligibility or payments can lead to costly litigation, project delays, and serious financial consequences to the Agency and its partners.

Who is a Displaced Person?

[49 CFR 24.2\(a\)\(9\)\(i\)](#) defines a displaced person under the URA as an individual, family, partnership, association, corporation, or organization, which moves from their home, business, or farm, or moves their personal property, as a direct result of acquisition, demolition or rehabilitation for a federally funded project. Displaced persons are eligible for relocation assistance under the URA.

Who is Not Displaced?

Generally, persons not displaced are not eligible for relocation assistance under the URA as defined by [49 CFR 24.2\(a\)\(9\)\(ii\)](#). Examples of persons not displaced include, but are not limited to, the following:

- Persons displaced temporarily from their dwelling for less than 12 months while it is being rehabilitated.
- Illegal aliens; the URA prohibits providing relocation assistance to persons not lawfully present in the U.S.

The URA contains specific definitions of a [“displaced person”](#) and [“persons not displaced.”](#) These definitions, in addition to the HUD handbook, should be used when making any determinations of relocation eligibility. When in doubt, grantees should contact DEO at for assistance by email at CDBG-CV@deo.myflorida.com or phone at (850) 717-8405.

Relocation Notices

The URA regulations require three notices to be issued to eligible persons. These notices provide important information about the project, the affected persons' resulting rights, their protections, and their eligibility for relocation assistance and payments under the URA. It is critical for agencies to issue appropriate notices to affected persons at the appropriate time.

- **General Information Notice (GIN):** Informs affected persons of the project and that they may be displaced by the project.
- **Notice of Relocation Eligibility:** Informs persons that they will be displaced by the project and establishes their eligibility for relocation assistance and payments.
- **90-Day Notice:** Informs displaced persons of the earliest date by which they will be required to move. This notice may not be issued unless a comparable replacement dwelling is available and the displaced person is informed of its location and has sufficient time to lease or purchase the property.

Overview of Section 104(d)

Section 104(d) of the Housing and Community Development Act (HCDA) establishes minimum requirements for agencies that displace lower income persons when their HOME or CDBG-funded activity demolishes or converts a lower-income dwelling to some other use. The displacing agency must provide relocation assistance and payments to all eligible displaced lower-income persons. Section 104(d) requires the replacement on a one-for-one basis of lower income dwellings demolished or converted to a use other than lower-income housing, in conjunction with HOME or CDBG-funded activity. Relocation payments and assistance under section 104(d) generally resemble those under URA. Differences include: preservation of low-income dwelling units, rental assistance time period (42 months for URA, 60 months for 104(d)), calculation basis of monthly payment amount, Housing Choice Voucher options, security deposit, and options for down payment substituted for the sum of monthly rental payments. The implementing regulations for Section 104(d) are found in [24 CFR Part 42](#). Additional guidance is provided in the [HUD Summary Comparison of URA to 104\(d\)](#).

What are the Section 104(d) requirements?

- Grantees must certify they have in effect and are following a Residential Anti-displacement and Relocation Assistance Plan;
- Provision of relocation assistance to lower-income residential tenants displaced as a direct result of demolition or conversion of a lower-income dwelling unit in connection with an assisted activity; and
- Replacement, on a one-for-one basis, of all occupied and vacant occupiable lower-income dwelling units that are demolished or converted to a use other than lower income dwelling units in connection with an assisted activity.

Additional Resources

[HUD Handbook 1378](#)

[HUD Real Estate Acquisition and Relocation Overview](#)

[Basically CDBG for States, Chapter 14: Relocation and Acquisition](#)

[CDBG Downloads for Recipients – Acquisition and Relocation](#)