



Michigan State Housing Development Authority

Uniform Relocation Act Guidelines

Updated May, 2018

www.michigan.gov/mshda

Uniform Relocation Act Guidelines

Table of Contents

CONTENTS

I. Introduction	3
II. Determination of Displaced or Not Displaced	3
III. General Requirements for All Occupied Developments	4
a. Authority Financed Developments	4
b. Authority Assisted Developments	5
IV. Notices	5
a. Not Displaced	5
b. Displaced	6
V. Additional Requirements if Temporary Relocation	7
VI. Additional Requirements If Displacement	7
VII. Recordkeeping	8
Exhibit A – Compliance Worksheet.....	1
Exhibit B – Compliance Worksheet Certification	1
Exhibit C – Certification of Compliance.....	2
Exhibit D – Processing Checklists For Authority Financed Developments.....	3
a. General Requirements	3
b. Additional Requirements If Displacement	4
EXHIBIT E - Processing Checklist For Authority Assisted Developments	5
Exhibit F – Relocation Plan Requirements If Displacement	6

UNIFORM RELOCATION ACT GUIDELINES

MICHIGAN STATE HOUSING DEVELOPMENT AUTHORITY

I. INTRODUCTION

These guidelines are intended to advise staff of the Michigan State Housing Development Authority (the “Authority”) of procedures that support compliance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970¹ (the “URA”) and section 104(d) of the Housing and Community Development Act of 1974² (the “HCDA”). Compliance with the URA is required in all occupied developments receiving federal assistance. In addition, developments funded in whole or in part by the CDBG, HOME, or Urban Development Action Grant programs are subject to requirements of the HCDA.

Proposals subject to the Authority’s Direct Lending Parameters (the “Lending Parameters”) that include federal assistance (“Authority Financed Development”) will be processed by an assigned Housing Development Officer (“HDO”) and Asset Manager (“AM”). Proposals that include Low Income Housing Tax Credit (“LIHTC”) federal assistance from the Authority but that are not otherwise subject to the Lending Parameters (“Authority Assisted Development”) will be processed by an assigned Tax Credit Analyst (“TCA”). Any proposals that include Project Based Vouchers (“PBV”) will also be processed by an assigned PBV Specialist. The Authority’s URA Specialist will be available to advise staff with URA questions, but will not be assigned to developments.

II. DETERMINATION OF DISPLACED OR NOT DISPLACED³

Requirements of the URA and HCDA vary depending upon the type of occupant in place and the manner in which an occupant is affected by development activity. Below are general classifications that inform the procedures set forth in these guidelines.

- A residential occupant is **not displaced** if he or she will either (a) remain in his or her unit while work is being completed or (b) be temporarily relocated for less than one year.
- A residential occupant is **displaced** if he or she will be displaced for more than 12 months.
 - Note: The Lending Parameters do not permit involuntary permanent displacement of existing residents, unless a waiver has been approved by the Authority Board. Authority staff may, but are not required to, permit involuntary permanent displacement in an Authority Assisted Development. Such proposals will be evaluated on a case-by-case basis, generally following submission of a tax credit application.

¹ 42 U.S.C. §§ 4601 – 4655

² 42 U.S.C. 5304(d)

³ The URA implementing regulations define displaced person at 49 CFR 24.2(a)(9), also including a nonexclusive list of persons who do not qualify as displaced persons at 49 CFR 24.2(a)(9)(ii). HUD program regulations may also include additional programmatic definitions of displaced person and persons not displaced. For more information, see HUD’s Tenant Assistance, Relocation and Real Property Acquisition Handbook (1378.0) (the “Relocation Handbook”).

The assigned HDO (for an Authority Financed Development), TCA (for an Authority Assisted Development), and/or PBV Specialist should contact the URA Specialist during the underwriting process for proposals that involve residential displacement and for all proposals that involve non-residential occupants, such as businesses, regardless of displacement. Owners and sponsors are further encouraged to seek expert advice from relocation professionals to ensure compliance with the URA and HCDA.

III. GENERAL REQUIREMENTS FOR ALL OCCUPIED DEVELOPMENTS

Subpart A sets forth the general requirements for all occupied Authority Financed Developments. Note that the Lending Parameters require owners and sponsors to ensure compliance with all requirements of the URA and HCDA at their sole cost and expense.

Subpart B sets forth the general requirements for all occupied Authority Assisted Developments. The Authority requires owners and sponsors of Authority Assisted Developments to ensure compliance with all requirements of the URA and HCDA at their sole cost and expense.

A. AUTHORITY FINANCED DEVELOPMENTS

A checklist of general requirement for Authority Financed Developments is provided in **Exhibit D**.

Owners and sponsors of an occupied Authority Financed Development must complete a Marketing/Construction Transition Plan for review and approval by the Authority's Asset Management Division as part of the Commitment review.⁴ Transition plans must describe how the owner and sponsor will ensure that:

1. Temporary housing, if applicable, is decent, safe, and sanitary;
2. Assistance requirements are met; and
3. Occupants have no increase in out-of-pocket expenses (or, if there is an increase, the owner must reimburse occupants for such costs).

Using the Compliance Worksheet attached as **Exhibit A**, owners and sponsors must also maintain a record of all persons currently occupying the property, moving into the property after initial notice (new move-ins), and occupying the property upon completion of the project. The following information must be recorded. Items marked with an asterisk must be provided if a relocation claim is filed.

1. Resident name;
2. Address or unit number;
3. Race/ethnicity;
4. Gender, if a single head of household;
5. Record of all notices provided and date of delivery;
6. Move-in date;
7. Size of household;*
8. Number of bedrooms;*
9. Household gross income;*
10. Rent and utilities not included in rent;*

⁴ See the MSHDA Multifamily Direct Lending Parameters for guidance on the timing of application submission and other timing considerations.

11. Unit square footage*

This record and a certification from the owner and sponsor as to its accuracy must be provided prior to both initial closing and final closing (or its equivalent if final closing of an Authority loan is not required) of Authority loans.

B. AUTHORITY ASSISTED DEVELOPMENTS

A checklist of general requirements for Authority Assisted Development is provided in **Exhibit E**.

Owners and sponsors are encouraged to evaluate relocation requirements early in the development process and to include relevant relocation information in the LIHTC application (such as whether tenants will or will not be displaced and the basis for such determination). Furthermore, owners and sponsors of an occupied Authority Assisted Development must demonstrate awareness of and capacity to comply with all requirements of the URA and HCDA following notice of a LIHTC award. While submission of a Marketing/Construction Transition Plan and Compliance Worksheet (**Exhibit A**) are not required, owners and sponsors must prepare and maintain records that adequately establish compliance with all requirements of the URA and HCDA. Upon request by the Authority, such records must be made available by the owner and sponsor for review by the Authority.

Using the Certification of Compliance template (**Exhibit B**), owners and sponsors must certify that all applicable relocation requirements have been satisfied prior to execution of the Housing Assistance Payment Contract (“HAP Contract”) or as otherwise required by other applicable program regulations. Furthermore, the Authority may, at its sole discretion, withhold issuance of IRS Form 8609, until applicable relocation requirements are satisfied.

IV. NOTICES

Owners and sponsors of Authority Financed Developments and Authority Assisted Developments will generally satisfy relocation requirements by delivering the notices described below and ensuring that basic recordkeeping occurs (see Section VII). Notice requirements vary depending upon whether an occupant is considered not displaced or displaced. These variations are set forth below.

Owners and sponsors must complete and provide notices to each occupant in a development. Notices must be personally served and evidenced by tenant certification or sent by certified or registered first-class mail, return receipt requested.

A. NOT DISPLACED⁵

A **General Information Notice (“GIN”)** should be sent by the owner or sponsor to all occupants. GINs are available for residential and non-residential occupants.

Each notice must be sent as follows:

- Authority Financed Developments: as soon as an application for funding is submitted.
- Authority Assisted Developments: immediately following notice of a LIHTC award.
- Authority PBV Assisted Development: concurrently with the submittal of the MSHDA/PBV 101 Letter of Intent.

⁵ Sample notices can be found in the HUD Relocation Handbook.

A **Notice of Relocation Eligibility** should be sent by the owner or sponsor to occupants after HUD has approved the Authority to Use Grant Funds (HUD-7015.16) regardless of Authority financing or assistance. Notices are available for non-displacement and temporary displacement.

A **New Move-In Notice** advising of rehabilitation at the development should be provided by the owner or sponsor to every new move-in. Such notice should be provided prior to entering into a lease. A sample notice to prospective tenants is available. Notice(s) should be sent:

- Authority Financed Development: beginning after an application for funding has been submitted.
- Authority Assisted Development: beginning immediately following notice of a LIHTC award.
- Authority PBV Assisted Development: beginning after submittal of the MSHDA/PBV 101 Letter of Intent.

A **signed statement** should be obtained by the owner or sponsor from occupants upon move-out for each person who is not displaced but elects to relocate permanently. The statement should indicate the move is not the result of rehabilitation at the development. If such a statement cannot be obtained (e.g., due to death, eviction, or non-cooperation), owners and sponsors should note the reason for the move. Such documentation should establish the reason for the move and include a record of personal contact made to explain why the exiting occupant will not qualify for relocation payments as a displaced person. Notices should be sent:

- Authority Financed Development: beginning after an application for funding has been submitted.
- Authority Assisted Development: beginning immediately following notice of a LIHTC award.

B. DISPLACED⁶

A **General Information Notice** should be sent by the owner or sponsor to all occupants as follows:

- Authority Financed Developments: as soon as an application for funding is submitted.
- Authority Assisted Developments: immediately following notice of a LIHTC award.
- Authority PBV Assisted Development: beginning after submittal of the MSHDA/PBV 101 Letter of Intent.

The notice should include a general description of the owner and sponsor's relocation program, which may be satisfied by providing a copy of the URA Plan described in Section VI. Notices are available for residential displacement under the URA, residential displacement under section 104(d) of the HCDA, and non-residential displacement.

A **Notice of Relocation Eligibility** should be promptly provided by the owner or sponsor after HUD has approved the Authority to Use Grant Funds (HUD-7015.16) to notify all occupants in writing of their eligibility for relocation assistance. Eligibility for relocation assistance shall begin upon the earliest of the following:

1. The date of a notice of intent to acquire,⁷
2. The initiation of negotiations,⁸ or

⁶ Sample notices can be found in the Relocation Handbook

⁷ See 49 CFR 24.203(d)

⁸ See 49 CFR 24.2(a)(15). Also, see **Exhibit A** of the Relocation Handbook.

3. Actual acquisition

Sample notices are available for residential notice of eligibility and non-residential notice of eligibility for URA assistance.

A **90-Day Notice** should be sent by the owner or sponsor following a notice of relocation eligibility and 90-days or earlier before an occupant is expected to be displaced. A sample 90-day notice is available.

V. ADDITIONAL REQUIREMENTS IF TEMPORARY RELOCATION

Owners and sponsors must reimburse occupants that are temporarily relocated for less than 12 months or required to move to another unit in the building or complex for out-of-pocket expenses incurred in connection with the temporary relocation or move. Occupants must complete a **Claim for Temporary Relocation Expenses** to obtain reimbursement.⁹ Owners and sponsors are further responsible for documentation that demonstrates timely offer of a reasonable opportunity to lease and occupy a suitable, decent, safe, and sanitary affordable dwelling in the building or complex upon completion of the project.

VI. ADDITIONAL REQUIREMENTS IF DISPLACEMENT

Owners and sponsors should contact the Authority URA Specialist and lead RD or TCA program staff if displacement is anticipated. The Lending Parameters require owners and sponsors of Authority Financed Developments to ensure compliance with all requirements of the URA and HCDA at their sole cost and expense. The Authority further requires owners and sponsors of Authority Assisted Developments to ensure compliance with all requirements of the URA and HCDA at their sole cost and expense. Estimates of such costs and expenses must be provided to the Authority for approval by the Rental Development Division.

Owners and sponsors must provide all requisite URA and HCDA documentation to a displaced occupant, as well as assistance that includes but is not limited to planning, advisory services, and coordination. For Authority Financed Developments, the Authority Board must approve a waiver of the Lender Parameters' prohibition of involuntary permanent displacement, and copies of all documentation provided to a displaced occupant must also be submitted to the Authority's Rental Development Division. For Authority Assisted Developments, Owners and sponsors must retain such information for submission to the Authority upon request. Owners and sponsors must also maintain separate case files for displaced persons that include documentation sufficient to demonstrate that the owner verified an occupant's relocation needs, current situation, and eligibility for URA and HCDA assistance and payments. Case files should include adequate documentation to support owner determinations. The Authority may, if deemed necessary, request additional evidence of compliance from owners and sponsors. See also Chapter 6 of the Relocation Handbook for additional recordkeeping requirements applicable to displaced residential tenants or owners and displaced owner-occupants. Owners and sponsors must also submit a relocation plan (see **Exhibit E**) for review by the Authority's Relocation Specialist and lead program staff.

⁹ A sample claim can be found in the Relocation Handbook.

VII. RECORDKEEPING

All pertinent records, including but not limited to a transition plan, relocation plan, Compliance Worksheet, certifications, and notices, must be retained for the period specified by the applicable program, but no less than three years following the latest of the following:

1. The date by which all payments to persons displaced as a result of the project have been issued;
2. The date the project is completed; or
3. The date by which all issues resulting from litigation, negotiation, audit, or other action (e.g., civil rights compliance) have been resolved.

Additionally, owners and sponsors must retain documentation to support evictions for cause, documentation to support a determination that a person was not a legal occupant of the property, and a copy of any appeal or complaint filed and owner's response.

EXHIBIT B – COMPLIANCE WORKSHEET CERTIFICATION

The undersigned certify that the information contained in the attached Compliance Worksheet is a true and complete record as to all occupants of _____ (*insert the name of the development*) _____ as of the time initial notice is required under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 or section 104(d) of the Housing and Community Development Act of 1974 through the date of submission of this certification. The undersigned acknowledge that information marked with an asterisk will be made available to the Authority, as necessary, if a relocation claim is filed.

MORTGAGOR:

*** LIMITED DIVIDEND HOUSING ASSOCIATION LIMITED PARTNERSHIP, a Michigan limited partnership

By: ***

Its: General Partner

By: _____

Its:

SPONSOR:

***, a Michigan ***

By: _____

EXHIBIT C – CERTIFICATION OF COMPLIANCE

The undersigned have evaluated the circumstances surrounding acquisition and rehabilitation of (insert the name of the development) (the “Development”) and determined that occupants will/will not [choose correct reference] be displaced based upon review of the Uniform Relocation Assistance, Real Property Acquisition Policies Act of 1970 (the “URA”); section 104(d) of the Housing and Community Development Act of 1974 (the “HCDA”); and applicable program regulations governing the Development.

The undersigned certify that all requirements of the URA, HCDA, and applicable program regulations governing the Development have and will continue to be complied with. Such compliance includes, but is not limited to, delivery of notices, reimbursement of costs, and the provision of planning assistance, advisory services, and coordination assistance, as required under the URA and HCDA.

The undersigned acknowledge that documentation of compliance, including but not limited, notices, occupancy records, and reimbursement records, must be maintained and made available to the Michigan State Housing Development Authority upon request. All pertinent records must be maintained for the period specified in the applicable program rules or regulations, but no less than three years following the latest of: (1) the date by which all payments to persons displaced as a result of the project have been issued; (2) the date the project is completed; or (3) the date by which all issues resulting from litigation, negotiation, audit, or other action have been resolved. The undersigned further acknowledge that separate case files must be maintained for displaced persons, including documentation sufficient to demonstrate verification of an occupant’s relocation needs, current occupancy records, and eligibility for URA and HCDA assistance and payments.

MORTGAGOR:

*** LIMITED DIVIDEND HOUSING ASSOCIATION LIMITED PARTNERSHIP, a Michigan limited partnership

By: ***

Its: General Partner

By: _____

Its:

SPONSOR:

***, a Michigan ***

By: _____

Its:

EXHIBIT D – PROCESSING CHECKLISTS FOR AUTHORITY FINANCED DEVELOPMENTS

a. GENERAL REQUIREMENTS

This checklist must be completed for all occupied developments receiving federal assistance regardless of displacement.

STAFF	TIMING	ACTION	STATUS	
			YES	OTHER
RD	Application ¹²	The Executive Summary submitted with application indicates if occupants will be displaced, and staff has communicated the additional requirements that must be satisfied if any occupants are to be displaced.		
RD	Application	Standard URA package with form letters has been provided to the owner and sponsor for distribution to tenants who will not be displaced.		
RD	Application	Owner and sponsor have included an estimate for relocation costs.		
RD	Application	Owner and sponsor have confirmed that the General Information Notice has been sent to all occupants.		
RD	Application	Following receipt of the Authority to Use Grant Funds (HUD-7015.16) , owner and sponsor have confirmed that the Notice of Relocation Eligibility has been sent to all occupants.		
RD	Application	Owner and sponsor have confirmed that new tenants will be provided a New Move-In Notice.		
RD	Pre-Closing	Owner and sponsor have provided copies of all notices delivered, including a tenant certification or return receipt evidencing the date of delivery.		
AM	Pre-Closing	Owner and sponsor have provided a certified Compliance Worksheet (see Exhibit B).		
AM	Pre-Closing	Owner and sponsor have provided a transition plan.		
AM	Pre-Closing	Received CD 700 confirming all requirements of URA and HCDA have been fulfilled as of initial closing.		
AM	Final Closing	Owner and sponsor have provided a copy of all new move-in notices signed by the prospective occupant (see section IV.a).		
AM	Final Closing	Owner and sponsor have provided a copy of all move-out notices, preferably signed by the exiting occupant (see section IV.a).		
AM	Final Closing	Owner and sponsor have confirmed retention of documentation to support eviction for cause, documentation to support a determination that a person was not a legal occupant of the property, and any appeals or complaints filed and owner's response.		
AM	Final Closing	Owner and sponsor have provided a certified Compliance Worksheet (see Exhibit A), identifying all occupants that moved into the property since submission of the Compliance Worksheet required at initial closing and all occupants as of completion of work.		
AM	Final Closing	If occupants temporarily displaced, owner and sponsor have confirmed reimbursement for appropriate out-of-pocket expenses and established documentation offering a reasonable opportunity to lease and occupy housing in the building or complex.		
AM	Final Closing	Received CD 930 confirming all requirements of URA and HCDA have been fulfilled as of final closing.		
Additional Requirements/Comments:				

¹² See the MSHDA Multifamily Direct Lending Parameters for guidance on the timing of application submission and other timing considerations.

b. ADDITIONAL REQUIREMENTS IF DISPLACEMENT

In addition to the General Requirements checklist, this checklist must be completed for all occupied developments receiving federal assistance if occupants are or will be displaced.

STAFF	TIMING	ACTION	STATUS	
			YES	OTHER
RD	Application ¹³	Authority URA Specialist has been notified of displacement (this should be completed as early as possible).		
RD	Application	Owner and sponsor have confirmed that separate case files will be maintained for displaced persons consistent with the requirements of section VI.		
RD	Application	Owner and sponsor have confirmed that the appropriate displacement General Information Notice has been sent to all occupants.		
RD	Application	Following receipt of the Authority to Use Grant Funds (HUD-7015.16) , owner and sponsor have confirmed that the appropriate displacement Notice of Relocation Eligibility has been sent to all occupants.		
RD	Application	Owner and sponsor have confirmed that a 90-Day Notice will be sent following a notice of relocation eligibility and 90-days or earlier before an occupant is expected to be displaced.		
RD	Board	Authority Board approved a waiver of the Lending Parameters' prohibition of involuntary permanent displacement.		
RD	Pre-Closing	Owner and sponsor have submitted copies of all documentation provided to displaced occupants.		
AM & URA	Pre-Closing	Owner and sponsor have submitted a relocation plan for review by the URA Specialist and AM staff.		
AM	Final Closing	Owner and sponsor have maintained appropriate documentation relating to displaced residential rental occupants and owner-occupants (see section VI).		
Additional Requirements/Comments:				

¹³ See the MSHDA Multifamily Direct Lending Parameters for guidance on the timing of application submission and other timing considerations.

EXHIBIT E - PROCESSING CHECKLIST FOR AUTHORITY ASSISTED DEVELOPMENTS

This checklist must be completed for all occupied developments receiving federal assistance. Where noted, additional requirements apply if occupants are or will be displaced.

STAFF	TIMING	ACTION	STATUS	
			YES	OTHER
TCA	Application	Application describes whether occupants will or will not be displaced, the basis for such determination, and includes an estimate for relocation costs.		
TCA	Award	Owners and sponsors have acknowledged that all required notices must be provided and records maintained to adequately establish compliance with requirements of the URA and HCDA and that such notices and records will be made available to the Authority upon request.		
TCA & URA	Award	If displacement , TCA staff has reviewed and approved proposal in consultation with the URA Specialist.		
TCA & URA	Award	If displacement , owner and sponsor have submitted a relocation plan for review by the URA Specialist and TCA staff.		
TCA	Award	If displacement , Owner and sponsor have confirmed that separate case files will be maintained for displaced persons consistent with the requirements of section VI.		
TCA & PBV	HAP Execution	Certification of Compliance (see Exhibit C) has been executed and submitted to Project Based Voucher Specialist.		
Additional Requirements/Comments:				

EXHIBIT F – RELOCATION PLAN REQUIREMENTS IF DISPLACEMENT

In narrative form, provide a response to each of the prompts listed below. Owners and sponsors must execute the last page of the relocation plan to acknowledge review and understanding of the plan and its requirements. The relocation plan is intended to ensure compliance with the URA, HCDA, and other applicable program regulations. However, the Authority’s review and acceptance of the relocation plan does not constitute a determination that the URA, HCDA, and other program regulations have been or will be satisfied.

1. Project and Development Team Characteristics
 - a. Identify the current and prospective owners of the development.
 - b. Identify the individual(s) responsible for developing and coordinating relocation activities, including contact information and experience related to relocation activities.
 - c. Identify all sources of funding that will be utilized by the proposed development, specifically identifying those that require compliance with the URA and/or HCDA.
 - d. Describe the tenant population in the proposed development.
 - e. Describe the existing and proposed unit mix, including rent and income restrictions, at the development.
 - f. Describe the planned relocation schedule, meeting dates, notice dates, dates of displacement, and any other pertinent information.
2. Project Planning
 - a. Describe reasonable steps taken to minimize displacement.
 - b. Provide an estimate of relocation costs based on review of resident profile(s). Also describe the source of funds to pay for such relocation costs.
 - c. Describe efforts to promote coordination among government agencies, neighborhood groups, and affected persons.
 - d. Describes efforts to consult with residents, including efforts to make public meetings accessible and understandable to all persons in attendance. Identify any specific HUD program regulations requiring resident participation in the design of a project.
3. Relocation Information and Notices
 - a. Include a copy of any HUD information brochure that will be provided to displaced residents.
 - b. Acknowledge review of the notice requirements in HUD’s Tenant Assistance, Relocation and Real Property Acquisition Handbook (1378.0) (the “Relocation Handbook”), and include a copy of relocation notices that will be provided (including, but not limited to, General Information Notice, Notice of Relocation Eligibility, and Ninety-Day Notice).
 - c. Describe the manner in which notices will be provided to comply with requirements set forth in the Relocation Handbook.
4. Advisory Services
 - a. Describe how and when relocation advisory services will be provided. See 49 CFR 2.05(c) for minimum relocation advisory service requirements.

5. Assistance Requirements

- a. Describe the method(s) that will be used to determine the amount of assistance for displaced occupants (e.g., Actual Reasonable Moving and Related Expenses, Fixed Payment for Moving Expenses, and Replacement Housing Payment (including rental or down-payment assistance)).
- b. Describe the process to perform inspections and remit documentation to the Authority to ensure that replacement housing is decent, safe, and sanitary (including accessibility features needed by displaced persons with disabilities).

6. Recordkeeping

- a. Describe how and where records will be maintained and made accessible to the Authority consistent with the Authority's Relocation Guidelines and the Relocation Handbook.