

OFFICE OF LONG-TERM RESILIENCY



Uniform Relocation Assistance Guide and Residential Anti-Displacement and Relocation Assistance Plan

Version 1.0

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VERSION HISTORY

Version Number	Date	Summary of Changes
1.0	9/14/2021	Original Version

VERSION POLICY

Version history is tracked in the Version History Table (page i), with notes regarding version changes. Dates of each publication are also tracked in this table.

Substantive changes in this document that reflect a policy change will result in the issuance of a new version of the document. For example, a substantive policy change after the issuance of Version 1.0 would result in the issuance of Version 2.0, an increase in the primary version number. Non-substantive changes such as minor wording and editing or clarification of existing policy that do not affect interpretation or applicability of the policy will be included in minor version updates denoted by a sequential number increase behind the primary version number (i.e., Version 2.1, Version 2.2, etc.).

POLICY CHANGE CONTROL

Policy review and changes for the State of Florida Office of Long-Term Resiliency are considered through a change-control process. Policy clarifications, additions, or deletions are needed during the course of the program to more precisely define the rules by which the Program will operate. Program staff will document policy-change requests that will be tracked in the program files. Requests are compiled and brought before supervisory staff in a policy meeting. Subject matter experts working in a particular policy area or task area that will be affected by the policy decision may be invited to assist in policy evaluation, if necessary. Policy meetings will be held as frequently as is necessary to consider policy decisions critical to moving the Program forward in a timely manner. Policy decisions will be documented and will result in the revision of the document in question.

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1.0 Definitions and Acronyms

The definitions in this section come directly from 49 CFR. 24.2:

100-year floodplain: The area subject to inundation from a flood having a 1% or greater chance of being equaled or exceeded in any given year

Agency: The state agency, or person that acquires real property or displaces a person.

Applicant: Any individual property owner who submits an application for assistance to a Rebuild Florida Program, or a program funded by Rebuild Florida.

Appraisal: A written statement independently and impartially prepared by a qualified appraiser setting forth an opinion of defined value of an adequately described property as of a specific date, supported by the presentation and analysis of relevant market information.

Area Median Income (AMI): The median (middle point) household income for an area adjusted for household size as published and annually updated by the United States Department of Housing and Urban Development (HUD). Once household income is determined, it is compared to HUD's income limit for that household size.

Business: Any lawful activity, except a farm operation, that is conducted;

- Primarily for the purchase, sale, lease and/or rental of personal and/or real property, and/or for the manufacture, processing, and/or marketing of products, commodities, and/or any other personal property;
- Primarily for the sale of services to the public;
- Primarily for outdoor advertising display purposes, when the display must be moved as a result of the project; or
- By a nonprofit organization that has established its nonprofit status under applicable Federal or State law.

CDBG-DR: Community Development Block Grant-Disaster Recovery.

Comparable Replacement Dwelling: A dwelling which is functionally equivalent to the displacement dwelling. The term *functionally equivalent* means that it performs the same function and provides the same utility. While a comparable replacement dwelling need not possess every feature of the displacement dwelling, the principal features must be present.

Decent, safe, and sanitary dwelling: The term *decent, safe, and sanitary dwelling* means a dwelling which meets local housing and occupancy codes. However, any of the following standards which are not met by the local code shall apply unless waived for good cause by the Federal Agency funding the project. The dwelling shall:

- Be structurally sound, weather tight, and in good repair;
- Contain a safe electrical wiring system adequate for lighting and other devices;
- Contain a heating system capable of sustaining a healthful temperature (of approximately 70 degrees) for a displaced person, except in those areas where local climatic conditions do not require such a system;
- Be adequate in size with respect to the number of rooms and area of living space needed to accommodate the displaced person. The number of persons occupying each habitable room used for sleeping purposes shall not exceed that permitted by local housing codes or, in the absence of local codes, the policies of the displacing Agency. In addition, the displacing Agency shall follow the requirements for separate bedrooms for children of the opposite gender included in local housing codes or in the absence of local codes, the policies of such Agencies;
- There shall be a separate, well lighted and ventilated bathroom that provides privacy to the user and contains a sink, bathtub or shower stall, and a toilet, all in good working order and properly connected to appropriate sources of water and to a sewage drainage system. In the case of a housekeeping dwelling,

there shall be a kitchen area that contains a fully usable sink, properly connected to potable hot and cold water and to a sewage drainage system, and adequate space and utility service connections for a stove and refrigerator;

- Contains unobstructed egress to safe, open space at ground level; and
- For a displaced person with a disability, be free of any barriers which would preclude reasonable ingress, egress, or use of the dwelling by such displaced person.

DEO – Florida Department of Economic Opportunity: DEO is the governor-designated state authority responsible for administering all U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant-Disaster Recovery (CDBG-DR) and Community Development Block Grant-Mitigation (CDBG-MIT) funds awarded to the state.

Disability: For the purposes of the program, “disability” is consistent with federal law under The Social Security Act, as amended, 42 U.S.C. 423(d), The Americans with Disabilities Act of 1990, as amended, 42 U.S.C. 12102(1) - (3), and in accordance with HUD regulations at 24 CFR 5.403 and 891.505.

Displaced person: Is defined in 24 CFR 570.606(2) as any person (family, individual, business, nonprofit organization, or farm) that moves from real property, or moves his or her personal property from real property, permanently and involuntarily, as a **direct** result of rehabilitation, demolition, acquisition for any activity assisted under this part, for a period of more than twelve (12) months. More information on this definition can be located at 49 CFR § 24.2(a)(9)

Dwelling: The place of permanent or customary and usual residence of a person, according to local custom or law, including a single family house; a single family unit in a two-family, multi-family, or multi-purpose property; a unit of a condominium or cooperative housing project; a non-housekeeping unit; a mobile home; or any other residential unit.

Dwelling site: A land area that is typical in size for similar dwellings located in the same neighborhood or rural area. (See Appendix A, [24.2\(a\)\(11\)](#).)

Farm operation: Any activity conducted solely or primarily for the production of one or more agricultural products or commodities, including timber, for sale or home use, and customarily producing such products or commodities in sufficient quantity to be capable of contributing materially to the operator's support.

Federal financial assistance: A grant, loan, or contribution provided by the United States, except any federal guarantee or insurance and any interest reduction payment to an individual in connection with the purchase and occupancy of a residence by that individual.

Federal Register: The official journal of the federal government of the United States that contains government agency rules, proposed rules, and public notices. It is published daily, except on federal holidays. A Federal Register Notice (FRN) is issued for each CDBG-DR funded disaster. The FRN outlines the rules that apply to each allocation of disaster funding.

FEMA: Federal Emergency Management Agency

Household: All persons occupying the same housing unit, regardless of their relationship to each other. The occupants could consist of a single family, two or more families living together or any other group of related or unrelated persons who share living arrangements. For housing activities, the test of meeting the Low- to - Moderate income objective is based on the LMI of households.

Household income: Total gross income received for a **twelve (12) month** period from all sources (earned and unearned) including, but not limited to wages, salary, child support, alimony, unemployment benefits, workers compensation, social security, or the net income from a business. It does not include income received or earned by dependent children and full-time students under 18 years of age. (See Appendix A, [24.2\(a\)\(14\)](#) for examples of exclusions to income.)

HRRP: Rebuild Florida’s Housing Repair and Replacement Program

HUD: U.S. Department of Housing and Urban Development

Low to Moderate Income (LMI) National Objective: Activities which benefit households whose total annual gross income does not exceed 80% of Area Median Income (AMI), adjusted for family size. Income eligibility will be determined and verified in accordance with HUD guidance. The most current income limits, published annually by HUD, will be used to verify the income eligibility of each household applying for assistance at the time assistance is provided.

- Extremely low: Household's annual income is up to 30% of the area median family income, as determined by HUD, adjusted for family size
- Very Low: Household's annual income is between 31% and 50% of the area median family income, as determined by HUD, adjusted for family size
- Low: Household's annual income is between 51% and 80% of the area median family income, as determined by HUD, adjusted for family size

MID: Most Impacted and Distressed Area

Mobile/Manufactured Housing Unit (MHU): A structure, transportable in one or more sections which, in the traveling mode is 8-body-feet or more in width or 40 body-feet or more in length, or when erected on site, is at least 320 square feet, and is built on a permanent chassis designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein. It may sometimes be referred to as a mobile home.

Mortgage: The term mortgage means such classes of liens as are commonly given to secure advances on, or the unpaid purchase price of real property, under the laws of the state in which the real property is located, together with the credit instruments, if any, secured thereby.

NFIP: National Flood Insurance Program.

- NFIP Zone A refers to those applicants within the 100-year flood zone.
- NFIP Zone V refers to those applicants within the 100-year flood zone with velocity (coastal storm surge risk).
- NFIP Zone X refers to those applicants outside of the 100-year flood zone

Nonprofit organization: An organization that is incorporated under the applicable laws of a state as a nonprofit organization, and exempt from paying federal income taxes under Section 501 of the [Internal Revenue Code \(26 U.S.C. 501\)](#). Pursuant to an alternative requirement established by 83 FR 5844, all references to states and state grantees shall include the State of Florida.

Owner of a dwelling: A person who is considered to have met the requirement to own a dwelling if the person purchases or holds any of the following interests in real property;

- Fee title, a life estate, a land contract, a 99-year lease, or a lease including any options for extension with at least 50 years to run from the date of acquisition; or
- An interest in a cooperative housing project which includes the right to occupy a dwelling; or
- A contract to purchase any of the interests or estates described in [24.2\(a\)\(1\)\(i\)](#) or (ii) of this section; or
- Any other interest, including a partial interest, which in the judgment of the Agency warrants consideration as ownership.

Person: Any individual, family, partnership, corporation, or association.

Program or project: 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.

Rehabilitation: Repair or restoration of housing units in the disaster-impacted areas to applicable construction codes and standards.

Replacement: Demolition, removal and replacement of a damaged dwelling unit with a new one in substantially the same footprint or at a new location if the original damaged unit was on leased land and the unit owner must relocate to a new property. Relocation of a new dwelling unit will require additional environmental review.

Small business: A business having not more than 500 employees working at the site being acquired or displaced by a program or project, which site is the location of economic activity. Sites occupied solely by outdoor advertising signs, displays, or devices do not qualify as a business for purposes of [24.304](#).

Subrecipients: Subgrantees of DEO funds who have an executed subrecipient agreement with DEO.

Tenant: A person who has the temporary use and occupancy of real property owned by another.

Unlawful occupant: A person who occupies without property right, title or payment of rent or a person legally evicted, with no legal rights to occupy a property under state law. An agency, at its discretion, may consider such person to be in lawful occupancy.

URA: Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970

Utility costs: Expenses for electricity, gas, other heating and cooking fuels, water, and sewer.

Utility facility: Any electric, gas, water, steam power, or materials transmission or distribution system; any transportation system; any communications system, including cable television; and any fixtures, equipment, or other property associated with the operation, maintenance, or repair of any such system. A utility facility may be publicly, privately, or cooperatively owned.

Utility relocation: The adjustment of a utility facility required by the program or project undertaken by the displacing agency. It includes removing and reinstalling the facility, including necessary temporary facilities; acquiring necessary right-of-way on a new location; moving, rearranging, or changing the type of existing facilities; and taking any necessary safety and protective measures. It shall also mean constructing a replacement facility that has the functional equivalency of the existing facility and is necessary for the continued operation of the utility service, the project economy, or sequence of project construction.

Waiver valuation: The valuation process used and the product produced when the agency determines that an appraisal is not required, pursuant to [24.102\(c\)\(2\)](#) appraisal waiver provisions.

2.0 Introduction and Background

DEO plans to minimize displacement of persons or entities and assist persons or entities displaced as a result of implementing a project with CDBG-DR funds. This is not intended to limit the ability of DEO to conduct buyouts or acquisitions for destroyed and extensively damaged units or units in a floodplain. DEO will ensure that the assistance and protections afforded to persons or entities under the Uniform Relocation Assistance and Real Property Acquisition Policies Act (URA), and Section 104(d) of the Housing and Community Development Act (HCD) of 1974 are available. DEO plans to exercise the waivers set forth in Federal Register/Vol. 83, No. 28/Friday, February 9, 2018 pertaining to URA and HCD Acts given its priority to engage in voluntary acquisition and optional relocation activities to avert repeated flood damage and to improve floodplain management.

In addition, HUD requires DEO to define “demonstrable hardship” and how it applies to applicants. DEO will define “demonstrable hardship” as exceptions to program policies for applicants who demonstrate undue hardship. Applicants in this situation will be reviewed on a case by case basis to determine whether assistance is required to alleviate such hardship. Demonstrable hardship may include, but is not limited to, excessive amounts of debt due to a natural disaster, disability, etc.

2.1 Applicable Waivers and Alternative Requirements

HUD has waived select requirements of URA and section 104(d) of the Housing and Community Development Act listed below, concerning the use of CDBG-DR funds allocated under Federal Register Vol. 83, No. 5844 (February 14, 2018), 83 FR 5844.

Activities and projects undertaken with CDBG-DR funds are subject to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, (42 U.S.C. 4601 et seq.) (“URA”) and section 104(d) of the Housing and Community Development Act (HCD) Act (42 U.S.C. 5304(d)) (Section 104(d)). The implementing regulations for the URA are at 49 CFR part 24. The regulations for section 104(d) are at 24 CFR part 42, subpart C. For the purpose of promoting the availability of decent, safe, and sanitary housing, HUD is waiving the following URA and section 104(d) requirements with respect to the use of CDBG-DR funds allocated under Federal Register Notice (FRN) [83 FR 5844](#) dated February 9, 2018. All language referencing waivers is taken directly from Federal Register Notice (FRN) [83 FR 5844](#).

2.1.1 One-for-One Replacement

One-for-one replacement requirements at section 104(d)(2)(A)(i) and (ii) and (d)(3) of the HCD Act and 24 CFR 42.375 are waived in connection with funds allocated under [FRN 83 FR 5844](#), published February 9, 2018 for lower-income dwelling units that are damaged by the disaster and not suitable for rehabilitation. The section 104(d) one-for-one replacement requirements generally apply to demolished or converted occupied and vacant occupiable lower-income dwelling units. This waiver exempts disaster-damaged units that meet the grantee’s definition of “not suitable for rehabilitation” from the one-for-one replacement requirements. DEO has defined “not suitable for rehabilitation” in its action plan governing these activities, as required by HUD. DEO CDBG-DR staff will contact the HUD regional relocation specialist responsible for this jurisdiction when questions arise regarding one-for-one replacement.

HUD is waiving the section 104(d) one-for-one replacement requirement for lower-income dwelling units that are damaged by the disaster and not suitable for rehabilitation because it does not account for the large, sudden changes that a major disaster may cause to the local housing stock, population, or economy. Further, the requirement may discourage grantees from converting or demolishing disaster damaged housing when excessive costs would result from replacing all such units. Disaster-damaged housing structures that are not suitable for rehabilitation can pose a threat to public health and safety and to economic revitalization. DEO will reassess post-disaster population and housing needs to determine the appropriate type and amount of lower-income dwelling units to rehabilitate and/or rebuild.

The demolition and/or disposition of PHA owned public housing units is covered by section 18 of the United States Housing Act of 1937, as amended, and 24 CFR part 970.

The Florida Department of Economic Opportunity (DEO) defines “not suitable for rehabilitation” as one of the two following definitions:

1. Residential properties that have experienced repetitive losses under FEMA’s National Flood Insurance Program (NFIP).
2. Dwellings that are considered substandard and do not meet the recovery program’s housing rehabilitation standards and/or federal, state, local code requirements shall not be deemed suitable for rehabilitation, as determined by the program and consistent with program guidelines. A structure is not suitable for rehabilitation if the cost of repair is unreasonable based on program standards as specified in the Housing Repair and Replacement Program Guidelines for Single Family Housing and Rental Properties.

2.1.2 Relocation Assistance

The relocation assistance requirements at section 104(d)(2)(A) of the HCD Act and 24 CFR 42.350 are waived to the extent that they differ from the requirements of the URA and implementing regulations at 49 CFR part 24, as modified by [FRN 83 FR 5844](#), for activities related to disaster recovery. Without this waiver, disparities exist in relocation assistance associated with activities typically funded by HUD and FEMA (e.g., buyouts and relocation). Both FEMA and CDBG funds are subject to the requirements of the URA; however, CDBG funds are subject to section 104(d), while FEMA funds are not. The URA provides at 49 CFR 24.402(b) that a displaced person is eligible to receive a rental assistance payment that is calculated to cover a period of 42 months. By contrast, section 104(d) allows a lower-income displaced person to choose between the URA rental assistance payment and a rental assistance payment calculated over a period of 60 months. This waiver of the section 104(d) relocation assistance requirements assures uniform and equitable treatment by setting the URA and its implementing regulations as the sole standard for relocation assistance under the Federal Register Notice. If CDBG-DR is matched with any other HUD funding sources, it will be subject to standard URA or Section 104(d) of the Housing and Community Development Act requirements.

2.1.3 Tenant-Based Rental Assistance

The requirements of sections 204 and 205 of the URA, and 49 CFR. 24.2(a)(6)(vii), 24.2(a)(6)(ix), and 24.402(b) are waived to the extent necessary to permit a grantee to meet all or a portion of a grantee’s replacement housing payment obligation to a displaced tenant by offering rental housing through a Tenant Based Rental Assistance (TBRA) housing program subsidy (e.g., Section 8¹ rental voucher or certificate), provided that comparable replacement dwellings are made available to the tenant in accordance with 49 CFR. 24.204(a) where the owner is willing to participate in the TBRA program, and the period of authorized assistance is at least 42 months.

2.1.4 Arm’s Length Voluntary Purchase

The requirements at 49 CFR 24.101(b)(2)(i) and (ii) are waived to the extent that they apply to an arm’s length voluntary purchase carried out by a person who uses funds allocated under FRN 83 FR 5844 and does not have the power of eminent domain, in connection with the purchase and occupancy of a principal residence by that person. Given the often-large-scale acquisition needs of grantees, this waiver is necessary to reduce burdensome administrative requirements following a disaster. Grantees are reminded that tenants occupying real property acquired through voluntary purchase may be eligible for relocation assistance.

¹ Section 8 of the Housing Act of 1937, often called Section 8, as repeatedly amended, authorizes the payment of rental housing assistance to private landlords on behalf of approximately 4.8 million low-income households, as of 2008, in the United States.

2.1.5 Optional Relocation Policies

The regulation at 24 CFR 570.606(d) is waived to the extent that it requires optional relocation policies to be established at the grantee level. Unlike the regular CDBG program, states may carry out disaster recovery activities directly or through subrecipients, but 24 CFR 570.606(d) does not account for this distinction. This waiver makes clear that grantees receiving CDBG–DR funds under [FRN 83 FR 5844](#) may establish optional relocation policies or permit their subrecipients to establish separate optional relocation policies. This waiver is intended to provide States with maximum flexibility in developing optional relocation policies with CDBG-DR funds.

2.1.6 Displacement Due to a Major Disaster

Section 414 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act states that no person otherwise eligible for replacement housing payment under URA shall be denied that eligibility for failure to meet the occupancy requirements set by the URA due to being displaced from the subject property as a result of a major disaster as determined by the President. Section 414 of the Stafford Act (including its implementing regulation at 49 C.F.R. § 24.403(d)(1)), is waived to the extent that it would apply to real property acquisition, rehabilitation or demolition of real property for a CDBG–DR funded project commencing more than one year after the date of the latest applicable Presidentially declared disaster undertaken by the grantees, or subrecipients, provided that the project was not planned, approved, or otherwise underway prior to the disaster.

For purposes of this paragraph, a CDBG–DR funded project shall be determined to have commenced on the earliest of: (1) The date of an approved Request for Release of Funds and certification, or (2) the date of completion of the site-specific review when a program utilizes tiering, or (3) the date of sign-off by the approving official when a project converts to exempt under 24 C.F.R. § 58.34(a)(12).

This waiver does not apply concerning persons that meet the occupancy requirements to receive a replacement housing payment under the URA nor does it apply to persons displaced or relocated temporarily by other HUD-funded programs or projects. Such persons' eligibility for relocation assistance and payments under the URA is not impacted by this waiver.

3.0 Activities

3.1 Acquisition Requirements

3.1.1 Housing Activities

DEO's housing activities are divided into three programs: Housing Repair and Replacement Program (HRRP), Voluntary Home Buyout (VHB) and Workforce Affordable Housing (WAH). Within HRRP, demolition may be an eligible activity, and under the VHB and WAH, acquisition and demolition may also be eligible activities. Under VHB, relocation is accomplished through program-acquisition of storm-damaged property and provision of a replacement dwelling to tenants. Program guidelines are available at www.floridajobs.org/CDBG-DR.

URA acquisition requirements found in 49 CFR. 24.101(B) do not apply to housing acquisitions completed by DEO because housing acquisitions completed by DEO meet the conditions which exempt projects from the requirements of 49 CFR. 24.101(B). The following conditions apply to all acquisition completed in conjunction with the provision of replacement housing through DEO program activities:

- No specific site or property needs to be acquired.
- Property to be acquired is not part of an intended, planned, or designated project area where all or substantially all of the property within the area is to be acquired within specific time limits.
- DEO will not acquire property if the negotiations fail to reach an amicable agreement, and the owner of such property is so informed in writing.
- DEO will inform the owner in writing of what it believes to be the fair market value of the property.

All acquisition completed under the Voluntary Home Buyout Program is entirely voluntary. No property will be acquired through involuntary purchase or eminent domain or condemnation if negotiations for acquisition fail to result in an agreement. Owners of properties acquired by DEO are not considered displaced persons, (see 49 CFR 24.2(a)(9)(ii)(E) or (H)), and as such, are not entitled to relocation assistance benefits under URA. However, tenants on such properties may be eligible for relocation assistance benefits.

Per 49 CFR 24.2 (26) tenant is defined as a person who has the temporary use and occupancy of real property owned by another.

3.1.2 Business Activities

DEO will follow standards set forth in 49 CFR 24 while developing policies and procedures for these business activities. This section will be updated as Non-Residential Programs are developed.

3.2 Relocation Requirements

DEO activities include rehabilitation, reconstruction, new construction, demolition, and acquisition of storm-damaged properties. Prospective Agency activities may result in temporary relocation or permanent displacement subject to URA.

Displacement resulting from pre-award activities in which federal funds have not yet been anticipated is generally not considered to be undertaken for a program or project administered by DEO, meaning that URA will not apply. See "Displacement Due to Major Disaster" Waiver as detailed in 83 FR 5844 waiver of section 414 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

3.3 Relocation Planning

As part of the initial application intake and eligibility review process for DEO housing activities, the program collects basic property and project data to estimate the number of households that may be displaced. The data collected includes:

- Property address
- Household demographics
- Flood zone designation
- Substantial damage determination
 - Substantially damaged structures are defined as those with repair costs that exceed 50% of the replacement cost.

Applicants are required to disclose to DEO the names and best-known contact information for all heads of household occupying subject properties during the period of program assistance. The applicant is responsible for notifying DEO of changes to this information that may occur between the date of application and program close out. Applicants who fail to provide requested information about their property occupants may be found ineligible for program assistance

DEO conducts a project-specific review of the complexity and nature of the anticipated displacing activity, if any. This review may be revised up to final application closeout, as necessary to reflect changes in funded activities.

3.4 Notifications

All notices described in this part are personally served or sent by certified or registered first-class mail, return receipt requested and documented in the program system of record. When notifications are personally served, recipients will be asked to sign an acknowledgement of notification. Notifications are sent in English and additional languages in areas where a significant number or proportion of the eligible service population requires services or information in a language that is not English. Each notice includes contact information of a person who can be contacted to answer questions or provide other needed help. Persons who are unable to read or understand the notifications will be provided with appropriate translation or interpretation services in accordance with HUD Limited English Proficiency guidance, alternative formats, and/or counseling. DEO is fully committed to making services and information available to LEP individuals through the provision of free interpretation services upon request.

3.4.1 General Information Notice (GIN)

As soon as feasible, the General Information Notice (**GIN**) must be issued to potentially displaced persons (copied to the applicant) that may be displaced by a federally assisted project.

As soon as feasible begins when DEO has identified the site prior to or at the time of the submission of the HUD application for federal financial assistance. All heads of household actively occupying the subject property who are not the applicant or co-applicant responsible for the application for assistance to the project are presumed to qualify as potential “displaced persons” for the purposes of issuing a GIN.

The GIN discloses to households that DEO may provide assistance, via federal funding subject to URA, to support the rehabilitation, reconstruction, or acquisition of the property they occupy. The GIN outlines the basic requirements to be eligible for URA protections, the relocation assistance offered by DEO, and the conditions under which displacement might occur.

The GIN advises households NOT to relocate until advised to do so by DEO. The GIN advises households that they will not be required to move without at least **ninety (90) days** advance written notice for permanently displaced persons or without at least **thirty (30) days** advance written notice for temporary relocation. Households that

relocate after receiving a GIN without receipt of a **thirty (30) day** notice and/or **ninety (90) day** notice are considered to have moved voluntarily and for reasons other than program-funded activities and are no longer subject to the requirements of the URA.

The GIN informs households that they cannot be required to move permanently unless at least one (1) comparable replacement dwelling has been made available. Additionally, the GIN advises households that any person who is an alien not lawfully present in the United States is ineligible for relocation assistance unless such ineligibility would cause extremely unusual hardship. The GIN also provides general information about the households' right to contest an agency determination.

A copy of the GIN is additionally provided to the applicant/property owner. The cover letter reminds the applicant/property owner of his/her responsibility to comply with all URA requirements in order to receive program assistance.

3.4.2 Notice of Non-Displacement – No Relocation Required

All households receiving a GIN that will not need to relocate to complete agency activities are provided a Notice of Non-Displacement – No Relocation Required. Every effort is made to provide the notice in a timely manner following the review and approval of the program activities. Once provided with a Notice of Non-Displacement – No Relocation Required, a household is determined to not qualify for DEO URA assistance unless the program activities are significantly altered.

3.4.3 Notice of Non-Displacement – Temporary Relocation Required

All households receiving a GIN that will need to relocate for periods up to twelve (12) months to complete program activities are provided a Notice of Non-Displacement – Temporary Relocation Required. Temporary relocation is most commonly required when a household occupies a storm-damaged property that qualifies to receive rehabilitation or reconstruction in its original location, but the scope of work and/or special household conditions requires the occupants to move temporarily. The need for permanent displacement vs. temporary relocation will be determined on a case-by-case basis in compliance with URA regulations.

3.4.4 Notice of Eligibility

DEO provides households a Notice of Eligibility as soon as feasible following the determination that the household will qualify as “displaced persons” as defined in 49 CFR. 24.2(a)(9) and validating the household satisfies the eligibility requirements specified below in the Household Eligibility Requirements for URA section of this document.

Eligibility for relocation assistance shall begin on the date of a notice of intent to acquire (described in 24.203(d)), the initiation of negotiations (defined in 24.2(a)(15)), or actual acquisition, whichever occurs first. When this occurs, the agency shall promptly notify all applicable heads-of household in writing of their eligibility for applicable relocation assistance.

DEO requests households receiving a Notice of Eligibility indicate their relocation preferences as soon as feasible in order to support accurate relocation planning and market analysis. Preferences are non-binding and do not affect the household's eligibility for DEO URA assistance and services.

3.4.5 Thirty (30) Day Notice

Households who must temporarily relocate due to program activities are provided a minimum **thirty (30) day** notice of the date by which they must vacate to allow program activities to continue. Applicants may not knowingly create an emergency situation (failing to inform DEO of project plans, disconnecting utilities, restricting access and egress with construction staging, etc.) which would require households to vacate with less than **thirty (30) days** written notice from DEO. Households may choose to relocate at any point after receipt of the **thirty (30) day** notice up to the relocation date provided by DEO with no loss of DEO URA eligibility.

If project plans are delayed, DEO may choose to provide a revised **thirty (30) day** notice to impacted households with a new relocation date. If households have been unable to secure temporary relocation housing with the program's assistance by the relocation date, the project activities must be delayed until suitable housing can be secured.

3.4.6 Ninety (90) Day Notice

Households that qualify as "displaced persons" as defined in 49 CFR. 24.2(a)(9) and who have been provided a Notice of Eligibility are provided a minimum of **ninety (90) days** written notice of the earliest date they may be required to permanently relocate.

DEO provides information on three comparable replacement dwellings and the maximum amount of replacement housing payments available to the household along with the **ninety (90) day** notice.

Households may relocate and/or initiate a claim for relocation assistance at any point after receipt of the **ninety (90) day** notice up to the relocation date provided by the program with no loss of URA eligibility. The household must notify DEO immediately when they have determined their move out date. Households that experience difficulty finding a replacement dwelling may have up to **twelve (12) months** from the date of the **ninety (90) day** notice to occupy a replacement dwelling for which they wish to claim relocation assistance.

3.5 Comparable Replacement Dwellings

In order to be identified as comparable, a dwelling must be functionally equivalent to the displacement dwelling. The term "functionally equivalent" means that it performs the same function and provides the same utility. It does not require the replacement dwelling to include all the same features of the displacement dwelling.

At a minimum, a comparable dwelling must be able to adequately house the entire household being relocated. This includes providing any medically necessary accommodations required by any member of the household. DEO will consider the following additional factors in determining a unit's comparability:

- Environmental conditions at the location
- Distance from the displacement dwelling
- Location with respect to access to public utilities, commercial and public facilities, and the displaced person's place of employment
- Size of the dwelling site
- Cost as compared to the market and the financial means of the displaced person
- Length of lease and other rental terms

A dwelling is considered to be made available to the household if the household is informed of its location and the household is able to successfully negotiate a lease within a reasonable period of time, should they choose to do so. If a household does not attempt to negotiate a lease within a reasonable period of time and the unit is subsequently leased to others, additional comparable replacement dwellings may be made available to the household at DEO's discretion. A reasonable period of time is generally understood to be at least **thirty (30) days**.

Temporarily occupied housing must be decent, safe, and sanitary. The Section 8 Housing Quality Standards checklist² may be used to document inspection and that the dwelling is free of lead paint and other hazards. **The temporary unit must be suitable** but not necessarily comparable (see 49 CFR. 24.2(a)(6) Comparable replacement dwelling).

DEO does not provide legal advice to households.

² https://www.hud.gov/sites/documents/DOC_11775.PDF

3.5.1 Housing of Last Resort

Whenever a program or project cannot proceed on a timely basis because comparable replacement dwellings are not available within the project area as a whole or within the monetary limits for owners or tenant, DEO may offer additional or alternate assistance to eligible households. Any decision to provide housing of last resort must be adequately justified on a case-by-case basis in accordance with 49 CFR. 24. 404.

Methods for providing replacement housing of last resort include, but are not limited to:

- A replacement housing payment in excess of the limits outlined in 24.401 or 24.402.
- Rehabilitation and/or additions to an existing replacement dwelling
- Construction of a new replacement dwelling
- Relocation and, if necessary, rehabilitation of a dwelling
- Removal of barriers for persons with disabilities

Provision of last resort housing assistance will be decided on a case-by-case basis, only after appropriate consideration has been given to the availability of comparable replacement housing in the project area, the resources available to provide comparable replacement housing, and the individual circumstances of the displaced person.

3.5.2 Reasonable Accommodations

In certain circumstances, displaced households may require a reasonable accommodation in order to fully benefit from temporary or permanent relocation activities undertaken in conjunction with Agency activities. Reasonable accommodation shall be made to a relocation dwelling for persons with a disability or physical impairment that substantially limits one or more major life activities. Reasonable accommodation may include, but is not limited to:

- Doors of adequate width
- Ramps or other modifications to traverse stairs and access bathtubs, shower stalls, toilets, sinks or storage cabinets
- Physical modifications to the unit based on the displaced person's needs

In addition, all forms, written materials, and verbal messages used to communicate with displaced households will be made available in English and additional languages in areas where a significant number or proportion of the eligible service population requires services or information in a language that is not English. DEO is fully committed to making services and information available to LEP individuals through the provision of free interpretation services upon request.

3.6 Moving Assistance

DEO will regularly communicate with households to ensure they are adequately preparing to relocate by the relocation date. This includes confirming the household is making plans to move and/or store their personal property. Referrals to counseling, including the Housing Counseling Program and other sources of assistance that may be available may be made to households that appear to be having difficulty adjusting to the relocation or preparing to move.

3.7 Government Housing Assistance

For households that may be eligible for tenant-based rental assistance and qualify as “displaced persons,” DEO may advise the household on the requirements and procedures, including the applicable timelines to coordinate with DEO’s relocation date, to obtain such a long-term rent subsidy. These requirements may be considered in

DEO's evaluation of comparable replacement dwellings. It is ultimately at the household's discretion to pursue and obtain this assistance.

For households receiving government housing assistance at the displacement dwelling, DEO will work with the household and their assigned case manager to coordinate a transfer or pause in the existing assistance during the relocation period.

3.8 Applicant Advisory Services

As a condition of receiving agency assistance, applicants agree to comply with DEO URA. Applicants must disclose to DEO all households occupying the assisted property and must coordinate construction or relocation plans with DEO to ensure households receive proper notification and relocation services.

DEO may assist applicants in properly disclosing property occupants and construction plans. In order to maintain accurate records, DEO may request periodic updates of this information from the applicant. DEO may also request the applicant's assistance in contacting property occupants. Applicants will be made aware that refusing to provide the requested information and/or assistance may be considered a violation of URA that would result in the applicant being found ineligible for DEO assistance.

Should an applicant have a new household occupy the property after the date of application to DEO and prior to substantial completion of Agency activities, DEO requests the applicant provide a Move-In Notice during negotiations that states the household may be required to relocate and that they will not be eligible to receive URA assistance. Failure to properly notify households moving into the property after the date of application may be considered a violation of URA that would result in the applicant being found ineligible for agency assistance.

DEO does not interfere in the applicant's efforts to enforce legally agreed upon occupancy terms. However, applicants must keep DEO informed of all potential and actual eviction proceedings as they occur to ensure proper documentation and notification of the household's loss of URA eligibility. Failure to adequately inform DEO in advance may result in the loss of program eligibility if the eviction appears to have been undertaken in order to clear the property for construction. DEO requests that all households in delinquency be given at least **thirty 30 days** to cure the issue before the applicant proceeds to legal eviction.

3.9 Household Eligibility Requirements for URA

To be eligible for URA relocation assistance, a household must be:

- Distinct from the person(s) or entity responsible for the application to a program included in the Florida Action Plan for Disaster Recovery. A household is defined as all persons occupying the same unit regardless of familial status unless it can be proven or demonstrated that some persons occupying the unit are defined as legal tenants as per Florida Statutes. If the person can be defined as a tenant, those persons will be excluded from the household for program purposes such as income verification, etc. However, that proven tenant, who is distinct from the household may be eligible for URA as described in this document.
- Actively occupying a housing unit within a property receiving Agency assistance at the time of funded acquisition, rehabilitation, or reconstruction activities are scheduled to commence.
- Required to relocate from the assisted housing unit for a minimum of **one (1) day** in order to complete DEO activities. Relocation is considered to be required if Agency activities in the unit or other parts of the property will result in the housing unit not being decent, safe, and sanitary for habitation for a period of time exceeding **eight (8) hours**. This includes restriction of unit access and egress as well as the provision of utilities.
- They are legally entitled to occupy the housing unit. All household members of the person legally entitled to occupy the housing unit are presumed to be in lawful occupancy unless the household or specific

household members have been evicted for serious or repeated violation of material terms of the lease or occupancy agreement.

- Lawfully present in the United States. All members of the household must certify they are a citizen or national of the United States, or an alien who is lawfully present in the United States. No DEO URA assistance is provided to household members who fail to provide this certification unless such persons can demonstrate that the denial of relocation assistance will result in an exceptional and extremely unusual hardship to other household members who are a citizen, national, or alien lawfully admitted for permanent residence in the United States.

3.10 Non-Responsive Households

In the event, a household does not readily respond to DEO's outreach and notifications, the following good faith efforts must be made to locate and contact the household. A household is considered non-responsive after:

- A minimum of **three (3) attempts** to contact the household using the last known contact information that result in no meaningful reply.
 - These attempts to contact will have a **thirty (30) day** gap between them.
- At least **one (1)** request to the applicant for updated contact information or other assistance contacting the household that does not produce new information and/or a response from the household.

If a household that is required to relocate ceases to respond to agency outreach and/or notifications prior to the relocation date, DEO will confirm with the applicant that the household continues to occupy the property. If so, outreach and notifications continue until the household becomes responsive or can be documented as non-cooperative as described below. If the household has already vacated the property, the applicant is responsible for documenting to DEO that the move was voluntary and unrelated to agency activities and/or providing active contact information for the household to DEO.

3.11 Non-Cooperative Households

Households subject to relocation must cooperate with DEO to receive DEO URA assistance and payments, including vacating the assisted property in a timely manner.

Households that fail to cooperate and vacate the property in a timely manner may be subject to eviction to allow DEO activities to proceed.

DEO expects households to relocate within the timeframes provided in the **thirty (30) day** notice and/or **ninety (90) day** notice or to have notified DEO of a serious issue affecting their ability to relocate within the established timeframe.

In the event a household that DEO has determined qualifies as "displaced persons" as defined in 49 CFR. 24.2(a)(9) fails to vacate the assisted property by the established relocation date (extended as appropriate by appeal and/or reasonable accommodation determinations), the household may be evicted "for the project" without penalty to the applicant. The household retains their entitlement to relocation assistance and payments, provided a suitable permanent dwelling is occupied, and payment claims are submitted within required timeframes. Legal fees incurred in the eviction, if any, are not URA eligible expenses.

3.12 Waiver of Relocation Assistance

Households who qualify to receive URA relocation assistance may choose to not receive the relocation assistance or benefits provided by URA. Households may waive their rights and entitlements by signing a written statement that specifically identifies the assistance and payments the household has chosen not to accept. The statement must also clearly show the household has been informed of the assistance and payments they are entitled to

receive. Once a household waives their rights in this way, DEO ceases all communication with the household with respect to the assistance and/or payments so waived.

DEO never encourages households to waive their rights or entitlements under URA. Any waiver of rights is completely at the discretion of the household.

3.12.1 Business

DEO will follow standards set forth in 49 CFR 24 while developing policies and procedures for these business activities. This section will be updated as Non-Residential Programs are developed.

4.0 Temporary Displacement (Temporary Relocation)

The URA Regulations provide guidance for assistance to tenant-occupants who are temporarily displaced due to federally assisted projects involving the acquisition, rehabilitation, or demolition of apartments, homes, commercial buildings, etc., which could allow for a quick return for the original occupants.

Relocation is considered temporary when the displaced household must relocate for up to one (1) year (twelve (12) months). Any residential tenant who has been temporarily relocated for a period beyond one year will be offered permanent relocation assistance. This assistance would be in addition to any assistance the person has already received for temporary relocation and may not be reduced by the amount of any temporary relocation assistance. (See Section on Permanent Displacement.)

4.1 Eligible Expenses

DEO will compensate households that are temporarily relocated for all reasonable out-of-pocket expenses incurred in connection with the relocation. Compensation to eligible household will be accomplished through third party compensation or direct payment at DEO's sole discretion. The temporarily displaced household is responsible for submitting applicable source documentation to support costs incurred. In addition, the household must provide proof of occupancy, or intent to occupy, a decent, safe, and sanitary dwelling adequately sized to accommodate all occupants. All relocation expenses must be pre-approved by DEO prior to the household incurring the cost. Relocated households may be responsible to bear any cost not approved by DEO in advance.

4.1.1 Increased Housing Costs

DEO compensates the difference between the actual rent plus utility costs incurred at the temporary unit and the rent plus average annual utility costs incurred at the displacement dwelling. Actual rent costs are capped by DEO based on the costs of comparable replacement dwellings available at the time of relocation and appropriate to the length of relocation anticipated. Where a household receives a monthly housing subsidy, the amount of the subsidy is subtracted from the contract rent amount when determining the increased housing cost. DEO may also cap base housing costs at 30% of household income for low to moderate income households. DEO will use adjusted low to moderate income requirements as defined by the adjusted income limits for Florida and clarified by HUD. These limits are amended annually.

For relocations of less than 90 days, temporarily relocated households will utilize hotel, motel or extended stay accommodations. Accommodations will be located within 15 miles of their damaged residence, if practical. All accommodation costs will be paid directly to the approved hotel, motel, or extended stay hotel. All hotel costs must be necessary and reasonable for the area in which they are located.

DEO compensates increased housing costs from the effective date of the occupancy agreement for the temporary unit through the date the occupancy agreement is effectively terminated to return to the displacement dwelling, unless the household is displaced for a period of time exceeding twelve (12) months and return occurs after the permanent relocation date provided in a **ninety (90) day** notice. In the event the household does not return to the displacement dwelling, or returns after the permanent relocation date provided in a **ninety (90) day** notice, increased housing costs are compensated through the earliest of the following:

- The date the household waives their right to temporary relocation payments;
- The return home date DEO provided to the household;
- The date the household occupies a permanent replacement dwelling; and
- The permanent relocation date provided in a **ninety (90) day** notice.

Regardless of when DEO is informed of the household's actual relocation plans, DEO establishes the maximum replacement housing cost based on the assumption that the entire household will relocate together. In the event

household members relocate separately, the total compensation to all household members combined will not exceed the difference between the maximum replacement housing cost established by DEO plus combined utility costs incurred at each temporary unit and the rent plus average annual utility costs incurred at the displacement dwelling. No single household member will receive compensation greater than the difference between the individual's actual costs incurred at the temporary unit and their share of the rent plus average annual utility costs incurred at the displacement dwelling.

4.1.2 Moving Expenses

DEO compensates the actual moving costs incurred by the household to move to the temporary unit and return to the displacement dwelling. Moving costs must be necessary and reasonable to be reimbursed by DEO. Temporarily relocated households are required to submit moving cost estimates for approval prior to the move. Failure to submit an estimate ahead of time may result in the resident not being fully compensated.

Households are encouraged to use an insured, licensed mover to limit the liability of property lost, stolen, or damaged in the process of moving. The Program additionally compensates reasonable, actual costs incurred for moving supplies to support self-moves or commercial moves. DEO may request three quotes from professional moving companies to establish a maximum eligible cost for a self-move.

In the event a household is required to move from one temporary unit to another (due to changes in the duration of relocation, DSS conditions, etc.), DEO additionally compensates for the move to the new temporary unit. DEO does not compensate for moves during the relocation period that the household makes voluntarily.

4.1.2.1 Additional moving expenses

In addition to moving costs, DEO compensates the following actual costs incurred in each eligible move:

- Supplies and/or services to clean the unit being vacated according to occupancy terms
- Fees for disconnection and reconnection of necessary utilities like power, water, and sewer
- Costs to transfer telephone, cable, or internet, provided the household maintained the services at the displacement dwelling

4.1.3 Security Deposits

In cases where a household will be temporarily displaced, DEO advises Applicants to retain applicable security deposits throughout the relocation. To assist households with the cost of securing a temporary unit without receipt of their security from the displacement unit, DEO may elect to compensate refundable security deposits for the temporary unit. The amount of any security deposit compensation shall not exceed two month's rent at the temporary unit, unless additional security is required to obtain market- rate housing for low to moderate income households.

To ensure such funds are ultimately returned, DEO requires that the household and the landlord of the temporary unit execute a rider to the temporary lease. The rider must state that the security deposit, less the amount of any damages caused by the tenant, will be returned directly to DEO at the conclusion of the household's occupancy of the temporary unit.

Refundable security deposits are not considered an expense. However, to ease the burden such expenses might cause at the time of a temporary move, DEO may elect to advance funds for such deposits under a repayment agreement or may pay such deposits directly on behalf of the temporarily relocated person (provided any refund will be made to DEO and not the person).

4.1.4 Other Expenses

DEO compensates the actual costs incurred by temporarily displaced persons, except as otherwise noted, for the following related relocation expenses. All claims must be supported by appropriate expense documentation and

submitted to DEO within eighteen (18) months of the relocation date provided in the thirty (30) day notice or the date the replacement dwelling was occupied, whichever is earlier.

- **Move Out Cleaning.** The documented cost of supplies and/or services to clean the dwelling being vacated according to occupancy terms.
- **Packing/Unpacking.** The documented costs for packing, crating, unpacking, and uncrating supplies, and services required for the move to the permanent replacement dwelling. Actual costs may not be reimbursed to displaced persons receiving fixed payment for moving expenses.
- **Storage.** Total cost incurred to store personal property for a period not to exceed **twelve (12) months** from the relocation date provided in the **thirty (30) day** notice or the date the replacement dwelling is occupied, whichever is earlier. Insurance required by the storage contract is also eligible for compensation.
- **Residential Re-establishment Charges.** Any additional fees charged to disconnect and reconnect household appliances and other specialized personal property. Non-refundable utility termination and establishment charges are also eligible for compensation.
- **Broker Fees.** Fees, up to one month's rent at the unit being moved into, paid to licensed real estate brokers to support the negotiation of occupancy terms and agreements
- **Application Fee.** Any application fees required to secure the selected replacement dwelling, plus a reasonable number of alternative potential replacement dwellings.

4.2 Ineligible Expenses

Program Applicants are not eligible to receive any payments under URA for the assisted property. This includes compensation for lost rental income during the relocation period.

Relocated households are not entitled to payment for any of the following expense:

- The cost of moving any structure or other real property improvement to the displacement dwelling in which the household reserved ownership
- Interest on a loan to cover moving expenses
- Personal injury
- Any legal fee or other cost for preparing a claim for a relocation payment or for representing the claimant before DEO
- Expenses for searching for a replacement dwelling other than fees charged by a licensed real estate broker
- Costs for storage of personal property on real property already owned or leased by the household,
- Refundable utility deposits

4.3 Relocation Duration and Return Home

Households are provided a minimum **thirty (30) day** notice to relocate from the displacement dwelling. Applicants may not undertake activities that impede the household's access to the dwelling, the habitability of the dwelling, or the general safety of the property until the household has fully relocated to a temporary unit or DEO has found the household non-cooperative.

DEO estimates the relocation duration based on the funded scope of work at the time of relocation. Estimated durations may be used for planning purposes, including evaluating the suitability of replacement housing options. Regardless of the estimated duration, temporary relocation will continue until agency activities are complete and the displacement dwelling is returned to decent, safe, and sanitary condition or the household is permanently relocated, whichever occurs first. A household is permanently relocated following the relocation date provided in a **ninety (90) day** notice even if the household has not vacated the temporary unit. Applicants and/or authorized property representatives may not collect rent for the displacement dwelling from relocated households.

DEO relies on a Final Inspection to establish that agency activities are complete, and the property meets decent, safe, and sanitary standards. Once a passing Final Inspection is performed and the home receives a Certificate of Occupancy, if applicable, DEO notifies relocated households in writing to return to the displacement dwelling within **thirty (30) days**. This Return Home Notice is personally served or sent by certified or registered first-class mail, return receipt requested, and documented in DEO system of record. A copy of the Return Home Notice is also provided to the applicant to facilitate return occupancy negotiations.

Applicants are required to grant relocated households new occupancy agreements upon return for a period not less than twelve (12) months. The occupancy terms, including cost and all pre-relocation amenities, must be unchanged from the pre-relocation terms throughout the **twelve (12) month** return period. Households must be allowed the opportunity to replace non-returning household members in order to maintain the pre-relocation household size; however, the applicant and/or authorized property representative retains the right to vet any proposed new occupants according to applicable state and local laws. Return occupancy agreements must be submitted to DEO for review.

If the household elects not to pursue or fails to negotiate return occupancy terms by the communicated return home date through no fault of the applicant, co-applicant, and/or authorized property representative, the dwelling may be advertised for occupancy.

4.4 Payments

Households are required to document their relocation from the displacement dwelling and occupancy of decent, safe, and sanitary accommodations prior to receiving URA payments. If the household is unable to finance the relocation activity until reimbursement without undue hardship, DEO may advance payments using cost estimates upon receipt of documentation supporting the intent to relocate. Any funds advanced in this manner must subsequently be reconciled to actual costs incurred and supported by documentation of occupancy.

DEO encourages households to submit expense documentation on an ongoing basis throughout relocation. DEO issues DEO URA payments as frequently as weekly to households who have submitted appropriate documentation of eligible expenses. DEO maintains records of the total amount of DEO URA payment made to each relocated household throughout the duration of relocation. At the conclusion of the relocation, the household is asked to acknowledge the total amount of payment received as their complete and accurate assistance claim. Upon receipt of this acknowledgement, DEO closes the household's file and the household may not submit any additional expenses for payment.

Certain DEO activities that trigger Uniform Relocation Assistance activities may allow payment to the relocated household. Whenever possible, DEO prefers to make all payments, including relocation housing payments and security deposit payments directly to the landlord or leasing entity. In addition, DEO prefers to make moving costs and additional expense payments directly to preapproved third parties. In these cases, DEO will work with the households to receive authorization, in writing, to make payment to the appropriate third party on their behalf. DEO provides written confirmation to households throughout relocation of all payments made on their behalf to third parties. There is no restriction on the payments DEO may make on behalf of the household upon receiving proper written authorization.

5.0 Permanent Displacement

Households who qualify as displaced persons as defined in 49 CFR. 24.2(a)(9) who are expected to be relocated from the displacement dwelling for more than 12 months are considered to be permanently displaced persons. Agency policies strive to minimize involuntary permanent displacement. Applicants who purposely circumvent these policies in order to displace occupants are ineligible for agency assistance and may be additionally responsible for the costs incurred by DEO to permanently relocate households adversely impacted by their actions. This manual concerns permanent displacement that is triggered by allowable agency activities.

5.1 Allowable Displacing Activities

Within the parameters of the DEO Recovery Programs as outlined in the Florida Action Plan for Disaster Recovery (Action Plan) and further defined by each agency's individual guidelines, grant agreements, and other governing documents, there are limited allowable activities that may result in households qualifying as "displaced persons" as defined in 49 CFR. 24.2(a)(9). Each individual case may be subject to agency review before authorizing the permanent displacement of households. Generally, the following are considered to be activities that may result in permanent displacement.

- Properties subject to demolition which will not be rebuilt, but rather maintained as green space
- Properties subject to reconstruction that are unable to obtain building permits and/or zoning approval to return the same number of living units to the property as prior to the qualifying event. This can also include cases where accommodations required by the occupying household are not able to be incorporated into the project plans.
- Projects requiring relocation that exceeds **twelve (12) months**, due to no fault of the applicant. No fault delays can be caused by resource shortages, approved scope changes, or other demonstrated hardships. Displaced households continue to have the right to return as an alternative to permanent displacement up through the completion of agency activities.
- Permanent relocation from an assisted property due to incomplete and/or inaccurate notifications about relocation, provided the applicant fully cooperates with all agency efforts to contact the impacted households.

In addition, DEO supports voluntary permanent displacement when the total payments for replacement housing are less than the limits specified in 49 CFR. 24.402(a).

5.2 Eligible Expenses

DEO provides displaced persons with replacement housing payments and reimbursement for reasonable moving and other related out-of-pocket expenses as the [agency](#) determines to be reasonable and necessary per 49CFR. 24.301.

Except as specified in the Payments section below, when providing down payment assistance, DEO requires proof of occupancy of a decent, safe, and sanitary dwelling adequately sized to accommodate all occupants prior to issuing replacement housing payments. In order to receive reimbursement, the displaced person must submit applicable source documentation to support the cost incurred. Expenses beyond the parameters outlined in this manual must be pre-approved by DEO prior to the household incurring the cost. Relocated households may be responsible to bear any cost not approved by DEO in advance. Before making a replacement housing payment or releasing a payment from escrow, DEO or its designated representative shall make a thorough internal and external inspection of the replacement dwelling to determine whether it is decent, safe, and sanitary.

5.2.1 Rental Assistance

Displaced persons who occupy a replacement rental dwelling within **twelve (12) months** of the permanent relocation date may receive rental assistance calculated as **42 times** the difference between the monthly rent and cost of utilities at a comparable replacement dwelling identified by DEO and the base monthly rental at the displacement dwelling. In the event the monthly rent and cost of utilities at the actual replacement dwelling is less than the costs estimated for DEO's identified comparable replacement dwelling, the displaced person may only receive **42 times** the difference between the actual monthly costs and the base monthly rental.

The base monthly rental is the average monthly cost for rent and utilities at the displacement dwelling for the **twelve (12) months** prior to relocation for Agency activities. In the event the average monthly cost for rent is less than the fair market rent for the same period of time, DEO uses the fair market rent to determine the base monthly rental. A displaced person is considered low income when the displaced person's average monthly gross income at the time of relocation is classified as "low income" as defined by the adjusted income limits for Florida as clarified by HUD.

In the event that a household qualifying as "displaced persons" as defined in 49 CFR. 24.2(a)(9) is residing separately at the time they become displaced persons, the household may elect to resume co-habitation or continue to reside separately with no adverse impact to their eligibility for URA assistance. Should DEO be informed of a desire to continue residing separately, or in the event select household members waive their rights to URA assistance, DEO identifies comparable replacement dwellings adequately sized to accommodate each separate component of the former household. The rental assistance is also calculated individually for each separate component of the former household according to the comparable replacement housing and base monthly rental costs incurred by those specific members of the former household.

5.2.2 Down Payment Assistance

Displaced persons may elect to purchase a replacement home. In such instances and when the purchase occurs within **twelve (12) months** of the permanent relocation date, DEO provides down payment assistance equal to the maximum amount of rental assistance due to the displaced person, assuming selection of DEO's most comparable replacement dwelling.

The full payment must be applied to the purchase price of the replacement dwelling and related incidental expenses. Therefore, DEO prefers to issue such payments in conjunction with the displaced person closing on the purchase of the replacement dwelling. Where such coordination is not feasible, DEO ensures payment will reimburse the displaced person for out-of-pocket costs incurred for the down payment on the replacement property or related incidental expenses.

5.2.3 Moving Expenses

Displaced persons are entitled to receive payment for moving expenses in one of the following ways:

- Reimbursement of direct payment of commercial, licensed, and bonded movers.
- Reimbursement of actual costs incurred to complete a self-move. Self-moving expenses may include packing supplies, equipment rental fees, and reasonable transportation costs.
- Fixed payment for moving expenses based upon the most recent edition of the Fixed Residential Moving Cost Schedule approved by the Federal Highway Administration. Documentation supporting occupancy of the replacement dwelling is required to receive a fixed payment for moving expenses.

All displaced persons are required to submit moving cost estimates for approval prior to the move. Failure to submit an estimate ahead of time may result in the resident not being fully compensated.

5.2.4 Other Expenses

DEO pays the actual costs incurred by displaced persons, except as otherwise noted, for the following related relocation expenses. All claims must be supported by appropriate expense documentation and submitted to DEO within **eighteen (18)** months of the permanent relocation date provided in the **ninety (90) day** notice or the date the replacement dwelling was occupied, whichever is earlier.

- Move Out Cleaning. The documented cost of supplies and/or services to clean the dwelling being vacated according to occupancy terms.
- Packing/Unpacking. The documented costs for packing, crating, unpacking, and uncrating supplies, and services required for the move to the permanent replacement dwelling. Actual costs may not be reimbursed to displaced persons receiving fixed payment for moving expenses.
- Storage. Total cost incurred to store personal property for a period not to exceed **twelve (12) months from the permanent relocation date provided in the ninety (90) day notice** or the date the replacement dwelling is occupied, whichever is earlier. Insurance required by the storage contract is also reimbursable.
- Residential Re-establishment Charges. Any additional fees charged to disconnect and reconnect household appliances and other specialized personal property. Non-refundable utility termination and establishment charges are also reimbursable.
- Broker Fees. Fees, up to **one (1) month's rent** at the unit being moved into, paid to licensed real estate brokers to support the negotiation of occupancy terms and agreements
- Application Fee. Any application fees required to secure the selected replacement dwelling, plus a reasonable number of alternative potential replacement dwellings.

5.3 Ineligible Expenses

Applicants to DEO's Housing Repair and Replacement Program cannot be displaced from the property for which they submitted an application. Displaced persons are not entitled to payment for any of the following expenses.

- The cost of moving any structure or other real property improvement to the displacement dwelling in which the household reserved ownership
- Interest on a loan to cover moving expenses
- Personal injury
- Any legal fee or other cost for preparing a claim for a relocation payment or for representing the claimant before DEO
- Expenses for searching for a replacement dwelling other than fees charged by a licensed real estate broker
- Costs for storage of personal property on real property already owned or leased by the household
- Refundable security and utility deposits

5.4 Payments

Relocation assistance payments for residential tenants who are displaced for HUD projects are subject to 42 U.S.C. 3537(c) and must be disbursed in installments, except that lump sum payments may be made to cover (1) moving expenses, (2) a down payment on the purchase of replacement housing, or incidental expenses related to moving expenses or a down payment on the purchase of replacement housing. The payment schedule is determined by the type of assistance being provided.

Payments will be made in no less than three installment payments, with final payment reserved until DEO can document continued occupancy at the selected replacement dwelling for a period **not less than 3 months**, except when the rental assistance payment is \$500 or less. Where the rental assistance payment is \$500 or less, the payment may be made in two installments with **no less than a four-month interval between payments**. To the

extent feasible, payment for moving and other related out-of-pocket expenses is combined with a replacement housing payment following receipt of adequate documentation of costs incurred.

In the event that the household is unable to finance relocation until reimbursement without undue hardship, DEO may advance payments using cost estimates upon receipt of documentation supporting the intent to relocate. Any funds advanced in this manner must subsequently be reconciled to actual costs incurred. No payments are issued prior to the displaced person receiving a **ninety (90) day** notice with a relocation date.

All payments are issued to displaced persons unless the person authorizes DEO in writing to make payments to a third party on their behalf. DEO provides written confirmation to displaced persons of all payments made on their behalf to third parties. To close their claim, displaced persons are asked to acknowledge the total amount of payment received. Upon receipt of this acknowledgement, the displaced person may not submit any additional expenses for payment.

6.0 DEO URA Appeals

Applicants may appeal any case in which he or she believes that DEO has failed to properly consider his or her application for assistance. This includes, but is not limited to, the applicant's eligibility for, or the amount of, a payment required for relocation assistance. The applicant must appeal within 60 days of receiving a written determination from the program outlining the program's decision related to his or her eligibility for benefits or amount of benefits

Households have the right to appeal the following agency determinations:

- Eligibility for URA assistance, including the requirement to relocate
- Amount of relocation or other related expense payments
- Timeframe to exercise rights and entitlements of URA, including relocation timeframes

Households are encouraged to include any statement of fact or other material which they feel has a bearing on the appeal. Agency representatives may assist households in their appeal submission.

Appeals must be submitted within thirty (30) of the date the person receives notification of DEO's decision regarding his or her claim and must be directed to DEO in writing to the following postal address:

ATTN: URA APPEALS

Florida Department of Economic Opportunity Division of Community Development

107 East Madison Street

The Caldwell Building, MSC 400

Tallahassee, Florida 32399

While the Agency is reviewing a household's appeal, any pending relocation is suspended unless continued occupancy constitutes a substantial danger to the health or safety of the occupants or the public. Following the Agency's review of the appeal, a notification with the determination is sent to the household. If applicable, the notification will address revisions resulting from the appeal to the relocation timeframe.

A person has a right to be represented by legal counsel or other representative in connection with his or her appeal, but solely at the person's own expense. DEO shall permit a person to inspect and copy all materials pertinent to his or her appeal, except materials which are classified as confidential by the DEO. However, DEO may impose reasonable conditions on the person's right to inspect, consistent with applicable laws.

In deciding an appeal, the DEO shall consider all pertinent justification and other material submitted by the person, and all other available information that is needed to ensure a fair and full review of the appeal.

After receipt of all information submitted by a person in support of an appeal, the DEO shall make a written determination on the appeal within **sixty (60) days**, including an explanation of the basis on which the decision was made, and furnish the person a copy.

If the determination is in the household's favor, the notification will outline how the household can expect to receive revised determinations, services, and/or payments. If the DEO does not grant the full relief requested, or denies the appeal, the notification will inform the household of their right to seek judicial review of the Agency's determination.

7.0 DEO Residential Anti-Displacement and Relocation Assistance Plan (RARAP)

7.1 Introduction

In addition to the URA requirements outlined in the first half of this guide, DEO makes every effort to coordinate with municipalities and other authorities to minimize the direct and indirect displacement of families and individuals from their homes and neighborhoods because of federally assisted activities.

The DEO Residential Anti-Displacement and Relocation Assistance Plan (RARAP) has been prepared in accordance with section 104(d) the HCDA, as amended, 42 U.S.C. 5304(d), and HUD regulations at 24 CFR. 42.325, as amended by applicable waivers.

This DEO policy aims to minimize the displacement of residents of Florida as a result of project activity funded through CDBG-DR funds allocated by HUD and any grant awards which may be allocated in the future. A person is “displaced” if they are required to move as direct result of the government’s acquisition of the property or the government’s rehabilitation or demolition of the property provided the person did not voluntarily enter into negotiations with the government to sell the property or assist with the rehabilitation or demolition (per 49 CFR. 24.2(a)(9)). A person can be temporarily displaced if the conditions of their move meet this definition, but they have the ability to return within twelve (12) months.

7.2 Purpose

This Plan outlines the broad steps that DEO will take -in conjunction with Municipalities and the private sector- to minimize displacement. Additional details on the implementation of this Plan within the specific context of individual DEO project activities can be found in this Guide, as well as in the individual program policy guidelines. As per 24 CFR. 42.325 (a)(2), as amended by applicable waivers, all Municipalities -as units of general local government³- receiving funds from DEO are required to follow the RARAP.

7.3 Policy to Minimize Displacement

The state and its subrecipients plan to minimize displacement of persons or entities and assist persons or entities displaced as a result of implementing a project with CDBG-DR funds. Should any projects cause displacement, DEO will follow the Uniform Relocation Assistance (URA) and the Real Property Acquisition Policies Act to ensure tenants are relocated to safe and sanitary locations. The state’s policies and procedures plan, which will be updated to reflect Hurricane Michael activities, will ensure subrecipients minimize displacement. The URA provides certain displaced persons with the right to benefits for moving expenses, housing counseling services, rental assistance payment and/or housing replacement costs depending upon the nature of the circumstances requiring relocation.

The DEO RARAP serves as a supplement to the acquisition and relocation requirements stated in the URA. In the event of a voluntary buyout, when homeowners or tenants are located in a flood plain to prevent future loss, DEO will require subrecipients to develop policies and procedures to make sure this population is relocated into areas outside of floodplain and will receive full benefits as stated in the URA. Subrecipients may adopt this plan or develop their own for DEO approval. Once approved, the plan must be made available publicly. The plan shall indicate the steps that will be taken, consistent with other goals and objectives of the program, to minimize the displacement of families and individuals from their homes and neighborhoods as a result of any assisted activities.

³ According to HUD, a “Unit of General Local Government” refers to a city, county, town, parish, village, or other general-purpose political subdivision of a State.

7.4 Steps to Minimize Displacement

Consistent with the goals and objectives of activities assisted under the Housing and Community Development Act of 1974, DEO will take the following steps to minimize the direct and indirect displacement of persons from their homes: (DEO will determine the full list of actions it will take based on local needs and priorities and will develop the Residential Anti-displacement and Relocation Assistance Plan (RARAP) at a later date in accordance with the [HUD Handbook 1378: Tenant Assistance, Relocation and Real Property Acquisition](#).) Applicability of items on this checklist is dependent upon the project objectives and related feasibility of each action.

- Arrange for facilities to house persons who must be relocated temporarily during rehabilitation;
- The affordability periods for single family rental units will be a minimum of five years, unless local governments have established longer affordability periods;
- Ensuring that rehabilitated or reconstructed multifamily rental housing with eight or more units remains affordable for a minimum of 15 years; and
- Where feasible, rehabilitate housing, as opposed to demolition, to avoid displacement.
- Coordinate code enforcement with rehabilitation and housing assistance programs.
- Evaluate housing codes and rehabilitation standards in reinvestment areas to prevent undue financial burden on established owners and tenants.
- Consider effect of tax policies which impact property tax assessments for lower income owner-occupants or tenants affected by the disaster.
- Adopt policies which provide reasonable protections for tenants residing in affected properties.
- Stage rehabilitation of apartment units to allow tenants to remain in the building/complex as long as possible during and after rehabilitation, working with empty units first.
- Arrange for facilities to house persons who must be relocated temporarily during rehabilitation.
- Adopt policies to identify and mitigate displacement resulting from intensive public investment in neighborhoods.
- Establish or utilize approved local counseling centers to provide homeowners and tenants with assistance to understand their options and implement their choices in the face of displacement.
- If feasible, demolish or convert only dwelling units that are not occupied or vacant occupiable “dwelling units” (as defined in 24 CFR 42.305).
- Target only those properties deemed essential to the need or success of the project to avoid displacement that is unnecessary.

7.5 Policy on Relocation Assistance

As applicable, and in compliance with the URA and DEO policies and procedures, all displaced persons and non-displaced tenants who are required to relocate temporarily will receive advisory services, reasonable and eligible moving expenses, and replacement housing assistance.

Additionally, as outlined in a waiver established in 83 FR 5844, grantees receiving CDBG– DR funds may establish optional relocation policies or permit their subrecipients to establish separate optional relocation policies. This waiver is intended to provide States with maximum flexibility in developing optional relocation policies with CDBG–DR funds.

DEO has chosen to implement an optional relocation policy for the Housing Repair and Replacement Program under which homeowners may qualify for optional relocation assistance only if they must vacate the storm-impacted property during program-sponsored construction and are unable to acquire temporary housing due to demonstrable hardship. Homeowners who are not residing in the storm-impacted property for any reason other than program-sponsored construction are not eligible for optional relocation assistance. The HRRP may provide

temporary relocation assistance only on an extremely limited basis to applicants experiencing demonstrable hardship, and as a last resort for homeowners to secure temporary housing during program- sponsored construction. Applicants who must temporarily vacate the storm-damaged property for construction activities sponsored by the HRRP are not considered displaced persons, (see 49 CFR 24.2(a)(9)(ii)(E) or (H)), and as such, are not entitled to relocation assistance benefits under URA. Please consult the appropriate Program Policies and Procedures for more information on the optional relocation policy.