

GUIDEFORM NOTICE OF ELIGIBILITY FOR 104(d) RELOCATION ASSISTANCE
RESIDENTIAL TENANT (Housing Choice Voucher Available*)

Grantee or Agency Letterhead

(date)

Dear _____:

On ___ (date) ___, the ___ (City, County, State, Public Housing Authority (PHA), other) ___, notified you of proposed plans to ___ (demolish or convert) ___ the property you currently occupy at ___ (address) ___ for a project which could receive funding assistance from the U.S. Department of Housing and Urban Development (HUD) under the ___ (CDBG/HOME/other) ___ program. On ___ (date) ___, the project was approved and will receive federal funding.

It has been determined that you will be displaced by the project. To carry out the project, it will be necessary for you to move.

- **This is your Notice of Eligibility for relocation assistance**
- **The effective date of your relocation eligibility is _____.** (*Insert date of Initiation of Negotiations, see 49 CFR 24.2(a)(15) or applicable HUD program regulations*)

Since you are being displaced in connection with this federally funded project, you will be eligible for relocation assistance and payments calculated under either:

- 1) Section 104(d) of the Housing and Community Development Act of 1974, as amended (section 104(d)), or
- 2) The Uniform Relocation Assistance and Real Property Acquisition Policies Act (URA).

(NOTE: Pursuant to Public Law 105-117, aliens not lawfully present in the United States are not eligible for relocation assistance under the URA, unless such ineligibility would result in exceptional and extremely unusual hardship to a qualifying spouse, parent, or child. All persons seeking URA relocation assistance will be required to certify that they are a United States citizen or national, or an alien lawfully present in the United States.)

(Agency Notice to Vacate Options—choose one:)

- 1) **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. OR:

2) **This is your 90 day Notice to Move; you must vacate your dwelling no later than _____ (insert date)_____.** At least one comparable dwelling to which you may move has been identified and is listed below. Although you are not required to move to this dwelling, you must move to a decent, safe and sanitary replacement dwelling of your choice in order to receive a replacement housing assistance payment.

The relocation assistance to which you are entitled includes:

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

Security Deposit and Credit Checks. (Security deposit assistance is not available under the URA). Under section 104(d) we can pay the cost of any security deposit required to rent a decent, safe and sanitary replacement dwelling. Payment of credit check costs is eligible under both URA & 104(d).

Payment for Moving Expenses. You may choose: (1) a payment for your actual, reasonable moving and related expenses (including refundable or non-refundable utility deposits), or (2) a fixed moving payment in the amount of \$_____ based on the URA Fixed Residential Moving Cost Schedule, or (3) a combination of both (where reasonable and necessary).

Replacement Housing Payment. You may be 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. Your relocation counselor will provide you with a detailed explanation on how your replacement housing payment was calculated.

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.

	Address	Rent & Utility Costs	Contact Info
1.	_____	_____	_____
2.	_____	_____	_____
3.	_____	_____	_____

We believe that the dwelling at _____ (*address*) _____ at a monthly rent/utility cost of \$ _____ is the most representative of your present home and our replacement housing payment calculations have been made based on this comparable dwelling. Although you are not required to move to this dwelling, you must move to a decent, safe and sanitary replacement dwelling in order to receive replacement housing assistance. If you rent a decent, safe and sanitary 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 this dwelling is not comparable to your current home. We can explain our basis for selecting this dwelling as most representative of your current home and discuss your concerns.

Based on the information you provided to us about your income and other eligibility criterion, you are eligible for section 104(d) replacement housing assistance through a Housing Choice Voucher.* If you choose to accept the Voucher assistance and rent a comparable replacement dwelling, we estimate your monthly out-of-pocket cost for rent and utilities will be approximately \$ _____ per month based on 30 percent of your adjusted family income. We will explain to you how this assistance is calculated and assist you in completing an application. Voucher assistance may be adjusted periodically to reflect changes in your income and rent. Voucher assistance may continue indefinitely, depending on need and congressional appropriations.

If you choose not to accept the Housing Choice Voucher assistance which is offered, your replacement housing payment will be calculated under the URA. If you choose assistance under the URA and rent a comparable replacement dwelling, we estimate your initial out-of-pocket cost for rent and utilities will be approximately \$ _____ per month. The maximum amount of rental assistance you would be eligible to receive under the URA would be approximately \$ _____ (42 x \$ _____), paid in number of installments. URA assistance is not adjusted to reflect future changes in income or rent.

Should 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 such housing and identify which one of the following options can help you accomplish this:

- 1) You would be eligible under the URA for down payment assistance of \$ (*indicate all 42 payments as lump sum***). Under the URA, you are not limited in the type of home you choose to purchase.
- 2) Section 104(d) assistance for a down payment is available only to purchase an interest in a housing cooperative or mutual housing association. We estimate that you would be eligible for a down payment of \$ _____ under section 104(d).
- 3) *If the Housing Choice Voucher may be used for homeownership assistance (either for monthly mortgage payments or for downpayment assistance) information on this option should also be included in the letter based on the local PHA policy.*

Enclosed are brochures entitled, "Relocation Assistance to Tenants Displaced From Their Homes" (for URA) and "Relocation Assistance to Persons Displaced from Their Homes (Section 104(d))." Please read these brochures carefully. They explain your rights and some things you must do to obtain relocation payments under the URA or section 104(d). For example, to obtain a replacement housing payment under the URA, you must move to a decent, safe and sanitary replacement dwelling within one (1) year after you vacate your present home.

Please note that all replacement housing must be inspected in order to ensure it is decent, safe and sanitary before any replacement housing payments are made. **Replacement housing payments cannot be provided for a dwelling that is not decent, safe and sanitary.** Therefore, do not commit yourself to rent or buy a replacement dwelling until we inspect it.

If you have any questions about this letter and your eligibility for relocation assistance and payments, please contact _____ (*name*), _____ (*title*) at (*phone*) _____, _____ (*address*) before you make any moving plans. He/she will assist you with your move to a new home and help ensure that you preserve your eligibility for all relocation payments to which you may be entitled. In order to help you fully participate in the relocation process, reasonable accommodations will be made for persons with disabilities and language assistance will be made available for persons with limited English proficiency. Please let our representative know if you need auxiliary aides, written translation, oral interpretation, or other assistance in order to fully participate in the relocation process.***

Remember, do not move or commit to the purchase or lease of a replacement dwelling before we have a chance to further discuss your eligibility for relocation assistance.

This letter is important to you and should be retained.

Sincerely,

_____(name & title)_____

Enclosure/s

NOTES.

- * This Guideform Notice is to be used only where, in addition to URA assistance, the tenant is eligible for section 104(d) assistance and a Housing Choice Voucher (formerly known as Section 8) will be offered in lieu of a cash payment. Section 104(d) eligibility occurs when:
 - (a)The project is assisted with CDBG, HOME, UDAG funds or a Section 108 loan guarantee;
 - (b)The displaced person meets the definition of "lower income person;" and

(c)The move is a direct result of the demolition of the dwelling unit or the conversion of a lower-income dwelling unit.

** At the agency's discretion, under the URA, a down payment assistance payment that is less than \$5,250 may be increased to any amount not to exceed \$5,250. (See 49 CFR 24.402(c)(1))

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

1378 CHG-11

Appendix 25

appropriate translation and counseling for persons who are unable to read and understand required notices is mandatory. See 49 CFR 24.5.