

**Mississippi Home Corporation (MHC)  
Home Investment Partnerships (HOME)/  
Homeowner Rehabilitation Program  
Uniform Residential Displacement and Relocation Assistance Plan**

MHC will comply with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act (URA) of 1970, as amended, and implementing regulations at 49 CFR 24; and it has in effect and is following a residential anti-displacement and relocation assistance plan required under section 104(d) of the Housing and Community Development Act of 1974, as amended, in connection with any activity assisted with funding under the Home Investment Partnership (HOME) program.

The URA establishes the minimum Federal 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.

The purpose of this Displacement and Relocation Assistance Plan is to provide guidelines in reference to the implementation of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 U.S.C. 4601 *et seq.*) (Uniform Act), in accordance with the following objectives:

- (a) To ensure that owners of real property to be acquired for Federal and federally assisted projects are treated fairly and consistently, to encourage and expedite acquisition by agreements with such owners, to minimize litigation and relieve congestion in the courts, and to promote public confidence in Federal and federally assisted land acquisition programs;
- (b) To ensure that persons displaced as a direct result of Federal or federally assisted projects are treated fairly, consistently, and equitably so that such displaced persons will not suffer disproportionate injuries as a result of projects designed for the benefit of the public as a whole; and
- (c) To ensure that recipient of HOME funds implement these regulations in a manner that is efficient and cost effective.

Subrecipients of HOME funds are subject to the Uniform Relocation Act and/or Section 104(d) used for the purposes of acquisition, demolition, rehabilitation, or conversion of a property occupied by a residential or nonresidential tenant must comply with the Uniform Relocation Act and/or Section 104(d), as applicable.

In addition, MHC has adopted this plan as a part of its HOME/Homeowner Rehabilitation Program. This policy provides guidance on relocation assistance provided to eligible displaced homeowner occupants. It is not the intent of the Homeowner Rehabilitation Program to cause permanent displacement of a residential homeowner occupant whose dwelling is to receive repair, rehabilitation, or reconstruction. These grant funds are awarded to recipients for the

benefit of providing decent, safe, and affordable housing. It is anticipated that projects may involve the temporary relocation of a homeowner in order to proceed with the project in a safe and timely manner.

MHC certifies that it will undertake activities that minimize the displacement of persons as related to federally funded projects. HOME will not be used to carry out activities that result in displacement unless there is a public health or safety threat. Local governments and Non-Profit and For-Profit Agencies and Community Housing Development Organizations (CHDOs) must also make such certification and must demonstrate that there are no other feasible alternatives.

Applicants seeking funding under the HOME Program must provide an Anti-Displacement and Relocation Assistance Plan, during the application process.

**The plan must contain at least three components:**

- (1) **Requirement** to replace all dwelling units that are subject to be demolished or converted to a use other than housing as a direct result of HOME assistance; and
- (2) **Relocation Assistance Component** (which also addresses the Applicant's efforts to minimize the displacement of persons). Both components must meet the HUD requirements at 24 CFR 570.488.
- (3) **Budget-** The **relocation plan** must address the budget cost for relocation based on individual units and activity:
  - Payment method- Recipient directly pay for all costs associated with the temporary relocation or wishes to reimburse beneficiary for reasonable out-of-pocket costs.
  - Identify any costs for which the beneficiary or recipient will be reimbursed
  - Provide a detailed relocation budget (Uses of Funds and Uses of Funds Narrative)
  - Include a narrative discussion for each budget line item showing cost calculations

**Displaced and Non-Displaced Persons**

The URA contains specific definitions of a “displaced person” and “persons not displaced.” Generally, a displaced person under the URA is 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. Eligible displaced homeowners are subject to advisory and relocation assistance. However, a person has the

right to waive assistance indicated in the relocation plan or URA. If a person waives their rights to relocation/assistance, a disclaimer will be signed by the homeowner/tenant or renter and witnessed by the Grantee/Recipient. This document must be notarized and submitted to MHC for recordkeeping.

Displaced Persons are not eligible for relocation assistance under the URA:

Illegal aliens; the URA prohibits providing relocation assistance to persons not lawfully present in the U.S. In general, illegal aliens are not eligible for, or entitled to relocation benefits under the Uniform Act. In cases where there are one or more legal residents in the household, benefits can only be provided on a pro-rata basis, and only if it determined that displacement would cause an extreme hardship if the assistance were not provided (49 CFR 24.208).

**Homeowners displaced must meet eligibility for temporary relocation based on the following conditions:**

- Homeowners must meet the definition of eligibility for assistance, according to 24 CFR 92.353.
- **Reconstruction/Replacement**-MHC's Housing Inspector must determine, if the conditions of the structure warrants reconstruction and to proceed in a safe and timely manner, the homeowner must vacate the property.
- **Rehabilitation**-MHC's Housing Inspector must determine, if the conditions of the structure warrants rehabilitation and vacating the property contributes to the safety of the homeowner. The homeowner must vacate the property. If the rehabilitation of the property is safe for the homeowner to remain in the home during rehabilitation, relocation assistance, is not applicable. This will be reviewed and approved by MHC on a case-by-case basis.
- The household has owned and occupied their unit for not less than 12 months prior to the request for relocation assistance.
- Persons should be displaced no more than 90 days to receive assistance, when property is rehabilitated. When property is reconstructed, persons should be displaced no more than 180 days to receive assistance. An extension of eligibility may be granted if some event beyond the control of the displaced person such as acute or life-threatening illness, bad weather preventing the completion of construction, or physical modifications required for reasonable accommodation of a replacement dwelling, or other like circumstances causes a delay in occupying a decent, safe, and sanitary replacement dwelling. This will be reviewed on a case-by-case basis.
- Displaced homeowner households will receive assistance from the \_\_\_\_\_ in locating a "comparable replacement" unit. "Comparable" housing includes standards such as: decent, safe, and sanitary. Recipients will inspect any replacement units to which referrals are made to verify that they meet all the standards of decent, safe, and sanitary as defined under HUD's regulations.

- Eligible to receive assistance, not to exceed ten percent of the construction cost budget. The amount submitted will be approved by MHC.
- A Relocation Meeting will be held with homeowner prior to the date of move-out to explain the process and provide the intended dates of activities. The meeting will cover at a minimum the date of move-out and responsibilities of the grant recipient during relocation/displacement.
- Proper Notification provided to homeowners. Households subject to replacement will receive a 90-day notice to vacate before they are required to move. These notices are expected to be issued on or about (give best estimate) [Date].
- Services will be provided to ensure that displacement does not result in different or separate treatment of households based on race, nationality, color, religion, national origin, sex, marital status, familial status, disability, or any other basis protected by the federal Fair Housing Amendments Act, the Americans with Disabilities Act, Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968, as well as any other arbitrary or unlawful discrimination.
- The displacing entity anticipates using the following funds for the Project. [List funds]

**Advisory Services** include referrals to comparable replacement homes, the inspection of replacement housing to ensure that it meets established standards, help in preparing claim forms for relocation payments and other assistance to minimize the impact of the move. (Exhibit)

It is imperative that applicants/Grantees carefully follow notification and advisory services procedures to assure that households do not leave because they are not informed about plans for the project or their rights. This can be a costly mistake and may render the HOME project infeasible.

**Relocation Assistance**-the maximum relocation assistance for which beneficiaries may qualify will be based on eligible cost that meets the criteria under URA and MHC's policies and procedures guidelines that are eligible expenses associated with the relocation. Eligible persons benefiting from HOME funds are eligible for relocation payment to cover the actual reasonable cost associated with the move.

**Eligible Cost**-Housing and moving expenses are necessary cost to include in the plan. However, other eligible cost maybe included in the plan based on the discrepancy of the recipient. Transportation expenses, packing, moving and unpacking household goods, disconnecting and reconnecting household appliances and other personal property (e.g., telephone and cable and storage of households' goods are eligible expenses. **All receipts must be submitted to be reimbursed or paid for any eligible relocation expenses incurred by the beneficiary.**

Beneficiaries subject to displacement and relocation have the right to locate their own housing. However, before moving into a unit, the grant recipient must inspect the unit to ensure that it is comparable, decent, safe, and sanitary.

**Comparable replacement home is defined as:**

- Decent, safe, and sanitary.
- Functionally equivalent to the present home.
- Affordable
- Reasonable Cost
- Reasonably accessible to your place of employment, if applicable.
- Generally, as well located with respect to public and commercial facilities, such as schools and shopping, as your present home.
- Not subject to unreasonable adverse environmental conditions.
- Available to all persons regardless of race, color, religion, sex, or national origin.

The term “**reasonable cost**” is used to highlight the fact that while innovative means to provide housing are encouraged, they should be cost-effective. Last resort housing is permitted, in special cases, which may involve variations from the usual methods of obtaining comparability. However, such variation should never result in a lowering of housing standards, nor should it ever result in a lower quality of living style for the displaced person. The physical characteristics of the comparable replacement dwelling may be dissimilar to those of the displacement dwelling, but they may never be inferior.

**Decent, safe, and sanitary housing is housing that:**

- Meets local housing and occupancy requirements.
- Additionally, it is housing that:
- Is structurally sound, weather tight, and in good repair.
- Contains a safe, adequate electrical wiring system.
- Has adequate living space for the occupants.
- Has a kitchen with a sink, hot and cold running water, and connections for a stove and refrigerator.
- Has a separate, complete bathroom with hot and cold running water and sewage system.
- Has heating as required by climatic conditions.
- Has an unobstructed exit to safe, open space at ground level.
- Is free of any barriers that would preclude your reasonable use of the unit, if you are a person with a physical disability.

**Relocation Notices**

- The URA regulations require three (3) 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.

- One of the most important URA notices is the **90-Day Notice**. No person shall be required to move without a minimum of 90 days written notice of the required date of the move.

### **Relocation Assistance**

Relocation Assistance- A requirement to provide certain relocation assistance to any lower-income person (defined in 24 CFR 42.305) displaced as a direct result of:

- (1) the demolition of any dwelling unit or (2) the conversion of a lower-income dwelling unit to a use other than a lower-income dwelling in connection with an assisted activity.
- (2) To receive relocation assistance a subrecipient of HOME funds plan must include the following:
  - a) Description of the nature of documentation that will be obtained to support rent and utility calculations. Acceptable documentation includes copies of a lease, rent receipts, utility receipts, statement from a utility company; or other similar evidence.
  - b) Utilities included in the rent and those that must be paid separately by the household need to be identified and calculated. **Form HUD-40061** (Exhibit) may be used to summarize and record the rent and utilities information obtained on the displacement and comparable units (but is not a substitute for required documentation).
  - c) For utilities that are not included, describe who will pay for those utilities' person or recipient.

If persons are being temporarily relocated to **motels/hotels**, address the following:

- Description of any preliminary contact that has been made with motels/hotels to determine availability, cost.
- Describe the amenities the motel/hotel have
- Describe the availability of kitchen facilities the motel/hotel will have for the person to be able to prepare meals
- If not available, describe the arrangements that will be made for meals (daily per diem, meal services such as Meals on Wheels, etc.)
- If a daily per diem for meals, what is the established per diem rate.
- If a meal service, describe preliminary contacts that have been made with meal service companies to determine availability, cost, etc.
- Determine homeowner/tenants needs and preferences for replacement housing and advisory services and makeup of the household. This assist with the move and to keep hardship at a minimum.
- If possible, a mutually agreeable date for the move should be worked out. Enough time should be given to make plans for moving. Unless there is a health or safety emergency, persons will not be required to move without at least 90 days advance written notice of (1) at least one facility that is available to beneficiary and (2) the earliest date by which to move.

**Disbursement of Funds**

Payments are made on a reimbursement method unless the recipient can show that this method creates a hardship for homeowner. MHC will review on a case-by-case basis. The request must be submitted in writing. Relocation payments will be made available to the homeowner as close to the move-out date as administratively feasible. The Homeowner will be notified when it is safe to return to their home. The Homeowner will be responsible for making arrangements for moving back in, including transportation, movers (if hired), etc. When the project is nearing completion, final payment may be prorated if the project is expected to be completed and ready for move-in before another full month will elapse. Grant Recipient will prepare Request for Cash documents and submit along with invoices/documentation as evidence of eligible costs.

The following attachments are incorporated as a part of the \_\_\_\_\_ policy and procedures manual.

- 1) Project Site Map
- 2) Table of Household Characteristics and Needs
- 3) Most current HUD Income Category Limits for your County
- 4) Sample Notices and/or Brochures to be given to Displaced Households
- 5) Budget Estimate for this Project
- 6) Estimated Relocation Timeline for Project
- 7) Listing of comparable Homeowner Housing Availability
- 8) Uniform Residential Displacement and Relocation Assistance Plan

Homeowner: \_\_\_\_\_

Date: \_\_\_\_\_

Homeowner: \_\_\_\_\_

Address: \_\_\_\_\_

City/State: \_\_\_\_\_

Recipient \_\_\_\_\_

Date: \_\_\_\_\_

By: \_\_\_\_\_

Its: \_\_\_\_\_