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Uniform Relocation Act (URA) Policy Manual
State of North Carolina

For U.S. Department of Housing and Development
CDBG-DR and CDBG-MIT Funds
## Revision History

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<tr>
<th>Version</th>
<th>Revision Description</th>
<th>Release Date</th>
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<td>1.0</td>
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<tr>
<td>2.0</td>
<td>Reorganized manual; updated information on current URA waivers provided in Federal Registers; increased information about relocation services and notices; added specific information on URA processes within ReBuild NC programs; removed information on optional assistance (not required by URA) provided by Homeowner Recovery Program; modified appeals procedures to conform to URA requirements.</td>
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1.0 Introduction

1.1 OVERVIEW
The North Carolina Office of Recovery and Resiliency (NCORR), through its ReBuild NC Program, administers storm recovery efforts funded with Community Development Block Grant Disaster Recovery (CDBG-DR) and CDBG-Mitigation (CDBG-MIT) funds. These funds have been provided to NCORR by the U.S. Department of Housing and Urban Development (HUD) to assist the state with the recovery and mitigation efforts needed to combat the damage inflicted by Hurricanes Matthew and Florence. NCORR’s ReBuild NC Programs encompass housing and infrastructure programs that involve the voluntary participation of property owners who apply to ReBuild NC for assistance. If a property owner has tenants, the tenants will be considered involuntarily displaced. The displacement may be temporary or permanent depending on the type of recovery and mitigation activity. URA will apply to both residential and non-residential tenants.

In order to assist displaced households and businesses and achieve compliance with the Uniform Relocation and Real Property Acquisition Policies Act of 1970 (URA), 49 CFR Part 24, as amended, and the U.S. Department of Housing and Urban Development’s (HUD’s) Handbook 1378, Tenant Assistance, Relocation and Real Property Acquisition. NCORR’s ReBuild NC Programs have adopted relocation assistance policies and practices applicable to the Uniform Relocation Act and has developed Standard Operating Procedures (SOPs) to implement the URA policies. This Manual contains the NCORR policies regarding relocation assistance as required by HUD regulations.

In accordance with HUD’s programmatic and State of North Carolina Anti-Displacement Plan and goals, NCORR is committed to minimizing the displacement of persons whose storm-impacted properties are assisted with CDBG-DR and/or CDBG-MIT funds. The purpose of the URA Policy Manual is to provide program staff and contractors with guidance for the implementation of program activities to ensure compliance with the URA and HUD acquisition and relocation regulations.

As part of a family of cross-cutting statutes, which apply to CDBG-DR and CDBG-MIT assisted projects, the URA’s objectives include:
- To provide uniform, fair and equitable treatment of persons whose real property is involuntarily acquired or who are involuntarily displaced in connection with federally funded projects,
- To ensure relocation assistance is provided to displaced persons to lessen the emotional and financial impact of displacement,
- To ensure that no individual or family is displaced unless decent, safe, and sanitary housing is available within the displaced person’s financial means,
- To help improve the housing conditions of displaced persons living in substandard housing, and
- To encourage and expedite acquisition by agreement and without coercion.

1.2 GUIDING PRINCIPLES FOR IMPLEMENTING URA
Compassionate and Considerate URA Case Management
Every applicant, property owner, or tenant has a story related to the disaster from which they are recovering or the circumstances for their current living situation, whatever they may be. Even if a property owner is voluntarily participating in a ReBuild NC Program, there may be tenants living in the property for
any number of reasons. Critically, the reasons there are tenants living in the eligible property are irrelevant. If there are eligible tenants who are being permanently or temporarily displaced as a result of the CDBG-DR or CDBG-MIT funded activities, they are entitled to URA benefits and are to be treated with dignity, respect, and professionalism in all interactions.

**Tenant Support and Understanding**

It is also important to remember that tenants who are entitled to benefits under the URA are being involuntarily uprooted from their living situations, and most people faced with this situation will feel a sense of uncertainty and a lack of control over this process and their new situations. It is critical for all ReBuild NC Program staff involved to understand this is a challenging time for the tenants and that they may not be as quick to respond as is preferred because the process of moving is onerous, expensive, and time-consuming. As such, ReBuild NC Programs should incorporate the following:

- SOPs designed to help tenants as supportively and comprehensively as possible, within the confines of the URA.
- Clear protocols requiring URA staff to communicate requirements, next steps and status updates to keep tenants as informed as possible through the process.
- The ability of URA staff to identify potential procedural changes that could improve the tenant user experience.

**Property Owner Support and Understanding**

Although program applicants and participants are voluntarily choosing to participate in the applicable ReBuild NC Program, they are only eligible because they were impacted by the applicable disaster. It may be likely applicants have submitted multiple applications for different federal, state and/or private assistance, and now that they may have been determined to be eligible for CDBG-DR or CDBG-MIT assistance, they may or may not be nearing the end of their long road to recovery.

Compliance with the URA will require additional documentation and participation from program participants. As with all efforts, URA and Program staff are required to treat all applicants, property owners, and tenants with dignity, respect, professionalism, understanding, and patience.

**Coordination Around the Applicants and Expediting URA for Tenants**

Program staff and case managers will take every step possible, as applicable, to minimize the direct and indirect displacement or potential impacts of displacement to persons and to expedite URA benefits as quickly as possible. For example, property owners who apply to ReBuild NC Programs, such as the Strategic Buyout Program or Small Rental Recovery Program, may have persons who may be displaced occupying some or all the properties eligible under the applicable program. In such cases, property owners are responsible for informing the program staff at the time of application submission of any tenants residing in the property. As soon as it is programmatically feasible, the programs will provide persons who may be displaced with a General Information Notice (GIN) which informs such persons of their federal rights to relocation assistance under the URA, if determined eligible.

**1.3 REGULATORY REQUIREMENTS AND UNIFORM RELOCATION ACT (URA)**

ReBuild NC Programs will be implemented in accordance with all HUD requirements including, but not limited to, the requirements as outlined in the following Federal Register Notices and corresponding
Public Laws. At times, Federal Register Notices incorporate requirements published in previous notices. In these instances, NCORR also follows the applicable previous notices. Many of the notices refer specifically to URA requirements and/or waivers (see section 1.4 on waivers).

Table 1: Federal Register Allocations to North Carolina

<table>
<thead>
<tr>
<th>Federal Register</th>
<th>Public Law or Regulation</th>
<th>Presidentially Declared Disasters</th>
<th>General Purpose</th>
<th>Funding Allocation</th>
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<td>84 FR 45838, 8/30/2019 “Main CDBG-MIT Notice”</td>
<td>115-123</td>
<td>Mitigation: Matthew and Florence</td>
<td>Mitigation; Sect 414, consistency with URA so and 104(d) waived, and other waivers</td>
<td>$168,067,000</td>
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<td>85 FR 60821, 9/28/2020 “2020 Omni Notice”</td>
<td>115-123</td>
<td>Mitigation: Matthew and Florence</td>
<td>Duplication of Benefits (DOB) regs apply; CDBG-MIT substantial amendment requirements</td>
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<td>86 FR 561, 1/6/2021</td>
<td>116-20</td>
<td>Mitigation: Matthew and Florence</td>
<td>Funding allocation, waivers</td>
<td>$34,619,000</td>
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<td>82 FR 5591, 1/18/2017</td>
<td>114-254</td>
<td>Matthew</td>
<td>Funding allocation</td>
<td>$198,553,000</td>
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<td>81 FR 83254, 11/21/2016</td>
<td>--</td>
<td>Matthew</td>
<td>Program requirements</td>
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<td>82 FR 36812, 8/7/2017</td>
<td>115-31</td>
<td>Matthew</td>
<td>Funding allocation, Action Plan requirements, new national objective for Strategic Buyout</td>
<td>$37,976,000</td>
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<td>84 FR 28836, 6/20/2019 Sect 312 Stafford Act, subpart E of 2 CFR part 200</td>
<td>All</td>
<td>All</td>
<td>DOB, new subsidized loan rules</td>
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<td>85 FR 4681, 1/27/2020</td>
<td>115-254 and 116-20</td>
<td>Florence</td>
<td>Funding allocations; may use funds for Hurricane Matthew too, 414 waiver</td>
<td>$336,521,000 and $206,123,000</td>
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<td>83 FR 5844, 2/9/2018</td>
<td>NA</td>
<td>Florence, Matthew</td>
<td>Action Plan requirements for Florence re: planning, LMB and LMHI, Sect 414 waiver, other waivers</td>
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<td>83 FR 40314, 8/14/2018</td>
<td>NA</td>
<td>Florence</td>
<td>Waiver of Sect 414, conditions to mitigate risk, period of affordability, etc.</td>
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<td>84 FR 4842, 2/19/2019</td>
<td>114-254 and 115-31</td>
<td>Matthew</td>
<td>Sect 414 waiver for 2016 storms, other waivers</td>
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The Uniform Relocation Assistance and Real Property Acquisition Act (URA), (49 CFR Part 24) is a federal law that establishes minimum standards for federally funded programs and projects that require the acquisition of real property (real estate) or displaces persons from their homes, businesses, or farms due to federally funded activities. The URA’s protections and assistance apply to any property owners or tenants who are involuntarily displaced due to the acquisition, rehabilitation, or demolition of real property for federal or federally funded projects. Because NCORR’s ReBuild NC Programs will be funded with federal U.S. Department of Housing (HUD) Community Development Block Grant Disaster Recovery (CDBG-DR) and/or Community Development Block Grant Mitigation (CDBG-MIT) funds, ReBuild NC must provide URA relocation benefits when circumstances involve the involuntary displacement of eligible program participants or their tenants. In addition to 49 CFR Part 24, NCORR also follows the additional guidance provided by HUD for implementing URA regulations in their Handbook 1378: Tenant Assistance, Relocation and Real Property Acquisition Handbook (1378.0).

NCORR also relies on the following regulations, plans, and laws that affect the provision of relocation assistance and how those requirements are implemented in ReBuild NC programs:

- Community Development Block Grants, Eligible Activities, General Policies (24 CFR Part 570),
- HUD CPD 14-09 Effective October 1, 2014 – Changes to Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (URA) payment Limits and Replacement Housing Payment Eligibility Criteria
- Applicable ReBuild NC Program policy manuals and associated revisions.

1.3.1 National Objectives
Relocation activities may address the national objectives by benefitting low- and moderate-income households with an income at or below 80% of area median income (AMI), and Urgent Need for owners with incomes over 80% AMI. Therefore, relocation activities plan to meet national objective requirements under the following activities and national objective codes:

- **Low/Mod Income (LMI)** - Activities that meet the LMI objective must benefit households whose total annual gross income does not exceed 80% of Area Median Income (AMI), adjusted for family size. Income is determined and verified in accordance with HUD Guidance. The most current income limits, published annually by HUD, are used to verify the household income of each applicant applying for assistance at the time assistance is provided.
- **Low/Mod Housing (LMH)** - Provides funds for the purchase of eligible storm-damaged property from LMI households that will result in a new permanent residential housing situation.
- **Urgent Need (UN)** - Include projects which pose a serious and immediate threat to the health or welfare of the community, are of recent origin or recently became urgent, and are unable to be otherwise financed.
- **Urgent Need Mitigation (UNM)** - Provides funding for the purchase of eligible storm-damaged property at the current Fair Market Value from owners whose household income exceeds the 80% threshold for LMI. This code is specifically for activities funded by the CDBG-MIT grant.
Though not a requirement to receive URA benefits, programs or activities meeting a National Objective by providing benefits to LMI persons must collect and verify income data from displaced persons when triggering relocation assistance under the URA.

1.3.2 Fair Housing
The Fair Housing Act requires all grantees of CDBG-DR and CDBG-MIT funds to certify that no person was excluded from participation in, denied the benefit of, or subjected to discrimination in any housing program or activity because of their age, race, color, creed, religion, familial status, national origin, sexual orientation, military status, sex, disability or marital status. NCORR, ReBuild NC, and its contractors shall ensure that no applicant or tenant is treated in any way that does not comply with the federal Fair Housing Act, the Civil Rights requirements of Title I of the Housing and Community Development Act, and the North Carolina Fair Housing Act (Chapter 41A of the North Carolina General Statutes). ReBuild NC Programs will affirmatively further fair housing through the following:

- Fair housing complaints will be processed in accordance with federal Fair Housing requirements and directed to HUD or another appropriate agency;
- URA Specialists will assist all relocated households who believe that they have suffered illegal discrimination and will contact NCORR or the Subrecipient immediately for review and assistance in filing a complaint with the HUD Office of Fair Housing and Equal Opportunity; and
- ReBuild NC Programs are administered in accordance with NCORR’s Fair Housing Policy.

1.3.3 Limited English Proficiency
ReBuild NC is committed to ensuring meaningful access to its services, programs, and activities for persons who have Limited English Proficiency (LEP). URA Specialists will identify applicants who have difficulty speaking, reading, writing or understanding English and will ensure that the following services are available to them in accordance with the NCORR Language Access Policy:

- Provision of an interpreter who translates to and from the person’s primary language.
- Translation of Program documents.

If needed, URA Specialist will use the call center to communicate effectively with persons with limited English proficiency.

1.3.4 Reasonable Accommodations
ReBuild NC Program staff and the URA team will ensure that advisory relocation services and all implementations of URA requirements, including communication methods and forms, are accessible to all persons with special needs and will operate in a manner that does not discriminate or limit access to program services and benefits to persons with disabilities. To ensure compliance with Section 504 requirements Program and URA teams will, as applicable:

- Ensure that all ReBuild NC Centers are readily accessible and usable by persons with disabilities.
- Case managers and URA Specialists provide written and verbal program services to program applicants and tenants regardless of their disability or limited proficiency with the English language to include sign language, braille, interpreters, etc., as applicable or requested.
- Conduct or assist URA Specialists to complete intake meetings in person or through the phone with tenants who are homebound or cannot access a ReBuild NC Center.
• When requested, ensure that the modifications to the tenant’s home that are part of the relocation assistance process appropriately address any identified hearing, visibility, or mobility limitations of the tenant and/or tenant’s household members.

• If applicable, work with a disabled tenant’s designee who has the power of attorney to represent the tenant or is identified as the communication designee representing the tenant.

All services listed above and other reasonable accommodation requests can be provided upon verbal or written request from tenants with no additional documentation. Tenants who require reasonable accommodations should contact their designated URA Specialist. ReBuild NC will also ensure compliance with Section 508 requirements and ensure that there is full access to electronic information for persons with disabilities.

1.3.5 Duplication of Benefits
Duplication of benefits (DOB) refers to the provision under the *Robert T. Stafford Disaster Assistance and Emergency Relief Act (Stafford Act)* that prohibits any person, business concern, or other entity from receiving financial assistance from federal disaster funds with respect to any part of a loss resulting from a major disaster as to which that person or entity has already received financial assistance under any other program, insurance, or another source.

ReBuild NC Programs will comply with HUD’s requirements for DOB assessment of disaster assistance received for each tenant. Any assistance found to be duplicative of the URA assistance will be deducted from the award.

1.4 Applicable Waivers
For the purposes of promoting the availability of decent, safe, and sanitary housing and expediting disaster recovery and rehousing efforts, and to allow NCORR, through its ReBuild NC Programs, to apply similar rules and award amounts to similarly situated property owners and tenants, HUD has provided a series of waivers. The critical waivers that affect the implementation of NCORR’s URA efforts are in the following notices:

• For CDBG-Mitigation funds, 84 CFR 45859-60, V.A.22.a.-f., 08/30/2019; and

A summary of the key waiver provisions affecting NCORR’s implementation of relocation assistance are as follows:

• In order to ensure that there are no discrepancies in relocation assistance based on conflicting regulations, HUD has determined that the URA regulations apply, rather than 24 CFR 42, subpart C, 104(d) regulations.

• The one-for-one replacement requirement under Section 104(d) is waived for lower income units damaged by the disaster that meet NCORR’s definition of “not suitable for rehabilitation” (see Definitions and Acronyms section)

• Section 414 of Stafford Act is waived which would have required that URA assistance be provided to any eligible resident even if they did not meet the URA occupancy requirements due to the disaster. This waiver applies to real property acquisition, rehabilitation, or demolition activities that that commenced more than one year after the presidentially declared disaster. This
waiver means that URA relocation benefits will be provided to eligible displaced persons after the formal commencement of the CDBG-MIT or CDBG-DR program that meets the waiver requirements. NCORR is implementing URA in accordance with this waiver which is “option (b)” according to 85 FR 4688, IV.C.2., 1/27/2020.

- NCORR is aware that this waiver does not extend to persons displaced or relocated temporarily by other HUD-funded programs, such as NCORR’s public housing subrecipients. The requirement to provide URA relocation assistance under 49 FR Part 24 is included in the Subrecipient Agreement (SRA) with each public housing authority subrecipient (see section on Public Housing Restoration Fund).

- NCORR monitors Subrecipient performance and compliance with URA requirements and the SRA in accordance with NCORR’s Compliance Policy. NCORR provides technical assistance to subrecipients based on an assessment of need.

- The regulations waive the requirement for the development of an optional relocation plan by NCORR’s subrecipients. Subrecipients are required to comply with 49 CFR Part 24.

- Lastly, regulations waive the “arm’s length” requirements. The ReBuild NC Strategic Buyout Program is the only NCORR program using the acquisition activity. Participation by property owners is voluntary in SBP (see section 6.1), offers are made based on the appraised current fair market value, and owners may choose to reject the offer to purchase the property. If tenants occupying the property are displaced through an SBP acquisition, they will receive relocation assistance under URA.

1.5 SUMMARY OF REBUILD NC PROGRAMS AND URA APPLICABILITY

The North Carolina Office of Recovery and Resiliency (NCORR) is implementing several disaster recovery and mitigation programs (ReBuild NC) funded with CDBG-DR and CDBG-MIT funds from the U.S. Department of Housing and Community Development (HUD). Further specific information regarding each of the ReBuild NC Programs can be found in section 6 of this document. All recovery programs will follow URA for displaced persons.

This manual uses the term “displaced person” and “tenant” interchangeably to refer to a person who may or will be permanently displaced through the federally funded program overseen by NCORR. Every effort has been made to ensure that the following policies clearly delineate whether a relocation will be permanent or temporary. In addition, the term “owner applicant” used in this manual means an applicant to a ReBuild NC Program who is a property owner; if the owner is a “landlord,” that term may be used to mean an owner applicant who is a landlord.

Below is a brief summary of the different programs and applicability of URA for residential tenants. NCORR is also implementing other programs, the Public Housing Restoration Fund and the Multi-Family and Affordable Housing Development Fund, which are discussed in more detail in sections 6.4 and 6.5 respectively.

1.5.1 Strategic Buyout Program

The ReBuild NC Strategic Buyout Program (SBP) purchases properties vulnerable to flood risks and demolishes all structures, converting the property to open space. The Program provides effective and comprehensive mitigation measures that will protect residents and property from future storm-related damage. The SBP will be implemented in two phases. The first phase will focus on purchasing residential
properties. The second phase will focus on strategic purchases of non-residential property and vacant land.

**URA Requirements**
The property owner participation in SBP is voluntary and does not require URA assistance. However, if the prospective SBP property is leased to a tenant, then the tenant is not considered a voluntary participant and will require URA assistance as a permanently displaced person, if eligible, once the property owner accepts an offer to sell the property. The sale of the property will result in the permanent displacement of the tenant, as the property will be demolished, and the tenant will not be able to return to it. URA will assist eligible tenants with finding comparable replacement property, paying for moving costs, and covering increased cost of the replacement housing for forty-two (42) months.

### 1.5.2 Homeowner Recovery Program
The ReBuild NC Homeowner Recovery Program (HRP) is intended to assist eligible North Carolina residents whose primary residences were directly impacted by Hurricane Matthew and/or Hurricane Florence. HRP’s main objective is to complete work necessary to bring a homeowner’s primary residence into compliance with HUD’s Housing Quality Standards, improve resiliency, and where necessary, to reconstruct damaged homes when repairs are not feasible.

**URA Requirements**
The homeowner’s participation is voluntary and does not require URA assistance. However, if the homeowner was leasing any part of the home, then the homeowner’s tenant is not considered a voluntary participant. If an eligible tenant is identified, they will be eligible for either temporary relocation benefits or permanent URA depending on the number of months the tenant must be displaced.

### 1.5.3 Small Rental Recovery Program
The ReBuild NC Small Rental Recovery Program (SRRP) is under development and being designed to assist storm-impacted landlords of rental properties with unmet recovery needs as a result of damage from Hurricanes Matthew and Florence. The program will repair, reconstruct, or replace rental units that sustained damage and have not yet completed repairs. The program is reserved for full-time small rental structures, including single-family rental units, MHUs, and properties with up to four (4) units with the main objective to complete the necessary work to make an Applicant’s property decent, safe, sanitary, energy-efficient, and resilient for tenants.

**URA Requirements**
The landlord’s participation is voluntary and does not require URA assistance. Eligible tenants are not considered voluntary participants in the program and will be eligible for either temporary relocation benefits or permanent URA depending on the number of months the tenant must be displaced.

### 1.5.4 Infrastructure Recovery Program
The ReBuild NC Infrastructure Recovery Program is a strategic bridge between acute disaster recovery and long-term resiliency measures in federally declared disaster counties, especially those designated low-to-moderate-income by HUD. In addition to providing local benefits, infrastructure projects strengthen the economy across larger areas and regions. The program focuses on the basic physical and
organizational structures and facilities needed for communities to thrive, such as infrastructure for affordable housing and community centers. Infrastructure activities are intended to go beyond shorter-term fixes that have historically been covered by other federal and state funds, including FEMA and SBA.

**URA Requirements**

In general, the Infrastructure Recovery Program does not anticipate engaging in projects that may result in the applicability of URA requirements. However, the Infrastructure Recovery Program and its subrecipients would comply with the requirements, policies, and waivers related to the URA established in this Manual.
2.0 Uniform Relocation Act (URA) Requirements

This section identifies the specific URA regulatory requirements that must be met for federal compliance with URA when relocating residential tenants. Section 4, URA for ReBuild NC Program Tenants, is further guidance for how NCORR will be implementing these requirements for tenants that will be permanently or temporarily displaced due to participation in a ReBuild NC program.

2.1 Triggering of URA
As an initial step in all ReBuild NC programs, the programs will determine whether program activities will cause a displacement of a person/household. Persons qualifying as “displaced” trigger URA requirements and must be provided with relocation advisory services and assistance with a goal towards minimizing permanent displacement. Tenants who must move temporarily, for a period no longer than twelve (12) months, due to program-sponsored activities must be provided temporary relocation assistance to ensure that they do not become permanently displaced by the Program.

Tenants who will be permanently displaced, will receive full URA benefits including advisory services, moving expenses, and housing payment assistance to cover increased cost of new housing unit for forty-two (42) months.

2.2 Voluntary vs Involuntary Acquisition
The only ReBuild NC Program undertaking acquisition is the Strategic Buyout Program (SBP). Participation by property owners in SBP is voluntary. NCORR will not utilize the power of eminent domain to acquire properties under its Strategic Buyout Program. While NCORR has no direct authority to initiate eminent domain proceedings, it could request the Department of Administration to execute eminent domain on its behalf. However, NCORR does not intend to use the State’s eminent domain authority. The SBP meets the four-part criteria of a voluntary program under the federal regulations at 49 CFR 24.101(b)(1) (i-iv) stated below:

i. No specific site or property needs to be acquired, although the Agency may limit its search for alternative sites to a general geographic area. Where an Agency wishes to purchase more than one site within a general geographic area on this basis, all owners are to be treated similarly. (See Appendix A, 49 CFR 24.101(b)(1)(i).)

NCORR Response: NCORR will be implementing its Strategic Buyout Program within areas identified as being at risk for future storm damage designated as Disaster Risk Reduction Areas (DRRAs). No specific sites or properties are being identified for purchase under the Strategic Buyout Program. The Program will offer to acquire property in DRRAs from eligible owners based on the appraised current Fair Market Value (CMV). The Initial Offer, based on the CMV, will be offered to all eligible applicants; therefore, applicants are being treated equally.

ii. The 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.
NCORR Response: Properties acquired through the Strategic Buyout Program are not part of a designated or planned development project that must be acquired within a specific time limit, as would be the case if acquisition were being done under eminent domain. Property owner participation in SBP is voluntary.

iii. The Agency will not acquire the property if negotiations fail to result in an amicable agreement, and the owner is so informed in writing.

NCORR Response: All offers to purchase Buyout participant properties will be made in writing and be based on a current Fair Market Value appraisal of the property. Because the Strategic Buyout Program is voluntary, property owners will be informed in writing that they may reject NCORR's Initial Offer to buy the property or voluntarily withdraw from the Program any time prior to closing. If an owner rejects the Initial Offer or withdraws from the Program, NCORR will not pursue the purchase of the property further.

iv. The Agency will inform the owner in writing of what it believes to be the market value of the property. (See Appendix A, 49 CFR 24.101(b)(1)(iv) and (2)(ii).)

NCORR Response: NCORR will provide all participants to the Strategic Buyout Program with an appraisal indicating the current Fair Market Value of their property upon which any offer amount to buy the property will be made.

2.3 TYPES OF RELocation UNDER URA: PERMANENT AND TEMPORARY

For HUD-funded programs, relocation assistance to displaced tenants can be permanent or temporary depending on the type of activity that is displacing the tenant, and the length of time they will be out of the property. The term tenant means a person who has the temporary use and occupancy of real property owned by another. An eligible tenant is one who occupies real property owned by another based upon an agreement between the person and the landlord, almost always for rental payments. A displaced tenant will be determined to be permanently displaced if the property the tenant has been occupying becomes no longer available through an action that is funded in whole or in part with federal funds. A displaced tenant will be determined to be permanently displaced if the property the tenant has been occupying becomes no longer available through an action that is funded in whole or in part with federal funds.

NCORR recognizes that a person being temporarily relocated does not meet the regulatory definition of "displaced person" according to 49 CFR 24.2(a)(9)(ii)(D). If the tenant must leave the property for less than one year and the tenant will be able to return to the property after the federal activity has ended, then the tenant would be determined to be temporarily displaced. However, if the relocation exceeds one year or if assistance is not provided as required by HUD policy, the temporarily displaced tenant is entitled to full URA benefits (see section 4 on Temporary Relocations).

URA benefits, including advisory services and moving expenses, are shown in Table 2 below for eligible persons who are permanently or temporarily displaced.
Table 2: Overview of URA Benefits for Permanent and Temporary Residential Relocation

<table>
<thead>
<tr>
<th>Permanent Relocation</th>
<th>Temporary Relocation</th>
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<tbody>
<tr>
<td>• Relocation Advisory Services</td>
<td>• Relocation Advisory Services</td>
</tr>
<tr>
<td>• Rental Assistance for forty-two (42) months or down payment assistance to purchase home if residential tenant</td>
<td>• Rental Assistance for up to twelve (12) months</td>
</tr>
<tr>
<td>• Moving expenses</td>
<td>• Moving expenses from original residence to new temporary residence AND moving expenses to move back to original residence</td>
</tr>
<tr>
<td>• Storage expenses in extenuating circumstances</td>
<td>• Storage while temporarily displaced</td>
</tr>
<tr>
<td>• At least one (1) comparable replacement offered</td>
<td>• Referral to temporary housing</td>
</tr>
<tr>
<td>• Cost of utility disconnection/reconnection</td>
<td>• Cost of utility disconnection/connection and then reconnection</td>
</tr>
<tr>
<td>• Transfer costs for phone, internet, cable</td>
<td>• Transfer costs for phone, internet, cable</td>
</tr>
</tbody>
</table>

2.4 DISPLACED PERSONS
Because property owner participation in ReBuild NC Programs meets the regulatory requirements of voluntary programs/acquisition (and infrastructure projects will not involve eminent domain), only residential and non-residential rental tenants may meet the regulatory requirements for URA relocation assistance as displaced persons in ReBuild NC Programs. Therefore, the term “displaced person” means any person who is required to permanently and involuntarily move from the real property or moves his or her personal property from the real property, as a result of ReBuild NC Program activities.

ReBuild NC will identify tenants who may be displaced, at the time of the property owner’s application, in the Strategic Buyout Program, Homeowner Recovery Program, the Small Rental Recovery Program, or other CDBG-DR or CDBG-MIT funded activity. Persons required to relocate temporarily are not considered “permanently displaced persons” in general but will received the HUD-required relocation assistance described in section 4.

- **Federally Funded Activity**. When a tenant is required to relocate as a direct result of the rehabilitation, reconstruction, acquisition, or demolition of property that is receiving assistance under one of ReBuild NC’s Programs.
- **Improper Eviction**. Tenants who moved permanently from the damaged rental unit due to a landlord eviction which does not meet HUD requirements related to a documented court order (where feasible) and pre-existing lease violations not related to the ReBuild NC Program, see below on Allowed Evictions.
- **Program Non-Compliance**. When there is program non-compliance with regulatory requirements including, but not limited to:
  - When ReBuild NC did not provide the tenant with a General Information Notice (GIN) and information on advisory services and relocation assistance, after the property owner applied to the specific ReBuild NC Program;
  - Due to an incorrect URA eligibility determination;
  - A situation when a tenant is no longer considered a “temporary relocation” because the tenant did not receive the required relocation assistance/benefits, or the relocation will last longer than twelve (12) months;
o When a tenant moves in after an owner applied to ReBuild NC and was not provided with a Move-In Notice that is approved by the tenant before signing the lease or moving in; or,
o If ReBuild NC does not reimburse a tenant moving to another unit in the same building or complex for all reasonable expenses incurred with the move or other conditions of the move were not reasonable.

- **Unreasonable Terms.** Tenants who moved permanently due to an unreasonable increase in post-relocation rent at the damaged address or unreasonable terms of their new rental agreement as evidenced by the comparison of the terms of the pre-relocation and post-relocation leases at the ReBuild NC-assisted rental unit.

- **Terms Conversion.** Tenants whose pre-relocation dwelling is converted to another use (examples: conversion from a two-family to a one-family unit due to the rehabilitation, change in residential use, from a family property to a homeless supportive housing development).

- **Code Enforcement.** The URA is not automatically triggered by code enforcement activities. However, if the code enforcement action is undertaken to evict persons for a federally-assisted project involving acquisition, rehabilitation, or demolition and an owner-occupant or tenant is required to move permanently as a direct result, the tenant may qualify as a displaced person who is eligible for URA relocation assistance.

- **Allowed Eviction.** Persons are not considered displaced when ReBuild NC substantiates that an eviction was not undertaken in order to avoid paying relocation costs and was performed in accordance with the regulations. Any ReBuild NC owner applicant pursuing an eviction of a tenant, is advised to obtain a court order for the eviction (even if the tenant has already moved). If ReBuild NC believes the cost of obtaining a court order is prohibitively expensive, it will adequately document the cause of the eviction in its files. An eviction will be considered to be allowable when:
  o The tenant’s actions or inactions are a “serious or repeated violation of the material terms and conditions of the lease” and these are the legal grounds for eviction under applicable State or local law; or,
  o Before or after ION, the ReBuild NC Program issues a modified GIN indicating a pre-existing lease violation(s) that is serious or repetitive, describes the violation, and a course of action and timeframe to correct the lease violation.
  o If an eviction is necessary because a tenant does not cooperate with the relocation requirements or the requirement to move, the tenant is still entitled to relocation assistance as would be provided with the issuance of a NOE.

- **Move-In Notice Provided.** The person is a tenant-occupant that moved into the property after application for assistance for the property but was provided a written Move-In Notice with the required information (see section 2.7 on Move-In Notice) and approves the Notice, before leasing and occupying the property.

- **Not Displaced.** ReBuild NC may determine that the person was not displaced as a direct result of acquisition, rehabilitation or demolition for the project/program, and was provided with a Notice of Non-Displacement.

- **Transfer.** The relocation is determined to be a “transfer” in accordance with applicable Public Housing program policies and the Public Housing Agency’s (PHA’s) occupancy policy.

- **Temporary Relocation.** Persons temporarily displaced are not considered displaced persons under URA however, in accordance with HUD policy, ReBuild NC will reimburse temporarily relocated persons for moving expenses to and from the temporary replacement location and
other eligible costs. When these protections are put in place, HUD considers the displacement to be temporary, and hence not subject to the URA. If any of the protections fail, the exception fails. The displacement is deemed permanent, and the URA applies.

2.5 ELIGIBILITY FOR RELOCATION ASSISTANCE
In order to be eligible for temporary or permanent relocation assistance, tenants must be:

- A lawful occupant of the applicant property. Tenants must have documentation that they were in legal occupancy of a residential dwelling assisted by a ReBuild NC Program at the time of application; and
  - Note: Only lawful tenants who have been in occupancy for at least 90 days prior to the initiations of negotiations are eligible for full relocation advisory services and rental assistance payments.
  - Note: Lawful tenants who have been in occupancy less than 90 days may receive services under the Housing of Last Resort (see section 2.19).
- Lawfully present in the United States at the time of assistance. Tenants who were displaced by the activity must also have been lawfully present in the United States at the time of displacement unless such ineligibility would result in an “exceptional and extremely unusual hardship” to such person’s spouse, parent, or child who is a citizen of the United States. NCORR will document and determine when such conditions are met based on whether the denial of relocation payments and advisory assistance to such a person will directly result in:
  - A significant and demonstrable adverse impact on the health or safety of such spouse, parent, or child;
  - A significant and demonstrable adverse impact on the continued existence of the family unit of which such spouse, parent, or child is a member; or
  - Any other impact that NCORR determines will have a significant and demonstrable adverse impact on such spouse, parent, or child.

If a person is ineligible for relocation assistance because they are an unlawful occupant or they are an alien not lawfully present in the U.S, ReBuild NC will provide such persons with a “Notice of Ineligibility for Relocation Assistance,” which will include the reason(s) they are ineligible, and their right to appeal the Agency’s determination.

2.6 BASIC RIGHTS OF PERSONS TO BE DISPLACED
ReBuild NC will ensure that the rights of displaced persons are maintained:

- A displaced person will not be required to move from a displacement dwelling unless a comparable replacement dwelling is available to such person;
- No person may be deprived of any rights the person may have under the Uniform Act; and
- ReBuild NC shall not require any displaced person to accept a comparable replacement dwelling provided by ReBuild NC under these procedures (unless ReBuild NC and the displaced person have entered into a contract to do so) in lieu of any acquisition payment or any relocation payment for which the person may otherwise be eligible.

2.7 NOTICES AND MANNER OF NOTICES
NCORR and HUD’s objective is to be as transparent and accommodating as possible to tenants who are having their lives impacted by federally funded recovery efforts. A key component is ensuring that tenants
receive timely notifications in a manner that is clearly understandable and informs them of any URA benefits that they are eligible to receive. The following descriptions of required URA notices are based on HUD’s Handbook 1378 and the URA regulations. The following sections will detail the regulatory requirements for residential relocation (including manufactured housing units) and the required notices that will be provided to tenants based on the specific circumstances surrounding their displacement. Tenants may receive notices in addition to those listed below.

ReBuild NC will provide URA-required notices and additional communication notices to affected persons that are written in plain, understandable language in accordance with 49 CFR Part 24.5. Persons who are unable to read and understand the notice (e.g., due to lack of literacy, limited English proficiency, or disability) will be provided with appropriate translation or interpretation services in accordance with NCORR’s LEP Policy. The notices shall indicate the name and telephone number (including the telecommunication device for the deaf (TDD) number, if applicable) of a person who may be contacted for answers to questions or other needed help.

ReBuild NC will provide written notices, via hand delivery, or certified mail return receipt, as required by the U.S. Department of Housing and Urban Development (HUD), to ensure that the displaced person is fully aware of their rights under the program, as well as the policy, procedures, payments, and critical project timelines at all times through the relocation process. All notices provided to the tenant must be accompanied by a signed copy or certified mail receipt and uploaded to the system of record. All required URA notices shall be delivered to lawful occupants only.

Table 3 below illustrates notices required for temporary and permanent relocations.

Table 3: Notices Required for Relocations

<table>
<thead>
<tr>
<th>Permanent Relocation</th>
<th>Temporary Relocation</th>
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<tbody>
<tr>
<td>• Permanent Displacement</td>
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<tr>
<td>• General Information Notice (GIN)</td>
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<tr>
<td>• Notice of Eligibility</td>
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<tr>
<td>• 90-Day Notice</td>
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<tr>
<td>• General Information Notice (GIN)</td>
<td></td>
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<tr>
<td>• Notice of Non-Displacement (Temporary Relocation Required)</td>
<td></td>
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<tr>
<td>• Notice of Eligibility (for Temporary Relocation Assistance)</td>
<td></td>
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<tr>
<td>• 30-Day Notice</td>
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<tr>
<td>• Return Home Notice</td>
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<tr>
<td>• Temporary Relocation</td>
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Landlord-Tenant Communication

Landlords in a ReBuild NC Program will be provided with a URA Fact Sheet that describes potential relocation assistance for tenants and their tenant responsibilities during the application period. Tenants will receive several notices described below. In order to keep all parties apprised of the status of relocation activities, progress in the program, and program requirements, landlords will receive a copy of all URA-required notices sent to a tenant by ReBuild NC.
General Information Notice (GIN) - Permanent and Temporary Relocation

The URA regulations require that persons who are scheduled to be permanently displaced must be provided with a GIN as soon as feasible. If the tenant-occupant of a dwelling moves permanently from the property after submission of an application to a ReBuild NC Program, the tenant will be presumed to qualify as a “displaced person.” To minimize such unintended displacements, ReBuild NC will comply with the HUD policy which considers all potentially displaced persons within a proposed HUD-assisted project involving acquisition, rehabilitation or demolition as scheduled to be displaced for purposes of issuing a GIN. Therefore all such persons when there is a formal action to pursue federal funds (i.e. competition of initial application stage) for assistance, will be provided a GIN as soon as feasible.

If there are persons who will not be displaced, this GIN will be modified to explain that the project has been proposed, explain that they will not be displaced, and caution the person not to move (complete with an explanation of the ramifications of moving on his/her own).

If a landlord applicant to a ReBuild NC program has a tenant in occupancy but does not disclose that tenancy, it may be grounds for the applicant being determined to be ineligible. However, if the application is allowed to continue being processed, ReBuild NC will provide the tenant with a GIN (and other necessary notices) upon discovery.

ReBuild NC will also provide a GIN to tenants being temporarily displaced.

Notice of Relocation Eligibility (NOE) – Permanent Relocation

The URA regulations require that persons who are eligible for relocation assistance under URA receive a notice of eligibility. The ReBuild NC program will provide the tenant with the required Notice of Relocation Eligibility (NOE), which informs that tenant of their eligibility for URA relocation assistance. The NOE will be provided to the tenant promptly after the Initiation of Negotiation (ION). The designation of the ION date differs based on the specific ReBuild NC Program but is generally the date when an owner applicant accepts the offer of assistance by a ReBuild NC Program, by signing a grant agreement or an Initial Offer Letter. The NOE will describe the available relocation assistance, the estimated amount of assistance based on the tenant’s individual circumstances and needs, and the procedures for obtaining the assistance. This Notice is specific to the person and their situation so that they will have a clear understanding of the type and amount of payments and/or other assistance they may be entitled to claim.

Ninety-Day (90) Notice – Permanent Relocation

The URA regulations require that persons who have been informed that they are eligible for URA relocation benefits and are required to move be provided with a minimum of a 90-day written notice. ReBuild NC will provide persons who will be permanently displaced with the required 90-day Notice concurrently or after the displaced person is issued a Notice of Relocation Eligibility. The 90-day notice will not be provided when:

- The occupant made an informed decision to relocate and vacated the property without prior notice to the property owner; or
- The person is not eligible for URA; or
- The owner has withdrawn from the Program and a permanent move is not required (see Notice of Non-Displacement – Permanent Relocation Not Required below).
Notice of Non-Displacement – Permanent Relocation Not Required
Tenants who have been issued a General Information Notice will be issued the Notice of Non-Displacement - Permanent Relocation Not Required if funding was not approved and/or acquisition will not take place. This notice informs the tenant they do not have to move.

Notice of Non-Displacement – Temporary Relocation Required
If a person does not qualify as a permanently displaced person, but will be temporarily displaced, ReBuild NC will provide them with a required Notice of Non-Displacement – Temporary Relocation Required to advise them of the Program’s determination and their right to appeal. If continued occupancy is possible upon completion of the project, the notice will explain the reasonable terms and conditions under which the person may continue to lease and/or occupy the property upon completion of the project.

If a person moves permanently from the property after ION, and the person has not been provided with a Notice of Non-Displacement – Temporary Relocation Required, that person will usually qualify as a “displaced person.” If they were not given timely information essential to making an informed judgment about a move, it is assumed that the person’s move was an involuntary move caused by the project/program. In such cases, ReBuild NC will provide URA benefits.

In the Notice of Non-Displacement – Temporary Relocation Required, ReBuild NC will provide reasonable advance written notice of:
- the date and approximate duration of the temporary relocation (not to exceed one (1) year);
- the address of the suitable, decent, safe, and sanitary dwelling to be made available or the temporary period;
- the terms and conditions under which the person may lease and occupy a decent, safe and sanitary dwelling in the building/complex upon completion of the project;
- the costs which will be reimbursed; and
- the available advisory services.

Notice of Relocation Eligibility (NOE) Temporary Relocation Assistance
Tenants who are being temporarily relocated will receive a Notice of Eligibility for Temporary Relocation Assistance that informs the tenant of their eligibility for assistance and describes the relocation assistance they may receive. The notice will describe the available relocation assistance, the estimated amount of assistance based on the tenant’s individual circumstances and needs, and the procedures for obtaining the assistance. This notice is specific to the person and their situation so that they will have a clear understanding of the type and amount of payments and/or other assistance they may be entitled to claim.

Thirty (30) Day Notice – Temporary Relocation
ReBuild NC will provide a minimum of 30-day notice to persons who will not be permanently displaced but who need to be temporarily relocated. When practicable, a notice allowing for a longer timeframe will be provided to persons who will be relocated for an extended period of time (over 6 months) or if the move will include all personal property on site.

The urgent need provisions of URA permit ReBuild NC to require an occupant to vacate on less than 90-Day Notice under certain conditions. ReBuild NC will only provide a notice with a shorter period when there is an urgent need that involves potential danger, health or safety issues, or if the person will be
temporarily relocated for a short period of time. In accordance with URA requirements, ReBuild NC will not artificially create an “urgent need” in order to provide a shorter notice (e.g., by issuing a notice to proceed to a demolition contractor, then using the imminent demolition to substantiate a danger to the tenant’s health and safety in order to cut short the notice period which is otherwise required).

**Return Home Notice – Temporary Relocation**
ReBuild NC will provide the tenant who has been temporarily displaced a *Return Home Notice* to advise them the repairs are complete and that they have a maximum of fifteen (15) days (but no more than thirty days maximum) from the date that the home passes final inspection to vacate their temporary dwelling.

**Notice of Non-Displacement – Temporary Relocation Not Required**
Tenants who have been issued a *General Information Notice* will be issued the *Notice of Non-Displacement - Temporary Relocation Not Required* if funding was not approved and/or repairs will not take place. It notifies the tenant they do not have to move.

**Combined Notice (NOE and 90-Day Notice) – Permanent Relocation**
ReBuild NC may issue a combined notice that includes the NOE and 90-Day Notice as allowed by HUD policy. In all such cases, where a Combined Notice is provided, eligible occupants will be provided with a minimum of 90-Day Notice prior to requiring that they move (unless the urgent need provisions in 49 CFR 24.203(c)(4) are met).

**Move-In Notice – For Permanent and Temporary Relocations**
The URA regulations require that persons who intend to move into a property that has applied for assistance under a ReBuild NC program be provided with a *Move-In Notice* that indicates that they may be displaced and will not receive URA relocation benefits. Landlords who apply to a ReBuild NC Program will be informed of their responsibility to provide a *Move-In Notice* to a new tenant who wants to move into their property after the submission of a ReBuild NC application, and of informing the program of any new tenants.

Landlords must provide the potential tenant with such a notice before leasing and occupying the property. All *Move-In Notices* are required to contain the following information: that an application for assistance from a ReBuild NC Program, which is federally funded, has been submitted; the possible impact on the person if the application is approved and accepted by the owner (e.g., the person may be displaced, temporarily relocated or suffer a rent increase), and the fact that he or she would not qualify for relocation assistance as a "displaced person" as a result of the project, if he or she chose to occupy the property. The tenant must agree to occupy the property under the terms of the notice; when this occurs, the new tenant is not eligible for relocation assistance as a displaced person. All *Move-In Notices* must be acknowledged by the tenant in writing using the *Move-In Acknowledgement Form* (including signature and date) and a copy must be returned to the Program for tenant files. ReBuild NC will provide landlords with a standard *Move-In Notice* format that they are required to issue to new tenants. ReBuild NC will also issue a *Move-In Notice* to the new tenant when it is aware of the new tenant, however the primary responsibility for issuing this notice before the lease is signed is the landlords. The landlord’s eligibility to receive ReBuild NC assistance is jeopardized if the landlord fails to provide the *Move-In Notice* to the
tenant before a lease is signed, if the form is not signed by the tenant indicating their receipt and agreement before the lease is signed, and/or if it is not provided at all. In addition, such failures may result in the landlord being required to provide financial relocation assistance to the tenant as a “displaced person” under URA.

2.8 RELOCATION ASSISTANCE ADVISORY SERVICES – RESIDENTIAL PROPERTIES

In accordance with all requirements, ReBuild NC will provide relocation advisory services to displaced tenants. In addition to providing the required notices, a URA Specialist will contact the impacted displaced household(s) to schedule an interview, to obtain tenant supporting documentation (see section 2.8 below), and to ensure that tenants understand their rights and responsibilities. If feasible, such meetings may be scheduled to be held in person. While COVID-19 restrictions are in effect, in-person meetings will follow state or federal guidelines, whichever is more stringent. During this interview, the Program will inform the displaced household of advisory services, such as:

- Determining the needs and preferences of displaced persons;
- An explanation of available relocation assistance (such as moving costs and replacement housing), eligibility requirements, and the process for obtaining such assistance;
- An explanation of a tenant’s right to appeal if they are not satisfied with ReBuild NC’s decisions, including written appeal procedures;
- An offer to provide transportation to inspect the housing to which they are referred;
- Information about other assistance (e.g., social services or financial referrals, housing inspection, etc.);
- Information on current and ongoing listings of available comparable dwellings for residential displacements. Provide an explanation that the tenant cannot be required to move unless at least one comparable replacement dwelling is made available (for more information, see section 2.10 onComparable Residential Replacement Dwelling);
- Inform the displaced person in writing as soon as feasible of the comparable dwelling unit, the rent used for the upper limit and the basis of the determination so that the person knows the maximum they may qualify for;
- Inspection of the dwelling to determine if it meets decent, safe, and sanitary requirements (see section 2.11 on inspections);
- Providing counseling and other assistance to minimize hardship in adjusting to relocation; and
- Other required and appropriate assistance.

2.9 REQUIRED TENANT DOCUMENTATION

After the tenant has been issued a GIN, the URA Specialist will schedule an interview with each displaced tenant. The URA Specialist will request that the tenant provide the following documentation and information, which will be necessary to calculate their relocation benefits and fill out required claim forms.

- Tenant Identification (current driver’s license, passport, or other government photo identification)
- Proof of income
- Proof of lawful presence (birth certificate, social security card, other documents)
- Copy of executed lease (or other acceptable program documentation)
- Utility bills
- Proof of primary residency
- Documentation of all assistance previously received for relocation and moving expenses
• If the tenant has moved without proper notification, after landlord applied to the program, the following should also be provided to the URA Specialist in addition to the above documents:
  o Documentation of actual moving expenses from the dwelling/assisted unit or the number of rooms of furniture moved, if any, at the time of displacement and/or affidavit from the landlord regarding the number of rooms occupied at the time of the storm.
  o Copy of current lease or purchase agreement, if permanently displaced, for their post-relocation dwelling.
  o Copy of current utility bills (12-month average) for their post-relocation dwelling.

2.10 COMPARABLE REPLACEMENT DWELLING
For permanent relocations, ReBuild NC will identify up to three comparable replacement dwellings for a displaced person; however, no displaced person shall be required to move unless at least one comparable replacement dwelling unit is made available. A comparable replacement dwelling will be considered to be made available to a tenant when the ReBuild NC Program:
• Informs the tenant of the unit’s location;
• Provides sufficient time for the tenant to enter into a purchase agreement or lease for the property;
• And subject to reasonable safeguards, the tenant is assured of receiving relocation assistance and payments in sufficient time to complete the purchase or lease of the property [49 CFR 24.204(a)].
• If at least one comparable dwelling unit is not made available, the displaced person will be eligible to receive housing of last resort (see section 2.19).

In accordance with regulations, ReBuild NC will:
• Whenever possible, provide minority persons with reasonable opportunities to relocate to decent, safe, and sanitary replacement dwellings, not located in an area of minority concentration, that are within their financial means. ReBuild NC is not obligated however, to provide a tenant a larger payment than is necessary to enable a person to relocate to a comparable replacement dwelling.
• Inform any displaced person who may be eligible for government housing assistance at the comparable replacement dwelling of any requirements of such government housing assistance program that would limit the size of the replacement, as well as of the long-term nature of such rent subsidy, and the limited (42 month) duration of the relocation rental assistance payment.

When identifying a comparable replacement dwelling, ReBuild NC will ensure that the dwelling is:
• Decent, safe, and sanitary;
• Functionally equivalent to the displacement dwelling, meaning that the comparable replacement dwelling will provide the same function and utility;
  o It should be noted that a comparable replacement dwelling may not have every feature of the displacement unit. However, the comparable replacement dwelling will have primary features of the displacement unit.
• Of adequate size for the occupants (see Occupancy Standards);
• In an area that is outside of the floodway or 100-year floodplain;
• In a comparable location with respect to public utilities and commercial and public facilities, and reasonably accessible to the person’s employment;
• On a site that is typical in size for residential development with normal site improvements, including customary landscaping;
• Currently available to the displaced person on the private market; and
• Within the financial means of the displaced person, which means that:
  o If, after receiving rental assistance, the person’s monthly rent and estimated average
    monthly utility costs for the comparable replacement dwelling would not exceed the
    person’s base monthly rental for the displacement dwelling (see section 2.15)
  o For a displaced person who is not eligible to receive a comparable replacement dwelling
    payment because of the person’s failure to meet length-of-occupancy requirements,
    comparable replacement dwelling rental housing is considered to be within the person’s
    financial means when ReBuild NC pays that portion of the monthly housing costs of a
    replacement dwelling which exceeds the person’s base monthly rent for the displacement
    dwelling. Such rental assistance will be paid in accordance with replacement housing of
    last resort (see section 2.19).
  o For a person receiving government housing assistance before displacement, a dwelling
    that may reflect similar government housing assistance. In such cases any requirements
    of the government housing assistance program relating to the size of the replacement
    dwelling shall apply. If a tenant had a Housing Choice Voucher (HCV) in their displaced
    unit, then the Program will ensure their replacement unit accepts HCVs.
    ▪ In accordance with regulations, ReBuild NC will only consider a public housing
      unit as a comparable replacement dwelling for a person displaced from a public
      housing unit; a privately owned dwelling with a project-based housing subsidy
      (i.e., subsidy tied to the unit) as a comparable replacement dwelling only for a
      person displaced from a similarly subsidized unit or public housing unit; a
      privately owned dwelling made affordable by a tenant-based housing subsidy
      (i.e., subsidy not tied to the building), such as a Housing Choice Voucher
      (formerly Section 8 voucher), as a comparable replacement dwelling if the person
      was receiving a similar subsidy before displacement or displaced from a unit with
      a project-based subsidy or public housing.
    ▪ Section 8 housing choice vouchers will not be offered as a comparable unit or as
      a substitute for cash replacement housing payments in any case where ReBuild
      NC cannot provide referrals to decent, safe, and sanitary dwelling units.

In determining whether a comparable replacement dwelling is functionally equivalent to the displacement
dwelling, ReBuild NC may consider reasonable trade-offs for specific features when the replacement unit
is equal to or better than the displacement dwelling.

Based upon the permanent relocation needs of the tenant, the URA Specialist should proactively identify
rental units that are available in the tenant’s neighborhood or local community, if possible, to minimize
disruption to the household’s daily activities. Comparable units should be evaluated by using the
“Selection of Most Representative Comparable Replacement Dwelling” Form (see HUD Form-40061),
which compares the pre-relocation unit to other comparable units. The Program will provide at least one
(1) comparable unit and no more than three (3) to the household to establish the payment threshold for
the tenant’s Rental Assistance Payment (RAP).
2.11 INSPECTION OF THE COMPARABLE REPLACEMENT DWELLING
Before making a replacement housing payment or releasing a payment from escrow, ReBuild NC will make a thorough internal and external inspection of the comparable replacement dwelling to determine whether it is decent, safe and sanitary. Comparable replacement dwellings shall contain the accessibility features needed by displaced persons with disabilities.

1. If the displaced person relocates to another state, ReBuild NC may arrange for officials of that state to perform the inspection.

2. Where feasible, the comparable replacement dwelling will be inspected prior to it being made available to assure that it meets applicable decent, safe, and sanitary standards. If an inspection is not made, ReBuild NC will notify the person to be displaced that a replacement housing payment may not be made unless the comparable replacement dwelling is subsequently inspected and determined to be decent, safe, and sanitary.

3. If ReBuild NC determines that a replacement housing payment may have to be denied because the comparable replacement dwelling selected by a displaced person is not decent, safe and sanitary (e.g., does not meet the local code), it will notify the displaced person of the denial and the reason for it, determine if the property can be made decent, safe and sanitary, and/or assist the person to locate another comparable replacement dwelling.

2.12 ELIGIBILITY FOR A REPLACEMENT HOUSING PAYMENT (IN OCCUPANCY FOR 90 DAYS OR MORE)
ReBuild NC will determine a person’s eligibility for a replacement housing payment. If eligible, a permanently displaced person is entitled to a payment for rental assistance, as computed in accordance with section 2.15, or down payment assistance, in section 2.18, as computed in accordance with that section of this manual. In order to be eligible for either payment, the displaced person must:

- Have actually and lawfully occupied the displacement dwelling for at least 90 days immediately prior to the initiation of negotiations; and
- Rent, or purchase, and occupy a decent, safe, and sanitary comparable replacement dwelling within 1 year of the displacement (i.e., from the date the tenant moves from the displacement dwelling), unless NCORR extends this period for good cause.

2.13 DETERMINING COST OF COMPARABLE REPLACEMENT DWELLING
Persons being permanently displaced may receive a replacement housing payment. At least one (1) and no more than (3) three comparable replacement dwellings will be provided to the household to establish the payment threshold for the Tenant’s Rental Assistance Payment (RAP). The upper limit of a replacement housing payment shall be based on the cost of a comparable replacement dwelling in accordance with the following requirements:

1. If available, at least three comparable replacement dwellings shall be examined and the payment computed on the basis of the dwelling most nearly representative of, and equal to, or better than, the displacement dwelling.

2. For purposes of establishing the payment limit, comparable replacement dwellings shall, to the extent feasible, be selected from the neighborhood in which the displacement dwelling is located or in nearby similar neighborhoods where housing costs are generally the same or higher. An obviously overpriced dwelling (e.g., luxury housing, if the displacement dwelling is non-luxury housing) will not be considered as a comparable replacement dwelling.
3. ReBuild NC may limit the amount of replacement housing payment to the amount required to obtain a comparable replacement dwelling only if it gives a timely written notice (referral) of such comparable replacement dwelling.

4. If two or more occupants of the displacement dwelling move to separate replacement dwellings, each occupant is entitled to a reasonable prorated share, as determined by ReBuild NC, of any relocation payments that would have been made if the occupants moved together to a comparable replacement dwelling. However, if it is determined that two or more occupants maintained separate households within the same dwelling, such occupants have separate entitlements to relocation payments.

5. ReBuild NC will complete Form HUD-40061, *Selection of Most Representative Comparable Replacement Dwelling for Purposes of Computing a Replacement Housing Payment.*

ReBuild NC will use the housing of last resort provision where a tenant cannot otherwise be appropriately housed within the monetary limits (see section 2.19 on housing of last resort). This situation may occur in high-cost housing areas or with very low-income tenants who do not live in subsidized housing at the time of displacement.

### 2.14 Replacement Housing Payments for 90-Day Occupants

A rental assistance payment will be made to an eligible tenant when there is an increased cost associated with the cost of the replacement dwelling. The payment amount will be calculated as 42 times the amount obtained by subtracting the base monthly rental for the displacement dwelling from the lesser of:

1. The monthly rent and estimated average monthly cost of utilities for a comparable replacement dwelling; or
2. The monthly rent and estimated average monthly cost of utilities for the decent, safe, and sanitary replacement dwelling actually occupied by the displaced person.

The maximum rental assistance payment for a Tenant is $7,200 however the tenant will receive the lesser of the amount calculated for the rental assistance payment or the maximum amount, unless Housing of Last Resort is required.

ReBuild NC will not offer or suggest that a displaced person who did not receive government housing assistance before displacement, accept government assisted housing in lieu of a cash.

### 2.15 Base Monthly Rental for the Displacement Dwelling

The base monthly rental for the displacement dwelling is the lesser of:

1. The average monthly cost for rent and utilities at the displacement dwelling for one year or the rent payment period if less than one year, whichever is less, prior to displacement. For a tenant who paid little or no rent for the displacement dwelling, the fair market rent, will be used unless its use would result in a hardship because of the person’s income or other circumstances;
2. Thirty (30) percent of the displaced person’s average monthly gross household income if the amount is classified as “low income,” by the U.S. Department of Housing and Urban Development’s Section 8 Programs, which means that a household’s income is 80% of AMI or less. NOTE: The base monthly rental shall be established solely on the criteria under this bullet for households with incomes exceeding the “low income” limits of 80% of AMI as set by the U.S. Department of Housing and Urban Development’s Section 8 Programs, for persons refusing to
provide appropriate evidence of income, and for persons who are dependents. A full-time student or resident of an institution may be assumed to be a dependent, unless the person demonstrates otherwise, or;
3. The total of the amounts designated for shelter and utilities if the displaced person is receiving a welfare assistance payment from a program that designates the amounts for shelter and utilities.

2.16 REPLACEMENT HOUSING PAYMENT FOR PERSON WHO IS NOT A 90-DAY OCCUPANT
Persons that do not meet the 90-day in-occupancy requirements are entitled to a replacement housing payment when that person is not able to relocate to comparable replacement housing within his/her financial means. The Housing of Last Resort section of the URA authorizes the use of project funds for this purpose (see section 2.19 for more information). The assistance provided will be for a 42-month period.

2.17 DETERMINATION OF UTILITY COSTS
Displacement Dwelling - For purposes of computing rental assistance, ReBuild NC will examine the average monthly utility costs at the displacement dwelling. The determination will be based on one year or the rent payment period, whichever is less, prior to displacement.

Replacement Dwelling - ReBuild NC will estimate the average monthly utility costs at the comparable replacement dwelling and should be based on actual 12-month utility data for that unit to the extent possible, or some shorter period of time, if necessary. NCORR’s subrecipients may establish their own procedures to be used for determining the estimated cost of utilities if the procedures are used uniformly and reflect current reasonable costs.

2.18 DOWN PAYMENT ASSISTANCE PAYMENT
Instead of a rental assistance payment, an eligible displaced person may receive a down payment assistance payment to purchase a home. ReBuild NC’s policy is to provide the maximum down payment assistance of $7,200. The full amount of the replacement housing payment for down payment assistance must be applied to the purchase price of the comparable replacement dwelling and related incidental expenses.

2.19 HOUSING OF LAST RESORT
When a comparable replacement dwelling cannot be identified in a timely manner, or if the area is deemed high-cost and appropriate housing cannot be found within the monetary limits, ReBuild NC will follow regulatory requirements to provide housing of last resort as described below. Final decisions about housing of last resort will be determined by NCORR’s Chief Recovery Officer, or designee.

2.20 DETERMINATION TO PROVIDE REPLACEMENT HOUSING OF LAST RESORT
Whenever a program or project cannot proceed on a timely basis because comparable replacement dwellings are not available within the monetary limits for tenants, as specified in section 2.15, ReBuild NC will provide additional or alternative assistance. ReBuild NC will justify its decision to provide such assistance based on the following:

- On a case-by-case basis, for good cause, which means that appropriate consideration has been given to:
The availability of comparable replacement housing in the program or project area;
The resources available to provide comparable replacement housing; and
The individual circumstances of the displaced person, or

- By a determination that:
  - There is little, if any, comparable replacement housing available to displaced persons within an entire program or project area; and, therefore, Housing of Last Resort assistance is necessary for the area as a whole;
  - A program or project cannot be advanced to completion in a timely manner without Housing of Last Resort assistance; and
  - The method selected for providing Housing of Last Resort assistance is cost effective, considering all elements, which contribute to total program or project costs.

ReBuild NC will ensure that in implementing Housing of Last Resort requirements, that costs will be reasonable and determined on a case-by-case basis.

- The ReBuild NC will utilize one of the following methods for providing replacement Housing of Last Resort depending on which method is most cost effective, practicable, and/or expedient include:
  - A replacement housing payment in excess of the limits set in section 2.13. A replacement housing payment under this section will be provided in installments (however, a lump sum payment may be made for a down payment for a purchase of a home).
  - Rehabilitation of and/or additions to an existing replacement dwelling.
  - The construction of a new replacement dwelling.
  - The provision of a direct loan, which requires regular amortization or deferred repayment. The loan may be unsecured or secured by the real property. The loan may bear interest or be interest-free.
  - The relocation and, if necessary, rehabilitation of a dwelling.
  - The purchase of land and/or a replacement dwelling by the displacing Agency and subsequent sale or lease to, or exchange with a displaced person.
  - The removal of barriers for persons with disabilities.

- Under special circumstances, consistent with the definition of a comparable replacement dwelling, modified methods of providing replacement housing of last resort permit consideration of replacement housing based on space and physical characteristics different from those in the displacement dwelling, including upgraded, but smaller replacement housing that is decent, safe, and sanitary and adequate to accommodate individuals or families displaced from marginal or substandard housing with probable functional obsolescence. ReBuild NC will not require a displaced person to move into a dwelling that is not functionally equivalent (see section 2.10).

- ReBuild NC will provide assistance to a displaced person who is not eligible to receive a replacement housing payment because of failure to meet the 90-day length of occupancy requirement when comparable replacement rental housing is not available at rental rates within the displaced person’s financial means. Such assistance will be for a period of 42 months.
2.21 MOVING EXPENSES

Any displaced residential tenant who qualifies as a displaced person, is entitled to a payment for his or her moving and related expenses that are determined to be reasonable and necessary. The displaced person may choose a payment for actual reasonable moving and related expenses, or a fixed payment for moving expenses.

If the tenant selects a fixed moving expense payment, the payment is based upon the number of rooms that must be moved or has been moved by the tenant and the most recent Federal Highway Administration’s fixed moving expense chart (see Table 4 in section 2.21 for rates).

If the tenant elects to receive reimbursement of actual moving expenses, then the URA Specialist will obtain three (3) quotes from moving companies. The lowest quote establishes the maximum amount that the program will pay for the move. The reimbursed amount of the actual moving expense is either the 1) lowest quote obtained by the URA Specialist, or 2) actual reimbursable moving expense; whichever is less.

The other actual move cost option, commercial move option, can be selected for those households who cannot physically perform the packing, loading, moving, and unpacking necessary to move from their current dwelling and are unable to physically carry out their own move. In such cases, the URA Specialist will obtain three local, certified commercial moving company bids in the area within 50 miles of the subject dwelling. The lower of the three bids would be selected. The URA Specialist will be the coordinator of all aspects of the commercial move process, including the scheduling of movers to perform a "walk-thru" with the displaced person to assess the amount of personal property, packing supplies needed, and when the moving services can be provided.

In order for all moving and relocation costs to be reimbursed, the tenant must receive prior approval from the Program, or the tenant may not receive reimbursement.

Eligible Moving and Related Expenses

A displaced person’s actual, reasonable and necessary moving expenses for moving personal property from a dwelling may be determined based on the cost of one, or a combination of the methods: self-move based on actual or fixed moving costs, and/or by a professional (i.e., commercial) mover. For moves from a mobile home, see section 2.22.

Actual moving expenses may include:

- Transportation of the tenant's belongings and tenant's family (up to 50 miles);
- Packing, moving, and unpacking of household goods;
- Disconnecting and reconnecting household appliances and other personal property (e.g. electricity, cable, internet, and phone);
- Storage of household goods (maximum of 12 months, extensions with prior Agency approval for good cause);
- Insurance for the replacement value of the property in connection with the move and necessary storage; and,
- The replacement value of property that is lost, stolen or damaged in the process of moving where insurance covering such losses is not reasonably available.
Reasonable moving expenses for a person with disabilities might cover:

- The cost of moving assistive equipment that is the personal property of the tenant;
- The furnishings and personal belongings of a live-in aide, and/or other reasonable accommodations; and,
- Other reasonable out-of-pocket expenses that are not prohibited.

**Ineligible Moving and Related Expenses**

A displaced person may not claim or receive payment for the following moving and related costs for either residential moves:

- Relocation Expenses Not Pre-approved in writing;
- 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 ReBuild NC;
- Expenses for searching for a replacement dwelling;
- Costs for storage of personal property on real property already owned or leased by the displaced person; and,
- Refundable security and utility deposits.

**Fixed Payment for Moving Expenses**

This payment will be determined according to the applicable Fixed Residential Moving Cost Schedule published by the Federal Highway Administration (FHWA). The allowance reflects the number of rooms in the displacement dwelling (which may include outbuildings), all moving and related expenses, and takes into consideration whether the displaced person owns and must move the furniture. If a room contains an unusually large amount of personal property (e.g., a crowded basement), the Agency may increase the payment accordingly (e.g., count it as two rooms). See FHWA website for cost schedule: https://www.fhwa.dot.gov/real_estate/uniform_act/relocation/moving_cost_schedule.cfm.

<table>
<thead>
<tr>
<th>Table 4: FHWA Fixed Move Schedule</th>
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</thead>
<tbody>
<tr>
<td><strong>Unfurnished Units</strong></td>
</tr>
<tr>
<td>1 Room $550.00</td>
</tr>
<tr>
<td>2 Rooms $750.00</td>
</tr>
<tr>
<td>3 Rooms $1,050.00</td>
</tr>
<tr>
<td>4 Rooms $1,200.00</td>
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<tr>
<td>5 Rooms $1,350.00</td>
</tr>
<tr>
<td>6 Rooms $1,600.00</td>
</tr>
<tr>
<td>7 Rooms $1,700.00</td>
</tr>
<tr>
<td>8 Rooms $1,900.00</td>
</tr>
<tr>
<td>Each Additional Room $150.00</td>
</tr>
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</table>
2.22 RELOCATION OF TENANTS OCCUPYING MHUS

Eligible residential tenants involuntarily displaced either temporarily or permanently by the participation of an MHU owner in a ReBuild NC program will receive relocation assistance. The designation of the MHU as real or personal property is relevant to the owner applicant to a ReBuild NC program but is immaterial when considering the relocation services required for the involuntary relocation of residential rental tenants. The circumstances surrounding the displacement of tenants govern the relocation services that affected tenants will receive.

A displaced MHU tenant-occupant is eligible to receive moving expense payment and replacement housing in the same manner and subject to the same requirements as persons displaced from conventional dwellings. ReBuild NC programs will not result in the involuntary displacement of MHU owners but may result in the involuntary displacement of MHU tenants, where tenants would be entitled to permanent or temporary relocation services, if they meet eligibility requirements in section 2.5. This may occur under the following circumstances:

- **Strategic Buyout Program.** If the MHU property owner voluntarily sells the site (i.e., land) housing an MHU structure, or sells the real property MHU (i.e., site and affixed MHU structure) under the Strategic Buyout Program, any tenant occupant will require permanent relocation.
  - If the tenant rents the land and the structure, or only the structure, and meets URA eligibility criteria, they will be entitled to URA advisory services described in section 2.8 (including the provision of one to three comparable replacement housing dwellings, etc.) and relocation assistance (coverage of actual or fixed moving expense, utility connection expenses, replacement housing payments, etc.) as described in section 2.22.
  - In determining the replacement housing payment, ReBuild NC will also consider whether the displaced mobile home tenant elects to purchase a replacement mobile home and rent a replacement site, rent a replacement mobile home and purchase a replacement site, purchase both a replacement mobile home and replacement site, rent both a replacement mobile home and site, or rent a conventional functionally equivalent unit/dwelling. In such cases, the total replacement housing payment shall consist of a payment for a dwelling and a payment for a site, each computed under the applicable requirements in 49 CFR 24.402.

- **Homeowner Recovery Program and Small Rental Recovery Program.** If the MHU property owner participates in the rehabilitation, elevation or replacement of the MHU that is occupied by a tenant, the tenant occupant may be required to temporarily relocate.
  - If the tenant rents the land and the structure, or just all or part of the structure, and meets URA eligibility criteria, the tenant will be entitled to temporary relocation advisory services and benefits including referral to temporary housing, reimbursement for moving expenses from the site and to return to the site; storage expense, if applicable; replacement housing payments, if applicable; utility connection services to and from the displacement dwelling, etc. (see section 4.0 on Temporary Relocation).
  - If the return to the original site is infeasible because of revision in unit size, changes in tenant household composition, or other reason, or if temporary relocation exceeds twelve months, the tenant shall be offered permanent relocation assistance under URA (see section 3).
ReBuild NC does not involuntarily displace MHU owners and does not move MHU structures, purchase replacement sites for MHUs, or provide infrastructure utilities for MHUs at replacement housing sites.

2.23 CLAIMS

Documentation for Filing a Claim

Any claim for a relocation payment must be supported by such documentation as may be reasonably required to support expenses incurred, such as bills, certified prices, appraisals, or other evidence of such expenses. A displaced person must be provided reasonable assistance necessary to complete and file any required claim for payment.

Deadline for Filing a Claim

Relocation assistance claims must be filed with ReBuild NC no later than 18 months after the date the tenant was displaced. On a case-by-case basis, for good cause, ReBuild NC may extend any time limit specified for: (1) The filing of a claim or (2) occupying a replacement dwelling in order to qualify for a replacement housing payment. ReBuild NC will document the basis for denying a person's request for an extension of such time limits and provide the determination in writing to the person requesting the extension and how to appeal the determination.

Notice of Denial of Claim

If ReBuild NC disapproves all or part of a payment claimed or refuses to consider the claim on its merits because of untimely filing or other grounds, it shall promptly notify the claimant in writing of its determination, the basis for its determination, and the procedures for appealing that determination.

Claim Forms for Assistance

Based upon documentation provided by the tenant, the URA Specialist should prepare the following claim forms for assistance on behalf of the tenant.

- “Claim for Rental Assistance or Down-payment Assistance”
- “Residential Claim for Moving and Related Expenses”

Supplemental to the HUD Claim Forms for assistance, the following additional forms must be prepared and obtained by the URA Specialist:

- “Electronic Payment Request Form” for the tenant, if applicable
- “Electronic Payment Request Form” for the landlord, if applicable
- North Carolina Substitute W-9 Taxpayer ID Form (must be completed by all displaced persons and vendors)
- “Subrogation Disclosure and Assignment Agreement”

The HUD form 40058 “Claim for Rental Assistance or Down Payment Assistance” must be accompanied by copies of the pre-relocation lease and one of the following:

- Lease for the Tenant’s post-relocation unit, or
- HUD-1 form showing the purchase price of the replacement dwelling, or
- Sales contract for a replacement dwelling. In addition, print outs showing the average monthly utilities for each unit must also be attached as these costs are the basis for the calculation of the
tenant’s Replacement Housing Payment (RHP) (i.e. the difference between rent and utilities at the pre-relocation unit and the temporary unit).

The HUD Form 40054 “Residential Claim for Moving and Related Expenses,” is based upon actual expenses, should be accompanied by three (3) quotes from moving companies, proof of the actual expenses incurred by the tenants (bill from the moving company), and paid invoice or canceled check.

In addition to the claim forms for assistance, the tenant will also need to complete and sign the NC Controller Electronic Payment Request Form (if preferred) for NCORR to directly deposit the relocation funds into the tenant’s bank account. Any rental payments will be made directly to the landlord of the temporary dwelling unit. A Substitute W-9 must be completed and signed by the displaced person and the landlord in order to receive payments.

The NCORR Assignment of Payment Form is required to be completed and signed by the displaced person. This form authorizes the Program to make payments directly to the displaced person, a third-party vendor, or services on the displaced person’s behalf during the relocation process.

All supporting documents used to complete the HUD Claim forms must be submitted as part of the request for payment and signed by the displaced person. Supporting documents can be receipts for reimbursement to the property owner or tenant; invoices for payment of moving costs, third-party vendors, and provider of relocation services. Tenants and owners must complete a Substitute W9 Request for Taxpayer ID issued by the North Carolina Office of Comptroller.

2.24 DISBURSING RENTAL ASSISTANCE

Manner of Disbursing Rental Assistance

Relocation assistance payments for residential tenants who are displaced for HUD projects are subject to 42 USC Sec. 3537c 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 (1) or (2). Whenever the payment is made in installments, the full amount of the approved payment shall be disbursed in regular installments, whether or not there is any later change in the person's income or rent, or in the condition or location of the person's housing.

The rental assistance payments will be made directly to the displaced tenant. The frequency of such payments will be provided to the tenant in writing in the eligibility notice. However, if not paid monthly, in accordance with HUD recommendations, there will be no less than three installment payments, except when the rental assistance payment is $500 or less. Where the rental assistance payment is $500 or less, the payment will be made in two installments with no less than a four-month interval between payments.

Deductions From Relocation Payments

ReBuild NC will deduct the amount of any advance relocation payment from the relocation payment(s) to which a displaced person is otherwise entitled. In addition, ReBuild NC will not withhold any part of a relocation payment to a displaced person to satisfy an obligation to any other creditor.
Expeditious Payment
ReBuild NC will review claims in an expeditious manner. The claimant shall be promptly notified as to any additional documentation that is required to support the claim. Payment for a claim will be made as soon as feasible following receipt of sufficient documentation to support the claim.

Advanced Payments
If a person demonstrates the need for an advanced relocation payment in order to avoid or reduce a hardship, the ReBuild NC will issue the payment, subject to such safeguards as are appropriate to ensure that the objective of the payment is accomplished.

Conversion of Payment to Down Payment
A displaced person, who initially rents a replacement dwelling and receives rental assistance payment (see sections 2.13.-2.15) may later purchase a replacement dwelling. The remaining rental assistance payment may be converted to a down payment if the eligibility criteria are met for such payment, including purchase and occupancy within the prescribed 1-year period (see section 2.5). The amount of the purchase assistance payment will be the amount calculated under section 2.15, minus any portion of the rental assistance that has already been disbursed. The entire purchase assistance payment must be applied, at closing, to the purchase of a decent, safe and sanitary replacement dwelling. (NOTE: In the event the displaced person purchases a decent, safe and sanitary replacement prior to converting his/her rental assistance payment to purchase assistance, the entire amount must be used to reduce the outstanding mortgage balance.)

Payment after Death
A replacement housing payment is personal to the displaced person and upon his or her death the undisbursed portion of any such payment shall not be paid to the heirs or assigns, except that:
1. The amount attributable to the displaced person’s period of actual occupancy of the replacement housing will be paid.
2. Any remaining payment shall be disbursed to the remaining family members of the displaced household in any case in which a member of a displaced family dies.
3. Any portion of a replacement housing payment necessary to satisfy the legal obligation of an estate in connection with the selection of a replacement dwelling by or on behalf of a deceased person shall be disbursed to the estate.

Tenant Acknowledgement of Relocation Payments
Once the final payment request has been submitted, the URA Specialist should prepare a Relocation Assistance Acknowledgement Form that lists all relocation expense payments and the total of those payments. The signed form should be uploaded into Salesforce.

2.25 SYSTEM OF RECORD
URA Specialists will track and record all tenant files, relocation payments, notices, supporting documentation, and actions in the system of record, Salesforce.
2.26 TENANT APPEALS
This section refers to the rights of tenants to appeal. The rights of ReBuild NC applicants to appeal are covered under the respective program manual for which that applicant applied.

All tenants will have an opportunity to file an appeal in accordance with the URA regulations at 49 CFR 24.10 and the ReBuild NC Appeals Policy. For tenants with potential communication barriers, including limited English proficiency, or who otherwise require reasonable accommodation in preparing an appeal, the ReBuild NC Program shall provide such assistance directly or through an appropriate third party at no cost to the tenant.

Relocation Appeals Process Under the URA
Tenants may file a written appeal related to any determination made by a ReBuild NC program that affects their eligibility or the assistance they may receive. The tenant’s acceptance of the amount offered to them by the program does not limit their right to appeal the program determination regarding the amount of relocation assistance. However, NCORR does not have the authority to grant an appeal of statutory or HUD-specified Community Development Block Grant-Disaster Recovery (CDBG-DR) or CDBG-Mitigation (MIT) Program requirements; therefore, any appeal request that involves these mandatory requirements will not be considered.

The appeals process is a progressive system of review. Once an appeal is ready for review and all appeal documentation is received, appeals will be reviewed in the order received. The Level I Appeals Committee reviews a Level I appeal. If a person is not satisfied with the decision, they may file a Level II appeal.

Persons Advised of Appeal Procedures
URA Specialists are responsible for informing tenants of the appeals process. A copy of the appeal procedures will be provided to tenants when they receive a determination of eligibility and when assistance is received, or at an earlier point in the process if feasible. Upon receipt, tenants will be required to certify that they received the appeal procedures that describe the process for filing an appeal.

Appeal Requests
Tenants submitting an appeal under the URA have 60 days to appeal from the date they received a written notification or determination from a ReBuild NC of program regarding URA or relocation service eligibility, benefits, services, program performance, amounts or payments, or determination of the person’s claim. All requests for appeals must be submitted to the ReBuild NC Program in writing (but may be in any format).

Acknowledging Appeal Requests
The ReBuild NC Program will acknowledge the Applicant’s request for appeal in writing within fifteen (15) working days of receipt.

Appeal Readiness for Appeals Committee Review
In order for an appeal to be considered necessary documentation must be available for review. If additional documentation is needed, the ReBuild NC Program will contact the tenant. The necessary documentation must be submitted to the ReBuild NC Program to allow time for a complete review.
**Timeframe for Appeal Determinations**
A determination on the appeal will be made within thirty (30) calendar days of an appeal’s readiness for review. The determination will be documented and sent to the person requesting the appeal in writing. If additional time is required to make an appeal determination, the Program will notify the tenant of the updated timeframe in writing.

**Response to the Appeal Determination**
The tenant will be asked to review the appeal determination and provide one of the following responses in writing within thirty (30) calendar days of the date of the appeal determination letter: an acceptance of the decision, an appeal of the decision, a request for more information/a consultation, or withdrawal from the program. If the tenant does not respond to the determination letter within thirty (30) calendar days, the appeal determination will be considered final. The appeal determination letter sent to the tenant will also contain the process for pursuing the next level in the appeal process if the tenant chooses to pursue a Level II appeal.

**Tracking Appeals**
The ReBuild NC Program will track appeals in the NCORR system of record. Program staff will monitor appeal decisions, the impact of appeal determinations on program policies, and appeal process timeframes to ensure that the ReBuild NC Program adheres to scheduled timeframes.

**Appeal Process**
The Level I Appeals Committee will consider initial appeals. A ReBuild NC Program representative will provide the Level I Appeals Committee with all relevant appeal documentation for consideration prior to any meeting to consider the appeal. The tenant requesting an appeal has the right to be represented by legal counsel or other representative in connection with his or her appeal, but solely at the displaced person’s own expense. The tenant will be allowed to review and copy materials that are relevant to the appeal during normal business hours with a prior appointment, except for those that may be considered confidential.

Once a determination has been made, the ReBuild NC Program representative will document the Level I Appeals Committee’s decision, enter information into the system of record and provide a written appeal determination to the tenant, including an explanation of the basis upon which the decision was made. Program staff will then take further appropriate action to implement the decision, if needed. Appeal determinations shall be consistent with the policies and procedures contained within the relevant HUD approved ReBuild NC action plans, federal regulations, and ReBuild NC Program policy manuals.

If a tenant is not satisfied with the Level I appeal determination made by the Level I Appeals Committee, the Applicant may request a Level II appeal. A Level II appeal is reviewed by the NCORR managed Level II Appeals Committee as NCORR was separate and apart from the action(s) resulting in appeal. The Level II Appeals Committee consists of various leadership from NCORR designated by the head of the agency. The tenant requesting an appeal has the right to be represented by legal counsel or other representative in connection with his or her appeal, but solely at the displaced person’s own expense. The tenant will be allowed to review and copy materials that are relevant to the appeal during normal business hours with a prior appointment, except for those that may be considered confidential. A
determination will be made after consideration of all relevant information on the situation and provided by the tenant. The determination shall be made within thirty days of appeal readiness. The tenant will be notified in writing of the appeal decision including an explanation of the basis upon which the decision was made. If the appeal request is denied in part or in full, the tenant will be informed in writing that they may seek judicial review of ReBuild NC’s determination.

Requests for an Extension to Appeal
Appeal requests concerning relocation eligibility or benefits may request an extension of thirty (30) calendar days by submitting a written request for an extension within sixty (60) calendar days of the receipt of the determination letter. The extension requested may not exceed thirty (30) calendar days.

All requests for an extension must be in writing and include the reason for the extension. The following limitations for appeal extensions apply:

For appeals regarding relocation eligibility or benefits, no more than two extensions for a total of one hundred twenty (120) calendar days (which includes the initial sixty (60) days to file an appeal from the receipt of a determination and thirty (30) days per approved extension request) will be approved by the ReBuild NC Program.

Voluntary Withdrawal of the Appeal
A displaced tenant may decide to voluntarily withdraw their appeal request at any time prior to when a final appeal determination is made. The displaced person will be required to submit their request for withdrawal in writing.

All written appeals and withdrawal of appeals may be dropped off at a ReBuild NC Center or mailed to:
ReBuild NC URA Appeals Team
North Carolina Office of Recovery and Resiliency (NCORR)
PO Box 110465
Durham, North Carolina 27709

2.27 PREVENTION OF FRAUD, WASTE AND MISMANAGEMENT
ReBuild NC will follow its Fraud, Waste, and Abuse (FWA) Policy in administering relocation benefits described in this manual. The Program will take appropriate measures to carry out acquisition, rehabilitation, and relocation efforts in a manner that minimizes fraud, waste, and mismanagement. Fraud generally involves deception through the misrepresentation or omission of material facts for the purpose of illegitimate gain. ReBuild NC programs are monitored for compliance with the FWA Policy, and are held to the principles, monitoring, and internal control policies and procedures as provided in ReBuild NC’s Policy. The FWA policy to prevent or identify fraud, waste and abuse is implemented through programmatic checks and tasks, including but not limited to the following:

- Tenant Identification check.
- Required government-issued documentation to determine tenant identity.
- Certification requirement to meet lawfully present eligibility criteria.
- DOB/VOB analyses.
• Conducting third-party verification of disaster assistance, to ensure that the CDBG-DR and/or CDBG-MIT funding is not provided twice for the same activity as that would be a duplication of assistance already provided.

• Instances of fraud will be reported to the proper authorities including the HUD Office of the Regional Inspector General.

Notices to program applicants and potential URA recipients regarding benefits and payments will carry this warning statement as required by regulations:

Warning: Any person who knowingly makes a false claim or statement to HUD may be subject to civil or criminal penalties under 18 U.S.C. 287, 1001 and 31 U.S.C. 3729.
3.0 URA for ReBuild NC Program Tenants

ReBuild NC expects that permanent relocation will be performed under its Strategic Buyout Program. However, it is possible that the temporary relocation provided under Homeowner Recovery Program, Small Rental Recovery Program or other ReBuild NC Programs could become permanent relocation if the relocation timeframe extends beyond twelve months, if the property converts in size or cannot accommodate the returning tenant, or for other reasons. Therefore, this process applies to any CDBG-DR or CDBG-MIT funded program should permanent relocation be required.

Permanent residential relocation involves the following basic activities under all ReBuild NC programs, which is also illustrated in Figure 3.

Figure 3: Overview of the URA Process for Permanent Relocation

When an owner applicant completes a ReBuild NC application, they will disclose whether there are tenants in their property. Failure to disclose the presence of a tenant may disqualify an owner from participation in the ReBuild NC program. Upon identification of a tenant who will be permanently displaced, the URA Team will contact the tenant to make an appointment or begin the intake process. All documents provided to tenants for permanent relocation may be found in the URA Permanent Relocation standard operating procedures. The property owner will be provided a copy of all documents issued to tenants so that all parties are informed.

If the applicant property owner owns a vacant rental unit, they will provide a Move-In Notice to any prospective tenant who is interested in occupying the property (see section 2.7). Prior to the prospective
tenant signing the lease, the applicant property owner must return a Move-In Notice Acknowledgement form signed by the prospective tenant to ReBuild NC promptly. If the landlord fails to notify ReBuild NC that a new tenant has moved in, the landlord may be required to pay URA benefits to the tenant at NCORR’s discretion.

During the tenant intake process, the URA Specialist will gather information from the tenant that will start the process of advisory services (see section 2.8 for more information). The URA Specialist will find out what size unit the household needs, where the tenants work, and other relevant information that will assist the URA Specialist in finding comparable replacement dwellings and collecting data for the rental assistance payment analysis. The URA Specialist will also collect demographic and income information on the displaced household. During the interview, the URA Specialist will also collect eligibility information on the tenant household to determine whether the household meets the lawful occupant and lawfully present eligibility criteria (see section 2.5 for more information).

As it relates to the Strategic Buyout Program, once the owner-applicant accepts the Program’s Initial Offer Package, the date of the Initiation of Negotiations (ION) is established. Once the ION is established, the ReBuild NC Program will notify the tenant that they are eligible for URA relocation assistance under URA by providing the tenant with a Notice of Relocation Eligibility (NOE; see section 2.7 for more information).

If the owner applicant withdraws their application voluntarily or involuntarily, or does not accept the Programs’ Initial Offer, the tenant will be sent a Notice of Non-Displacement - Permanent Relocation Not Required, indicating that they are not entitled to URA relocation benefits because they will not be displaced by program activities.

When the program issues a NOE to the tenant, it will describe the available relocation assistance, the estimated amount of assistance based on the tenant’s individual circumstances and needs, and the procedures for submitting a claim and obtaining the assistance. Any disaster assistance received for Hurricanes Matthew or Florence, as applicable, will be reviewed and the amount may be deducted from the rental assistance payment amounts if considered to be a duplication of benefits. Prior to receiving this letter, the URA Specialist will be:

- Locating comparable units for the tenant to view (see section 2.10) and ensuring that a decent, safe and sanitary inspection is done, preferably before the tenant views the dwelling, and before they occupy the dwelling (see section 2.11). If the dwelling does not meet the DSS standards and there is sufficient time for upgrade, the unit may be inspected again to determine if it will pass the DSS inspection. If there is insufficient time for repair or upgrade, another comparable dwelling must be found.
  - Calculating the rental assistance payment (or down payment) (see section 2.15).
  - Informing the tenant of the reimbursement process for moving and related expenses, including utility connections (see section 2.17).
- The ReBuild NC Program will provide a tenant with a 90-Day Notice to vacate the premises. This notice may be issued concurrently with the NOE, as a combined notice with the NOE or after the NOE depending on program and tenant circumstances. The 90-day period cannot begin until the person is offered a comparable replacement dwelling.
The URA Specialist will assist the tenant in filling out the claim forms and NCORR will make payment.

**Tenant Withdrawal or Refusal of URA Assistance Process (Opt-Out Process)**
ReBuild NC will not request or coerce a displaced person to waive his/her rights under the URA. Tenants who are not interested in receiving relocation payments or services can elect to withdraw or “opt-out” of URA assistance. The displaced person may decide not to file a claim for some or all payments or refuse to execute written documentation required by the program. Alternatively, the tenant may choose to opt-out by completing the relevant ReBuild NC Program form. In both cases, the ReBuild NC Program will provide the tenant with a description of the specific services and payments (including amounts) that the tenant would be entitled to. The tenant must identify in writing which assistance or payments that they choose not to accept.

In order for the tenant to select this option the tenant must:
- Acknowledge receipt of the GIN;
- Acknowledgement of advisory services/benefits or Notice of Relocation Eligibility (if issued); and
- Fully understand the amount and type of relocation benefits they are entitled to receive, as documented by their signing of the Program’s Opt-Out form.
4.0 Temporary Residential Relocation for ReBuild NC Program Tenants

Temporary relocation is not covered by URA regulation, but it is mandated by HUD policy as indicated in the *HUD Handbook 1378: Tenant Assistance, Relocation and Real Property Acquisition*. Temporary relocation involves the following basic activities under temporary ReBuild NC programs, such as the Homeowner Recovery Program, illustrated in Figure 4 below.

**Figure 4: Overview of Temporary Location Process**

Tenants residing in NCORR properties are eligible for temporary relocation assistance if they must move temporarily (less than 12 months) during a ReBuild NC project or program involving reconstruction, rehabilitation, reconstruction, or elevation. In these cases, program activities will be planned and carried out in a manner that minimizes any hardships for households residing in storm-damaged properties. To ensure that tenants are provided with all necessary assistance, URA Specialists will assess the household needs of those being temporarily relocated to provide relocation assistance established under the URA. Relocation services will include:

- timely program notifications;
- reasonable advance notice of the move;
- necessary referral to available rental units, hotels, or extended stay facilities;
- moving payments;
- reimbursement for utility disconnection and reconnection;
- reimbursement for the transfer of phone, internet, cable, and temporary storage; and
- reimbursement for any increased cost of the temporary dwelling unit (as needed).
All temporary units must also be up to local building codes, be suitable in nature to the displaced person’s current dwelling, and must be decent, safe, and sanitary (DSS).

4.1 TIMEFRAME FOR ELIGIBILITY OF TENANTS FOR TEMPORARY RELOCATION
Tenants will be given a minimum of thirty (30) days notice of the required relocation date. The length of time for temporary relocation will be determined by the scope of work and will be communicated to the tenant for planning purposes and coordination of their move. If a tenant’s temporary relocation exceeds 12 months, the URA Specialist will contact the tenant to offer permanent relocation assistance. Such tenants may be given the opportunity to choose to continue to remain temporarily relocated for an agreed to period (based on new information about when they can return to the displacement unit), choose to permanently relocate to the unit which has been their temporary unit, if feasible, and/or choose to permanently relocate elsewhere with URA assistance.

All displaced households will be notified in writing regarding returning to their unit once the unit is confirmed to have passed an NCORR final inspection for the repaired, rehabilitated, or reconstructed unit. Once the final inspection has been passed, the URA Specialist will notify the tenant that they can return home with a Return Home Notice giving the displaced household a reasonable timeframe to move and re-occupy the rehabilitated/reconstructed unit.

This timeframe will generally coincide with the terms of the lease at the temporary unit. However, in no case shall the timeframe for return to the rehabilitated or reconstructed unit or development exceed 30 days from notification to return unless there are extenuating circumstances approved by the program in advance. In addition, it is the responsibility of the tenant to move within the allotted timeframes, clean the temporary unit, and return all keys to the landlord. The program will not be responsible for additional rental payments if the tenant fails to vacate the rental property in the time allotted.

A displaced person is not entitled to payment for refundable security and utility deposits. If the timeframe for a temporary relocation is extended due to the failure of the contractor to complete the work within the prescribed timeframe, the program will advise the tenant and work with the landlord at the temporary unit to extend the lease or rental agreement and pay for additional costs.

4.2 ADVISORY SERVICES FOR TEMPORARY RELOCATION
Advisory services ensure that the Program understands the needs of persons being temporarily relocated, provide an explanation of available relocation assistance, and explain the right to appeal to tenants are not satisfied with ReBuild NC Program determinations.

Specific advisory services may include such measures, facilities, and services as necessary and appropriate for the program and beneficiary (see section 2.8 of this document for more information.) Examples of advisory services include, but are not limited to:

- Communication including an explanation of temporary relocation requirements
- Personal Interviews to objectively assess tenant’s specific needs (unit size, location, accessibility, pets, etc.)
- Referrals for housing counseling
• Temporary unit move-in and move-out Inspections to ensure decent, safe, and sanitary (DSS) housing
• Claims and reimbursement policies and procedures that are timely and fair
• Appeal procedures explained
• Assistance with filing claims and appeals may be provided

4.3 TEMPORARY RELOCATION PAYMENT GENERAL GUIDANCE
Temporary relocation payments include reimbursement for all reasonable and necessary out-of-pocket expenses related to the move to and from the temporary replacement location. All costs must be pre-approved by the Program in order to be fully reimbursed. There is no ceiling limit on the reimbursable costs for all reasonable and necessary out-of-pocket expenses.

Expenses are highlighted in sections 2.17 and 2.21 and can include:
• Moving cost for necessary personal belongings including pets
• Storage
• Packing and unpacking
• Increased rent at a temporary location
• Disconnection and reconnection of necessary utilities, i.e., water, sewer, gas, and electricity
• Transfer costs for phone, cable, internet

4.4 COORDINATION OF TEMPORARY RELOCATION
ReBuild NC will ensure that construction start dates are carefully coordinated with the tenant and that the tenant has received the following notices:
• General Information Notice (GIN)
• Notice of Non-Displacement-Temporary Relocation Required
• Appeals Procedures
• Notice of Eligibility for Temporary Relocation Assistance
• 30-Day Notice to Vacate Temporary Relocation
• Return Home Notice

A signed tenant acknowledgment or certified mail receipt should be uploaded into Salesforce for each notice.

4.5 FRIENDS AND FAMILY RENTAL AGREEMENT
The tenant may propose to relocate to a dwelling owned or rented by family or a friend, instead of relocating to a location identified by the Program. In general, this option is allowable however rental payments and reimbursements are required to be reasonable and consistent with the guidelines in this Manual. In order to be approved by the Program, the Friends and Family housing must meet decent, safe and sanitary (DSS) standards. To ensure such standards, ReBuild NC is required to inspect the selected home to determine that it is decent, safe and sanitary before approving the relocation. All reasonable qualified out-of-pocket expenses incurred in connection with the temporary relocation, such as moving expenses and increased housing costs, shall be reimbursed to the tenant. However, a signed, notarized agreement between the tenant and the landlord/family/friend must be submitted to the Program for this arrangement to be eligible for reimbursement. If this relocation option is selected as a temporary relocation dwelling, the rental assistance payment will be one-half of the fair market rent for the area in
which the unit is located. If this relocation is selected as a permanent relocation option dwelling, the relocation assistance will be based on the comparable replacement housing discussed above in section 2.10

### 4.6 RETURN NOTICES AND POST-RELOCATION LEASE

Once a completion date for the pre-relocation dwelling has been established, the URA Specialist will draft a notice to return home for the tenant notifying them that they will be able to return to the unit (specifying the date of their return) and the termination date of the temporary relocation lease. In addition, the URA Specialist will contact the landlord of the pre-relocation dwelling and request the submittal of a post-relocation lease for review and distribution to the tenant. If possible, the notice to return home and post-relocation lease will be provided at the same time to the tenant. The tenant should sign a receipt for the notice and post-relocation lease.

Prior to providing the “post relocation lease” to the tenant, the URA Specialist must compare the pre-relocation lease with the post-relocation lease to ensure that the terms are consistent, and the rent was not unreasonably increased. A tenant should not be “unreasonably rent burdened” due to a ReBuild NC funded project. Typically, a household should not pay more than 30% of monthly income for rent (base rent plus tenant paid utilities), post rehabilitation. The URA Specialist will review the terms of the post-relocation lease. Once reviewed and properly executed (signed), the return home notice, post relocation lease, and tenant acknowledgment of these documents should be uploaded into Salesforce.

### 4.7 TENANT ACKNOWLEDGEMENT OF URA RELOCATION PAYMENTS

Once a notice to return home and a post relocation lease has been acknowledged by the tenant, the URA Specialist will prepare a relocation assistance acknowledgement form that lists all relocation expense payments (including final moving expenses) and the total of those payments. This form shall be presented to the tenant and signed at the same time that the tenant signs the HUD form *Residential Claim for Moving and Related Expenses*. The *Residential Claim for Moving and Related Expenses* Form should not be submitted to NCORR for payment until the following documents have been received, reviewed, and acknowledged by the tenant:

- *Return Home Notice*
- *Post-Relocation Lease Agreement*
- *Relocation Assistance Acknowledgement Form*

All properly executed and acknowledged notices, forms and signed receipts will be uploaded into Salesforce.
5.0 Responsibilities for NCORR, Owner Applicants, and Tenants

5.1 NCORR RESPONSIBILITIES
ReBuild NC programs and any of their subrecipients conducting a project or activity that fall under the URA or HUD relocation requirements, must carry out all the required activities to assist affected displaced tenants including the provision of relocation advisory services and payment of eligible relocation expenses. ReBuild NC programs and subrecipients will plan accordingly to ensure that adequate time, funding and staffing are available to carry out these responsibilities. As such, it is the responsibility of ReBuild NC that proper procedures and staffing are established to carry out all the requirements stated in this Manual, as well as ensuring that Program staff is well versed in the Department of Housing and Urban Development’s Handbook 1378 (Tenant Assistance, Relocation, and Real Property Acquisition), 49 CFR Part 24, and 24 CFR 92.353.

5.2 PROPERTY OWNER RESPONSIBILITIES FOR ALL PROGRAMS
In some cases, the property owner or landlord may be the direct Applicant to the ReBuild NC Program triggering relocation under the URA for tenants. In such cases, for the purposes of meeting relocation requirements, any property owner who rents out space, whether an apartment, house, or even a room is considered a “landlord.” Landlords will be provided with a fact sheet that outlines their responsibilities. The landlord is required to inform the program of the status of his/her rental units and to provide tenant information on the application to a ReBuild NC program. When rental units are occupied, the landlord is responsible for informing the Program team that they have tenants on the property currently, which will indicate to the program that relocation services are needed. If a unit is vacant and the landlord intends to rent the space the landlord is required to provide a Move-In Notice to the potential tenant and obtain the tenant’s approval of the notice before the tenant signs the lease or moves into the property. The landlord is also responsible for informing the program that a tenant moved in and providing a copy of the approved move-in notice.

Failure by the landlord to provide a Move-in Notice as required may result in either the landlord being determined ineligible for the program and/or being held responsible for the costs associated with the tenant receiving full URA benefits (see section 2.7). Once the program is aware of the presence of a tenant, the program will provide the tenant with a General Information Notice (GIN) that informs the tenant that they may be required to move, that they may be entitled to benefits, and not to move without contacting the program, as they may lose potential benefits if they move. Therefore, if a unit is vacated, the landlord must immediately inform the program.

Once URA Specialists are aware of the presence of tenants in the property and a GIN is provided as soon as feasible in a ReBuild NC program, the URA Specialist will schedule an interview with each tenant to obtain the following information:
- Name(s) of tenant
- Mailing address
- Contact phone number
• Rental lease or rental information including monthly rent, utility information and deposit information
• Family composition

If temporary or permanent displacement is planned and URA Payments to the tenant are required, the property owner may be held responsible for the cost of relocation benefits if it is determined that the property owner knowingly violated program rules and purposefully caused the displacement. Failure to comply with the URA requirements may disqualify applicant from receiving assistance from the Program or place them in a status where they may have to pay back any assistance they received.

5.3 TENANT RESPONSIBILITIES FOR ALL PROGRAMS
As previously defined, any person(s) who legally occupies the owner applicant’s property that receives assistance through a ReBuild NC Program is a “tenant” for the purposes of this document. Tenants are potentially eligible for relocation services when the property they occupy becomes eligible for CDBG-DR or CDBG-MIT funded activity that will require the tenant to leave the property for either a temporary or permanent period of time.

The basic responsibility of tenants is to provide the information needed by the program and to inform the program of any changes to their income, family composition, housing needs, if they intend to move and other critical information needed for relocation planning. ReBuild NC is aware to how disruptive a move may be for a household and will work with tenants to make any required move, whether temporary or permanent, as seamless and as trouble-free as possible.

The ReBuild NC program will provide a General Information Notice (GIN) to tenants as soon as feasible in a ReBuild NC Program process, after the landlord completes their application to the program. Tenants who plan to move must immediately notify the program. Tenants will again be advised that they should not move from the property until completing the URA relocation intake process and being provided with advisory services. While the URA process determinations and advisory services are in progress, the tenant must also continue to pay rent and otherwise comply with the terms of their lease or rental agreement.

The ReBuild NC Program will inform tenants in writing when they are determined eligible for URA benefits for permanent moves and relocation benefits for temporary moves and the potential services and payments they may receive. Once tenants are determined to be eligible for relocation assistance, they are provided housing advisory services by the URA Specialist to assess temporary or permanent relocation needs/levels of assistance, provide opportunities to select replacement dwellings, describe how to receive payments for moving and other eligible expenses, describe individual rights under the Fair Housing Law, and methods in which to locate suitable replacement housing.

When permanent relocation is necessary, as part of the advisory services, tenants are provided with one to three potential replacement dwellings that are available and affordable. These units will be adequate in size and nature to the dwelling the household is being displaced from and will also meet the current needs of the household. Tenants may also find and select a replacement dwelling of their choice as long as it meets Decent, Safe, and Sanitary (DSS) standards.
For temporary relocation, the program will make every effort to provide a temporary dwelling that meets the needs of the household. Generally, the tenant will have the opportunity to return to the property to a rehabilitated/reconstructed rental unit. The rent is required to be reasonable when the tenant returns to the property. If returning to the property is not an option, the relocation will be considered a permanent move under URA and the program will provide one to three comparable dwelling units as replacement housing as noted in the preceding paragraph.

When relocation is needed, the ReBuild NC program will ensure that an adequately sized rental unit is found as a replacement dwelling for the tenant household. The program will ensure that the replacement dwelling meets the decent, safe, and sanitary inspection and that the family is not under-housed. Many costs associated with relocation are reimbursed to the tenant under URA. However, rental unit security deposit and other deposits such as utility deposits must be provided by the tenant. Tenants must also work closely with their URA Specialist in order to assure a successful relocation. They must:

- Provide current and accurate contact information to the URA Specialist
- Provide estimates or quotes of costs for reimbursement such as moving costs which must be pre-approved by the program or the costs will not be reimbursed.
- Complete documentation in a timely manner for which reimbursement is requested (not required for fixed-move payments)
- Complete claim forms in a timely manner
- Rent or purchase a replacement dwelling if permanently displaced within one year of their move and file a claim within 18 months of their move.

Should a tenant choose to opt-out of receiving some or all of URA or relocation benefits, the tenant is required to notify the program (see section 3 for more information).

Finally, no person involuntarily displaced by CDBG-DR or CDBG-MIT funded program activities are discriminated against. All displaced persons are equally provided information, counseling, referrals, and relocation services. In addition, no person is to be displaced or discriminated against because of age, race, color, religion, sex, disability status, familial status, or national origin.

5.4 VIOLATIONS
Tenants who violate the terms of their lease agreement, which may cause eviction, will be issued a “Modified General Information Notice” (GIN) to notify the tenant that failure to cure their lease violation may result in the loss of relocation assistance.

5.5 TENANT POWER OF ATTORNEY AND COMMUNICATION DESIGNEE
In some cases, tenants may designate another person to be their advocate, ask questions on their behalf or to make decisions on their behalf. ReBuild NC may require that the tenant provides a signed Power of Attorney or Communication Designee form depending upon the level of authority the tenant is giving the designated person. All Program and URA staff must check the tenant’s file in Salesforce for a POA or Communication Designee form prior to discussing the case with any person other than the tenant.
Power of Attorney (POA)
Tenants may have circumstances that require an appointment of an individual (agent) as Power of Attorney (POA), which gives another person the authority to act on their behalf in specified or all legal or financial matters. The person receiving the power of attorney (agent) is the "attorney in fact" for the person giving the power. Any tenant or their agent may submit a signed and notarized POA which allows the agent the right to act in the same capacity as the tenant for all actions related to the application.

A POA generally is terminated when the principal dies or becomes incompetent, but the principal can revoke the power of attorney at any time.

Tenant Communication Designee
NCORR understands there may be circumstances when a tenant may prefer another individual to be able to assist with obtaining information, status updates, and as a secondary contact.

Each tenant can designate a third party to communicate with the Program on their behalf by completing a Communication Designee Form. A communication designee is authorized to make inquiries with the Program regarding the status of the tenant’s relocation status. Communication designees are not authorized to sign documents or affidavits, nor make decisions on behalf of the tenant unless he or she also has Power of Attorney. Communication designees must have the identification information necessary to prove their identity in their possession at all times.

5.6 Tenant Communications and Personally Identifiable Information
It is important that all ReBuild NC staff protect the applicant’s and tenant’s personally identifiable information (PII) and privacy at all times. NCORR is committed to protecting the privacy of all individual stakeholders, including applicants, tenants, the public, and those individuals working on the Program. This section establishes when and under what conditions certain information relating to individuals may be disclosed.

The information collected from applicants and tenants may contain personally identifiable information on individuals that are covered by the Federal Privacy Act of 1974, as well as applicable state laws. These laws provide for confidentiality and restrict the disclosure of confidential and personal information. Unauthorized disclosure of such personal information may result in personal liability with civil and criminal penalties. The personally identifiable information collected should only be used for the following limited official purposes:

- Program staff may use personally identifiable information throughout the URA determination and closeout process to ensure compliance with Program requirements, reduce errors, and mitigate fraud, waste, and abuse.
- Independent auditors, when hired by the Program to perform a financial or programmatic audit of the Program may use personally identifiable information in determining program compliance with all applicable HUD and federal regulations, including the Stafford Act, CDBG-DR and CDBG-MIT requirements and State and local law.
- NCORR may disclose personally identifiable information of applicant and/or tenant to those with duly authorized power of attorney for the applicant or tenant for whom the applicant or tenant has provided written consent to do so.
• Organizations assisting the Program in executing the CDBG-DR and CDBG-MIT Program must comply with all federal and state law enforcement and auditing requests. This includes, but is not limited to HUD, FEMA, FBI, NC Office of the Comptroller, and the HUD Office of Inspector General.
6.0 Program-Specific Application of URA

6.1 STRATEGIC BUYOUT PROGRAM

**Program Description**
The North Carolina Office of Recovery and Resiliency (NCORR) has implemented the ReBuild NC Strategic Buyout Program (SBP) to provide effective and comprehensive mitigation measures that will protect residents and property from future storm-related damage. Property Owner participation in SBP is voluntary, however displaced tenants in Strategic Buyout properties will be evaluated for their eligibility for relocation assistance under URA.

The waiver of Section 414 of the Stafford Act, option b., will apply to the SBP program. Under option b., URA benefits become available to eligible applicants based on a program’s start date when federally funded Programs begin, or funds become available one year or more after the Presidentially declared disaster. Therefore, because the federal funds were unavailable and/or the Program had not started for more than one year after the qualifying storm events, URA benefits for the Strategic Buyout Program are available based on the Program launch date, which began on January 27, 2020, when the Strategic Buyout Program began taking applications in Whiteville, NC.

**URA Requirements**
Property owner participation in the Strategic Buyout Program is entirely voluntary. If a written Initial Offer is made to a property owner, the owner will be informed in writing that they may reject the offer and NCORR will take no further action to acquire the property. A property owner who submits an application for the Strategic Buyout Program may withdraw their application at any time prior to closing.

NCORR will not utilize the power of eminent domain to acquire properties under its Strategic Buyout Program. While NCORR has no direct authority to initiate eminent domain proceedings, it could request the Division of Administration to execute eminent domain on its behalf. However, NCORR does not intend to use the State’s eminent domain authority (see section 2.2).

**Program Process and URA Implications**
At a high level, the Strategic Buyout Program process consists of the eight steps. Program activities in the Strategic Buyout Program may occur concurrently or occur in a differing order depending on specific applicant circumstances, URA implications are present throughout the process. However, as soon as it is feasible, the Program, in coordination with the assigned URA Specialist, shall take the necessary actions to meet the URA requirements for permanent relocation established in this Manual.

6.2 HOMEOWNER RECOVERY PROGRAM

**Program Process and URA Implications**
At a high level, the Homeowner Recovery Program has an 8-Step Process. Program activities in the Homeowner Recovery Program (HRP) may occur concurrently or occur in a differing order within each step depending on specific applicant circumstances; URA implications are present throughout the 8-Step Process. HRP expects displacement to be minimal under URA because owner participation in HRP is voluntary. However, if there are tenants in owner applicant properties, HRP expects to provide those
tenants with temporary relocation benefits as provided in this manual. As soon as it is feasible, the HRP staff in coordination with the assigned URA Specialist, shall take the necessary actions to meet the URA requirements for temporary relocation established in this manual.

**URA Requirements**
The program’s main objective is to complete the necessary work to bring a homeowner’s primary residence damaged by Hurricane Matthew and/or Hurricane Florence up to the Housing Quality Standards (HQS) as set forth by HUD, improve resiliency, and, where necessary, to reconstruct damaged homes when repairs are not feasible. The program aims to supplement other funds the homeowner has received to repair or reconstruct their primary residence. Though the program is completely voluntary, in some cases damaged properties may contain tenants. In such cases, the URA requirements established in this manual would directly apply.

**Program Process and URA Implications**
If a tenant-occupied household, or a damaged property containing a rental unit, is identified during the intake process of the HRP, the following notifications should be sent as soon as feasible:
- General Information Notice (GIN) for Tenants
- Appeals procedures
- Move-In Notice and Move-In Acknowledgement Form for Prospective Tenants, if applicable
- Certification of Landlord & Tenant URA Responsibilities
- URA Acknowledgement Forms for Tenants and Landlords

Owner-occupant applicants for the Homeowner Recovery Program who identify their property as a duplex, or indicate having tenants at the intake process, or if tenants are discovered later in the 8-step process, shall be required to provide information related to all tenants. This information shall include, but is not limited to, names, contact information, and addresses of the tenants. The applicant and tenants will be referred to a URA Specialist to ensure they are provided assistance in accordance with this manual.

**6.3 INFRASTRUCTURE RECOVERY PROGRAM**

**Program Description**
ReBuild NC’s Infrastructure Recovery Program is a strategic bridge between acute disaster recovery and long-term resiliency measures in federally declared disaster counties, especially those designated low-to-moderate-income by HUD. In addition to providing local benefits, infrastructure projects strengthen the economy across larger areas and regions.

To cover the costs of infrastructure projects, NCORR uses CDBG-DR funds, with most of the funding benefiting LMI communities. The program focuses on the basic physical and organizational structures and facilities needed for communities to thrive, such as the construction or restoration of infrastructure for affordable housing, including equipment for critical utilities; drainage structures; roadways, including improvements in existing surface material quality; and community centers. Demolition of existing structures may be considered if the property will be used to directly benefit affordable housing.
Projects resulting from participation in buyouts or the construction of LMI multi-family housing will be a priority. The community must be able to create and manage a plan to maintain NCORR’s CDBG-DR funded projects.

Infrastructure activities are intended to go beyond shorter-term fixes that have historically been covered by other federal and state funds, including FEMA and SBA.

**URA Requirements**

In general, the Infrastructure Recovery Program does not anticipate engaging in projects that may result in the applicability of URA requirements. However, the Infrastructure Recovery Program staff would comply with the requirements, policies, and waivers related to the URA established in this Manual. As applicable, subrecipients or contractors must provide relocation assistance to households or businesses as established in this Manual. Such assistance may include:

- Relocation advisory services;
- A minimum of a 90-day notice to vacate;
- Reimbursement for moving expenses; and
- Payments for the added cost of renting or purchasing comparable replacement housing.

**Program Process and URA Implications**

As previously noted, though the Infrastructure Recovery Program does not expect to participate in projects with direct URA implications, in cases where the acquisition of real property is deemed necessary, Program staff and subcontractors will adhere to the policies and requirements established by the URA and outlined in this Manual.

For example, upon approval from NCORR, a subrecipient may proceed with efforts to acquire any real property, including easements and rights-of-way, required for a particular project. However, CDBG-DR funds, administered by NCORR and disbursed to subrecipients and direct contractors and/or beneficiaries, are subject to all URA and/or Section 104(d) requirements, as outlined in this Manual.

Subrecipients with eminent domain authority may only utilize this authority to acquire the property using NCORR funding after discussion with and approval from the NCORR Chief Operating Officer or designee.

**6.4 PUBLIC HOUSING RESTORATION FUND (PHRF)**

The CDBG-DR funded PHRF involves the rehabilitation or new construction of units to replace storm damaged public housing units. The Subrecipient Agreements for this activity require that the Public Housing Authorities comply with URA requirements, when applicable.

**6.5 MULTIFAMILY AND AFFORDABLE HOUSING DEVELOPMENT FUNDS**

CDBG-DR Hurricane Matthew funds utilize subrecipients for the purposes of developing new, affordable rental units using new construction. CDBG-DR Hurricane Florence funds will be used to finance the development of new homeownership and rental units. Because these efforts involve the development of new units, these activities do not require the provision of URA benefits as there are no tenants being displaced. Should a future project involve the rehabilitation of an occupied property, NCORR will ensure...
that compliance with URA relocation requirements is included in its legal agreement with the entity carrying out the work.
7.0 Record Retention and Monitoring

7.1 RECORDS RETENTION
As the administrator and recipient of CDBG-DR and CDBG-MIT funds, NCORR and its agents will follow the records retention rules as stated in 2 CFR 200.333–200.337 and in North Carolina law, which require financial records, supporting documents, statistical records, applicant records, and all other pertinent records be maintained for five (5) years after closeout of the grant between HUD and NCORR. NCORR and its agents will meet all HUD cross-cutting requirements outlined in 2 CFR Part 200 Appendix II, including record keeping requirements.

Tenants receiving relocation services and payments will be advised to also retain their records of receipts and cost estimates, requests for reimbursement, and program correspondence and documents for their own files for a period of five years beyond project closeout.

7.2 QUALITY ASSURANCE AND QUALITY CONTROL REVIEWS
In order for an application to move from each phase of the review, each application will follow the quality assurance and quality control review processes outlined in the URA SOPs.

The entire application will undergo a full quality assurance review prior to closing and final closeout. NCORR will establish a regular monitoring schedule to confirm the applicant remains in compliance with the program requirements.

7.3 PROTOCOLS FOR IDENTIFYING DISPLACED HOUSEHOLDS NOT IN COMPLIANCE
If tenants are identified as being displaced or potentially displaced by NCORR, the URA Specialists must proactively address non-compliance as soon as possible and fully document program files for:

- Tenants identified as residing in an NCORR assisted unit where temporary relocation was required and did not occur due to the tenant moving out.
- Tenants identified as not returning to a rehabilitated unit after the NCORR work was completed.
- Tenants who did not receive the URA benefits that they were entitled to receive or were underpaid and moved permanently from the unit.
- Tenants who were evicted for the landlord to initiate construction work.
- Tenants who did not return to the NCORR unit due to increases in rent or other unreasonable conditions.
- Tenants who have been identified as “Opting Out” of program benefits if they:
  - did not sign an “Opt-Out” form,
  - did not receive URA notifications, or
  - weren’t fully informed regarding the benefits they may have been entitled to receive.
Definitions and Acronyms

The following words and terms used in this section have the following meanings, unless indicated otherwise. Additional applicable definitions may be found in 49 CFR § 24 and HUD Handbook 1378 Chapter 5 (CH-5).

30-Day Notice to Vacate: A letter issued to a tenant that states the specific date, at least 30 days in advance, by which a beneficiary must vacate the property.

90 Day Notice to Vacate: Required by 49 CFR § 24.203(c), this is a letter issued to a Tenant, at least 90 days in advance, that informs the Tenant of the date by which they will be required to relocate from the property.

Acquisition: The purchase of real property, typically undertaken as a function of the ReBuild NC Strategic Buyout Program. The use of “acquisition” in this document refers to acquisition as an activity as indicated in 49 CFR Parts 24.2, 24.101-105, 24.203 and related regulations. The use of the word acquisition in this document does not refer to the CDBG-DR or CDBG-MIT activity of “Acquisition,” which involves the purchase of storm-impacted property that may be redeveloped.

Alien not lawfully present in the United States: The phrase “alien not lawfully present in the United States” means an alien who is not lawfully present in the United States as defined in 8 CFR 103.12 and includes:

- An alien present in the US who has not been admitted or paroled into the U.S. pursuant to the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) and whose stay in the US has not been authorized by the United States Attorney General; and,
- An alien who is present in the US after the expiration of the period of stay authorized by the US Attorney General or who otherwise violates the terms and conditions of admission, parole, or authorization to stay in the US. Citizen. The term Citizen means both citizens of the United States and noncitizen nationals.

Appeal: A written request from a tenant, regardless of form, for a review and revision of a determination made by the ReBuild NC Program.

Applicant: Any individual who submits an application for assistance to a ReBuild NC Program.

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 annually adjusted for household size. HUD estimates median family income annually for each metropolitan area.

Base Monthly Rent: The average monthly cost for rent and utilities at the displacement dwelling for a reasonable period prior to displacement, as determined by the Agency. For a tenant who paid little or no
rent for the displacement dwelling, the program will use the fair market rent as the base rent (unless its use would result in a hardship because of the person's income or other circumstances).

**Buyout:** See Acquisition

**Community Development Block Grant-Disaster Recovery (CDBG-DR):** A federal program administered by the US Department of Housing & Urban Development (HUD) which provides grant funds to local and state governments to assist with eligible recovery efforts after a natural disaster which may include such activities as homeowner and rental repairs and elevations, acquisition or buyout of damaged or at-risk properties, and infrastructure repairs.

**Community Development Block Grant Mitigation (CDBG-MIT):** A federal program administered by HUD that provides grant funds to assist in areas impacted by recent disasters to “carry out strategic and high-impact activities to mitigate disaster risks and reduce future losses.”

**Comparable Replacement Dwelling:** An functionally equivalent unit to the displacement dwelling, that is available and affordable to the displaced person. A full definition of this can be found at 49 CFR 24.2

**Damaged Property:** The housing unit that was directly damaged by the October 8, 2016 disaster, Hurricane Matthew, and the September 14, 2018 disaster, Hurricane Florence for which the Applicant has applied for assistance.

**Decent, Safe, and Sanitary Dwelling (DSS):** 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. Minimum property standards as established by HUD and defined by 25 CFR 700.55:

- Be structurally sound, weathertight and in good repair
- Contain a safe electrical wiring system adequate for lighting and other divides
- Contain a heating system capable of sustaining a healthful temperature (of approximately 70 degrees) for a displaced person
- Be adequate in size with respect to the numbers 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 local housing codes or in the absence of local codes the policies or such Agencies;
- There shall be a separate, well-lit and ventilated bathroom which 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;
- Contains unobstructed egress to safe, open space at ground level; and
- For a disabled person with a disability be free of any barriers which would preclude reasonable ingress, egress, or use the dwelling by such displaced person.

**Department of Housing and Urban Development (HUD):** The Federal department through which the CDBG-DR and CDBG-MIT Program funds are administered, monitored, and distributed to grantees

**Demolition:** Clearance and proper disposal of buildings and improvements.
**Displacing Agency:** Any Federal Agency carrying out a program or project, and any State Agency or person carrying out a program or project with Federal financial assistance, which causes a person to be a displaced person.

**Displaced Person:** Any person (family, individual, business or non-profit organization) who moves from real property or moves personal property from the real property as a direct result of an acquisition, rehabilitation, or demolition by a federally assisted program.

**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.

**Duplication of Benefits:** Refers to the provision under the Robert T. Stafford Disaster Assistance and Emergency Relief Act (Stafford Act) that prohibits any person, business concern, or other entity from receiving financial assistance from federal disaster funds, or URA relocation benefits, with respect to any part of a loss resulting from a major disaster as to which that person or entity has already received financial assistance under any other program, insurance, or another source.

**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 manufactured housing unit (or mobile home); or any other residential unit.

**Elderly:** A person at least 62 years of age. [24 CFR 5.100]

**Fair Housing:** Housing recovery Programs must fully comply with all U.S. Department of Housing and Urban Development (HUD) regulations governing Fair Housing and Equal Opportunity. No person shall, on the grounds of race, color, sex, religion, national or ethnic origin, familial status, or disability shall be excluded from participation in, be denied benefits of, or otherwise be subjected to discrimination during the implementation of any housing assistance or housing recovery Programs. Any relocated households who believe that they have suffered illegal discrimination and contacts NCORR or the Subrecipient immediately for review and assistance in filing a complaint with the HUD Office of Fair Housing and Equal Opportunity. More information on this is included in the Appeals section of this Policy Manual.

**Fair Market Rent:** Fair Market Rents (FMR) are used to determine payment standard amounts for HUD rental assistance programs and include the shelter rent plus all utilities. The FMR is used in the determination of comparable units for replacement housing payments in URA.

**Federal Agency:** The term Federal Agency means any department, Agency or instrumentality in the executive branch of the government, any wholly owned government corporation, the Architect of the Capitol, the Federal Reserve Banks and branches, and any person who has the authority to acquire property by eminent domain under Federal law.
Financial Means: A replacement dwelling rented by an eligible displaced person is considered to be within his or her financial means if, after receiving rental assistance under this part, the person’s monthly rent and estimated average monthly utility costs for the replacement dwelling do not exceed the person’s base monthly rental for the displacement dwelling, as established in 49 CFR 24.26(viii)(B).

General Information Notice (GIN): Required under 49 CFR 24.203(a), this required notice informs potentially displaced individuals that they may be displaced, not to move, and covers general URA requirements and rights.

Head of Household: The adult member of the family who is the head of the household for the purposes of determining income eligibility, rent, or participation in ReBuild NC Programs, such as the Homeowner Recovery Program, and as outlined in 24 CFR 5.504.

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. Upon identification of a tenant that may be eligible for temporary or permanent relocation assistance, all persons who reside in the household must be identified so that appropriate relocation resources and assistance can be provided.

Homeowner Recovery Program: Collectively refers to all forms of assistance that are available to eligible applicants as part of the ReBuild NC Programs to include (i) Single-Family Rehabilitation, (ii) Single-Family Reconstruction, (iii) Manufactured Home Repair, (iv) Manufactured Home Replacement, (v) Home Repair Reimbursement, (vi) Temporary Relocation Assistance, and (vii) Flood Insurance Assistance.

HUD Housing Quality Standards (HQS): HUD’s housing quality standard as defined by 24 CFR 982.401.

Initiation of Negotiations Date (ION): The ION date is the trigger for issuance of the Notice of Eligibility for Relocation Assistance (“NOE”) or Notice of Non-displacement (“NND”).

Landlord: A person or organization that owns and leases apartments, building space, buildings, or land to others

Limited English Proficiency (LEP): A designation for persons who do not speak English as their primary language and who have a limited ability to speak, read, write, or understand English because it is not their primary language.

Limited Vision and Hearing Persons: All Program brochures, handouts, guidelines are printed for inclusion to accommodate the visually or hearing-impaired populations within the program, to ensure access and understanding of all rules and regulations. Provisions for the hearing impaired are accommodated by audible assisted devices used in the marketplace by NCORR and its housing Programs.
Live-in Aide: A live-in aide is a person who resides with an elderly, handicapped, or disabled person who is:
- Essential to the care and well-being of the person, and
- Not obligated for the financial support of the person, and
- Only living in the unit to provide necessary supportive services

Low-and-Moderate-Income (LMI) National Objective: One of the three national objectives that any CDBG activity must meet. Activities that meet the LMI objective must benefit households whose total annual gross income does not exceed 80% of Area Median Income (AMI), adjusted for family size. Income eligibility is determined and verified in accordance with HUD Guidance. The most current income limits, published annually by HUD, are used to verify the income eligibility of each household applying for assistance at the time assistance is provided.

Low-and-Moderate Housing Incentive (LMHI) National Objective: When CDBG-DR or CDBG-MIT funds are used for a housing incentive award, tied to the voluntary Strategic Buyout of housing owned by a qualifying LMI household, for which the purpose of the housing incentive is for the purpose of moving outside of the affected floodplain or to a lower risk area.

Manner of Notices: 24 CFR 24.5 Each Notice which the Agency is required to provide to a property owner or occupant shall be personally served or sent by certified or registered first-class mail, return receipt requested, and documented in Agency files. Each Notice shall be written in plain, understandable language. Persons who are unable to read and understand the Notice must be provided with appropriate translation and counseling. Each notice shall indicate the name and telephone number of a person who may be contacted for answers to questions or other needed help.

Mobile Home or Manufactured Housing Unit (MHU): A dwelling unit is composed of one or more components substantially assembled in a manufacturing plant and designed to be transported to a building site on its own chassis for placement on a supporting structure. An MHU is constructed in accordance with the standards established in the U.S. Department of Housing and Urban Development's building code for manufactured housing. An MHU is not constructed in accordance with the standards established in the state and local building codes that are applicable to site-built homes. The term mobile home may be used interchangeably with the term manufactured housing unit (MHU), however the manual generally uses the term MHU to refer to both types of housing.

Modular Home: A dwelling unit is composed of two or more components substantially assembled in a manufacturing plant and transported to a building site by truck for final assemble on a permanent foundation. A modular home must be constructed in accordance with the standards established in the state and local building codes that are applicable to site-built homes. Modular homes do not include mobile homes.

Not Suitable for Rehabilitation: Meeting one of the two following definitions:
1. Properties with total damages (estimated cost of repair plus the value of the damage repair verification) greater than or equal to 70% of the pre-storm tax assessed value.
   a. The damage threshold excludes asbestos and lead testing and removal/abatement, accessibility costs such as ramps and lifts, and approved change orders.
2. Properties with an estimated cost of repair greater than the program cap for rehabilitation (currently $70,000).

3. Properties that have been determined to be not suitable for rehabilitation by order of the local jurisdiction or are unsafe to inspect due to damage to the property.

4. Properties located within the FEMA-designated 100-year floodplain that are not currently elevated 2 ft. above base flood elevation (BFE) or 2 ft. above the high-water mark, in accordance with program elevation requirements.
   a. Properties located within a Disaster Risk Reduction Area (DRRA) as formally adopted by NCORR, within or outside of the 100-year floodplain must also meet this requirement. DRRA adoption is effective as of the date that the DRRA was finalized by NCORR and approved by NCORR Senior Staff. Applicants who completed construction prior to the effective date of the DRRA, or applicants who are undergoing CDBG-DR funded construction (i.e. the contractor has been issued a notice to proceed) for rehabilitation, reconstruction, or MHU replacement prior to the date of DRRA adoption are not retroactively affected by the DRRA adoption.

Power of Attorney (POA): An authorization to act on someone else's behalf in a legal or business matter.

ReBuild NC: ReBuild NC is the umbrella term for North Carolina's long-term disaster recovery programs, which is administered by the N.C. Office of Recovery and Resiliency (NCORR). ReBuild NC Programs are funded through HUD Community Development Block Grant-Disaster Recovery (CDBG-DR), and Community Development Block Grant – Mitigation (CDBG-MIT) funding.

Reconstruction: Demolition and re-building of a housing unit on the same lot in substantially the same footprint and manner.

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

Reasonable Accommodation: In certain circumstances, displaced households require reasonable accommodation to fully benefit from temporary or permanent relocation activities undertaken in conjunction with housing assistance programs. Displaced households who require reasonable accommodation should notify their housing program staff immediately. All forms, written materials, and verbal messages used to communicate with displaced households are made available in the household’s primary language, should the household indicate that they have a Limited English Proficiency (LEP).

Review Appraisal: A qualified professional who meets the requirements of a review appraiser as determined by NCORR and required in 24 CFR 103(d)(1), and is responsible for reviewing and ensuring that all appraisals of property for the Strategic Buyout Program meet professional standards.

Strategic Buyout Program (SBP): The ReBuild NC Strategic Buyout Program (SBP) supports the purchase of storm-impacted properties located in designated areas at risk for future damage to provide effective and comprehensive mitigation measures that will protect residents and property from future storm-related damage.
Small Rental Recovery Program (SRRP): The ReBuild NC Small Rental Recovery Program (SRRP) will provide assistance to applicants whose rental units experienced damage as a result of Hurricane Matthew on October 8, 2016 and/or Hurricane Florence on September 14, 2018 and have not been repaired. The program is reserved for full-time small rental structures, including single-family rental units, MHUs, and properties with up to four units.

Section 104(d): Under section 104(d) of the Housing and Community Development Act of 1974, as amended (HCD Act) (Pub. L. 93-383, 42 U.S. C. 5301 et seq) and the implementing regulations at 24 CFR part 42, a residential anti-displacement and relocation assistance plan is required and must provide for: 1) One-for-one replacement of occupied and vacant occupiable low- and moderate-income dwelling units demolished or converted to another use in connection with a development project assisted under Parts 570 and 92, and 2) provide relocation assistance for all low- and moderate-income persons who occupied housing that is demolished or converted to a use other than for low- or moderate-income housing.

State Agency: Any department, Agency, or instrumentality of a State or of a political subdivision of a State, any department, Agency or instrumentality of two or more States or of two or more political subdivisions of a State or States, and any person who has the authority to acquire property by eminent domain under State law.

Tenant: A person who has the temporary use and occupancy of property owned by another (24 CFR 24.2(a)(26)).

Tenancy: A situation that arises when one individual conveys real property to another individual by way of a lease. The relation of an individual to the land he or she holds that designates the extent of that person's estate in real property.


URA Temporary Relocation: Tenants residing in NCORR assisted properties are eligible for temporary relocation benefits if they must move temporarily (for less than 12 months) due to the voluntary participation of the property owner or applicant in an NCORR program.
Appendix A: Anti-Displacement Plan

RESIDENTIAL ANTI-DISPLACEMENT AND RELocation ASSISTANCE PLAN

It shall be the policy of the State of North Carolina Office of Recovery and Resiliency (NCORR), to follow the plan described below to minimize adverse impacts on persons of low- and moderate income resulting from acquisition, rehabilitation, and/or demolition activities assisted with funds provided under Title 1 of the Housing and Community Development (HCD) Act of 1974, as amended, as described in 24 CFR 42.325. NCORR is North Carolina’s administrator of U.S. Department of Housing and Urban Development’s (HUD) Community Development Block Grant-Disaster Recovery (CDBG-DR) and Community Development Block Grant – Mitigation (CDBG-MIT) Programs and certifies that it will comply with this Residential Anti-Displacement and Relocation Plan.

Every effort will be made to minimize temporary or permanent displacement of persons due to the delivery of HUD Community Development Block Grant-Disaster Recovery (CDBG-DR) and Community Development Block Grant – Mitigation (CDBG-MIT) Programs administered by NCORR. The State plans to exercise the waivers set forth in the following Federal Registers pertaining to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 Act (URA):

- CDBG-MIT Main Notice 84 FR 45859-60, 8/30/2019;
- CDBG-DR Hurricane Florence Main Notice (also applies to Hurricane Matthew), 85 FR 4686-7, 1/27/2020;
- CDBG-DR (Florence and Matthew), 83 FR 5585-9, 2/9/2018; and
- CDBG-DR (Florence and Matthew), 84 FR 4842, 2/19/2019.

As required under the preceding regulations and for consistency, NCORR will follow the “option b” approach in 83 FR 5585, 2/9/18, allowed under 85 FR 4581, 1/27/2020 (and as waived in 84 FR 45860, 8/30/2019, V.A,22, 1), which is described further below.

POLICY

NCORR plans to minimize displacement, however it realizes that some displacement may occur through the provision of its disaster recovery and mitigation programs. In developing its ReBuild NC recovery programs, NCORR considers any potential disturbance to citizens its programs may cause, because it understands the importance of community and the disruption storm survivors have already endured. Therefore, NCORR commits to considering alternatives that will keep residents in their current locations and/or homes, thereby minimizing displacement. These alternatives will be weighed against the feasibility of implementing the alternative from a cost, regulatory, and administrative perspective. The ReBuild NC Homeowner Recovery Program, for example, makes every effort to ensure that residents are re-housed on their storm-damaged
property in a more resilient manner so that they are less at risk for future storm damage. However, the ReBuild NC Strategic Buyout Program represents NCORR’s primary mitigation effort to permanently relocate citizens to safer areas, out of harm’s way. This program involves the permanent, voluntary relocation of property owners who choose to participate by selling their property located in areas designated as a higher risk for future storm damage. The acquisition of buyout properties may result in the permanent involuntary displacement of tenants. When relocation is required, NCORR will provide the relocation assistance required under the URA (or HUD policy in the case of temporary relocation). Relocation assistance will be provided to all eligible persons displaced by an NCORR-funded CDBG-DR or CDBG-MIT activity, including the provision of advisory services, replacement housing payments, and reimbursement for allowable expenses. When such displacement is unavoidable, or part of a planned program (as is the case with the Strategic Buyout effort), NCORR will follow its policies regarding the implementation of relocation assistance included in its ReBuild NC URA Policy Manual. URA policies may be revised intermittently and will be available for public review on the ReBuild NC website. URA requirements and waivers are described below.

WAIVERS

Relocation by Subrecipients

NCORR requires sub-recipients to adopt the State’s Residential Anti-displacement and Relocation Assistance Plan or develop and adopt its own plan regarding any activity assisted with funding from CDBG-DR or CDBG-MIT as allowed under the waiver for optional relocation plans. When an entity decides to adopt its own plan, the plan must be provided to NCORR for review. The final relocation plan must be approved by NCORR and made available to the public, HUD, and other agencies as applicable. In the event of displacement because of a federally funded award, NCORR requires that the sub-grantee and sub-recipients to comply with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, (42 U.S.C. 4601 et seq.) (“URA”), for any household, regardless of income which is involuntarily and permanently displaced.

URA Regulations Apply

For the sake of ensuring the consistent administration of relocation benefits, HUD has waived Section 104(d) of the Housing and Community Development Act of 1974 as amended, and 24 CRF 42.350, to the extent that relocation requirements differ from those under the URA regulations at 49 CFR Part 24. Therefore, NCORR commits to consistently implementing the requirements at 49 CFR Part 24 in its administration of URA assistance.

One-for-One Replacement

Current regulations waive the requirement to provide one-for-one replacement for lower income dwelling units that are damaged by the disaster and not suitable for rehabilitation. Units which meets NCORR’s definition of Not Suitable for Replacement are exempted from the one-for-one replacement requirements. NCORR’s definition of not suitable for rehabilitation is included in NCORR’s program policy manuals. NCORR does not plan to acquire, demolish, or convert
occupied units that do not meet NCORR’s definition of not suitable for rehabilitation. On November 20, 2020, NCORR requested that HUD waive the storm damage requirement as it applies to the one-for-one waiver of CDBG-MIT funds. As of this date, the waiver request is outstanding. The Residential Anti-Displacement Plan will be amended upon receipt of additional guidance from HUD on this matter.

Tenant-Based Rental Assistance

HUD waivers allow an agency to use tenant-based rental assistance (such as Section 8 housing choice vouchers) to meet all or a portion of its relocation assistance obligation as long as it also provides comparable replacement dwellings for consideration by the displaced person. NCORR does not administer such rental assistance however NCORR may allow its subrecipients that administer such assistance to utilize this waiver. If this assistance is administered by a subrecipient, NCORR will request that the subrecipient indicate its plan in writing for review, commit to providing 42 months of assistance, and must be approved by NCORR.

Arm’s Length Voluntary Purchase

While the acquisition requirements under URA are waived, NCORR plans to perform acquisition under its Strategic Buyout Program to meet all the requirements of 49 CFR 24.101(b)(1)(i-iv). NCORR will provide an offer to acquire an applicant’s property under the Strategic Buyout program. This offer will be made in writing and based on the appraised current fair market value. If an owner rejects the offer, no further attempt will be made to have the owner approve the acquisition. Any eligible tenant displaced by this activity will be provided with the relocation assistance required under the URA.

Section 414 Waiver of the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

The regulations under 84 FR 45860, 8/30/2019, V.A.22.f. and 85 FR 4688, 1/27/2020, IV.C.2. (that clarifies a waiver provided under 84 FR 4887, 2/19/2019, IV.2.) provide a Section 414 waiver. Under this waiver, NCORR will follow “option b” consistency and will ensure it is so stated in its ReBuild NC policy manuals. Section 414 of the Stafford Act is waived to the extent that it would apply to real property acquisition, rehabilitation, or demolition of real property for a CDBG-DR or CDBG-MIT funded project, undertaken by NCORR or its subrecipient, that began more than one (1) year after the Presidentially declared disaster, provided that the project was not planned, approved, or otherwise underway prior to the disaster. NCORR understands that the program commencement date is the earliest of: (1) The date of an approved Release for Request of Funds (RROF) and certification, or (2) the date of completion of the site-specific review when a program utilizes tiered environmental reviews, or (3) the date of sign-off by the approving official when a project converts to exempt under 24 CFR 58.34(a)(12). Further, NCORR will ensure that this waiver does not apply to 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. NCORR will ensure that such persons’ eligibility for relocation assistance and payments under the URA is not impacted by this waiver.
CERTIFICATION OF COMPLIANCE

The North Carolina Office of Recovery and Resiliency (NCORR) commits to implementing this Residential Anti-Displacement and Relocation Plan, minimizing displacement whenever feasible, and certifies that it will comply with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Pub. L. 91–646) [42 U.S.C. 4601 et seq.].

The North Carolina Office of Recovery and Resiliency hereby adopts this Residential Anti-Displacement and Relocation Assistance Plan for the projects funded under the CDBG-DR and CDBG-MIT Programs.

Division on Behalf of the North Carolina Office of Recovery and Resiliency (NCORR)

Printed Name: Laura Hogshead
Title: Chief Operating Officer, NCORR

Signature: ___________________________ Date of Approval: 4/8/2021 | 15:47:13 EDT

Laura Hogshead

ReBuild NC is a program of the North Carolina Office of Recovery and Resiliency. NCORR is a division of the North Carolina Department of Public Safety.

| Last Updated: April 8, 2021 |
Appendix B: Occupancy Guidelines

NCORR has defined the following occupancy standards, which will determine the size of the maximum number of bedrooms in the replacement dwelling. In addition to following these standards, any replacement dwelling must meet HUD’s decent, safe, and sanitary (DSS) requirements.

- 1 Bedroom (BR) for the head of household and their spouse/partner.
  - Single person families will have one bedroom.
- 1 BR for every two minor children of the same gender.
- 1 BR for an only child.
- 1 BR for a multi-generational member or other adults.
  - A multigenerational household is one that contains three or more parent-child generations; for example, the householder, child of householder (either biological, stepchild, or adopted child), and grandchildren of householder. A householder with a parent or parent-in-law of the householder and a child of the householder may also be a multigenerational household.
- 1 BR for approved live-in aides.

Generally, no more than two persons are required to occupy a bedroom. Children up to the age of three may share a bedroom with a parent, if the parent so wishes, however a bedroom should be assigned to the child to avoid overcrowding in the future.

All children expected to reside in the unit must be counted (e.g. unborn children, children in the process of being adopted, foster children, and children who are subject to a joint custody agreement and live in the unit at least 50% of the time). In addition, the following situations will be considered:

- Live-in attendants, foster children, and children who are temporarily absent due to placement in a foster home are also counted when determining an adequate unit size.
- Adult children on active military duty and permanently institutionalized family members are not included in the bedroom count.

Exceptions

In determining an adequate unit size, NCORR may grant an exception to its established standards if NCORR determines that the exception is justified by the age, sex, health, disability, or relationship of household members or other personal circumstances. Reasons may include, but are not limited to, a need for an additional bedroom due to a family member’s disability or health condition (e.g. for medical equipment).