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- The [Agency](#) will not acquire the property if negotiations fail to result in an amicable agreement, and the owner is so informed in writing. [49 CFR 24.101\(b\)\(1\)\(iii\)](#).

**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 Letter to buy the property or voluntarily withdraw from the program any time prior to closing. Further, the Initial Offer Letter states that if an owner rejects the Initial Offer or withdraws from the program, NCORR will not pursue the purchase of the property further.

- The [Agency](#) will inform the owner in writing of what it believes to be the market value of the property. [49 CFR § 24.101\(b\)\(1\)\(iv\)](#). (See [49 CFR 24.101\(b\)\(2\)\(ii\)](#).)

**NCORR Response:** NCORR will provide all participants to the Strategic Buyout Program with a written 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: PERMANENT AND TEMPORARY

For HUD-funded programs, the types of relocation assistance to be provided depend on whether the relocation is considered permanent or temporary. These designations of temporary or permanent depend on the type of activity that is displacing the tenant and the length of time the tenant will be out of the property. Permanent relocation assistance is governed by the federal regulations at 49 CFR Part 24. Temporary relocation assistance is governed by 49 CFR Part 24 and HUD resources, such as the HUD Handbook 1378, periodic notices, bulletins or other guidance.

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, usually for rental payments. A displaced person/tenant, as defined in 49 CFR § 24.2(a)(9)(ii)(D), 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), however NCORR is still required to provide relocation assistance as described in section 4 of this manual. 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 will be entitled to temporary relocation services and benefits. However, if the relocation exceeds one year, the tenant shall be offered permanent relocation with URA advisory services and benefits. In addition, if a program fails to provide assistance to a tenant needing temporary relocation services as required by HUD policy, such as the HUD Handbook 1378, periodic notices, bulletins or other















- The occupant made an informed decision to relocate and vacated the property without prior notice to the property owner;
- The tenant is not eligible for URA; or
- When a permanent move is not required because the property owner has withdrawn from the Program, the owner is found ineligible for NCORR's Program, or an award or offer is not made by the program or accepted by the owner (see *Notice of Non-Displacement – Permanent Relocation Not Required* below).

**Urgent Need Provision.** The urgent need provisions of URA permit NCORR to require an occupant to vacate on less than 90-Day Notice to Vacate under certain conditions. NCORR 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, NCORR 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). (49 CFR § 24.203 (c)(4))

### 2.7.5 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 permanently and are not entitled to URA benefits.

### 2.7.6 Notice of Non-Displacement – Temporary Relocation Required (See HUD's Tenant Assistance, Relocation and Real Property Acquisition Handbook (1378), Chapter 1, page 1-12, AA)

If a person does not qualify as a permanently displaced person, but will be temporarily relocated, NCORR will provide the tenant with a required *Notice of Non-Displacement – Temporary Relocation Required (NND)* to advise them of the program's determination, their eligibility for temporary relocation services, and their right to appeal. Under temporary relocation requirements, tenants have the right to re-occupy the dwelling (after the dwelling has been replaced or restored) under reasonable terms and conditions, which includes the amount of rent to be charged. This 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. The notice will state that the tenant's monthly rent will remain the same upon re-occupancy or, if increased, the new rent and estimated average utility costs will not exceed 30% of the household's average monthly gross income.

Eligibility for relocation services is triggered by ION. The *NND* will be issued to the tenant promptly after ION. For the Homeowner Recovery Program, ION is defined as the execution of the Homeowner Grant Agreement by the applicant and the program. 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 the tenant is not given timely information essential to making an informed judgment about a move, or if terms and conditions are unreasonable, it is assumed that the person's move was an involuntary move caused by the project/program. In such cases, NCORR will provide URA benefits.

In the *NND*, NCORR will provide the tenant with 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 re-occupy the same dwelling or a comparable decent, safe, and sanitary dwelling in the building/complex upon completion of the project;
- the costs which will be reimbursed;
- their right to appeal; and
- the available advisory services.

### **2.7.7 Thirty (30) Day Notice to Vacate – Temporary Relocation**

In general, the program will provide a 30-day notice to vacate to persons who will not be permanently displaced but who need to be temporarily relocated. This means that tenants will be required to move 30 days from the date of receipt of the letter. The concept under the Urgent Need Provision in section 2.7.4 may also apply for temporary relocations where less notice than 30 days may be given should there be a situation that involves an imminent threat to a tenant's health and safety.

### **2.7.8 Return Home Notice – Temporary Relocation**

A *Return Home Notice* will be provided to the tenant who has been temporarily displaced to advise the tenant that their home is, or soon will be, ready for occupancy and they may return. Tenants will have a maximum of 30 days from the receipt of the notice to vacate their temporary dwelling and reoccupy their original dwelling.

### **2.7.9 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* when temporary relocation is not required because the planned project, application, or program will not proceed. It notifies the tenant they do not have to move.

### **2.7.10 Combined Notice (NOE and 90-Day Notice to Vacate) – Permanent Relocation**

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

### **2.7.11 Move-In Notice, Related Notices, and Responsibilities – Permanent and Temporary Relocations (See HUD's Tenant Assistance, Relocation and Real Property Acquisition Handbook (1378), Chapter 1, page 1-11, Y)**

The URA regulations require that persons who intend to move into a property after an application for NCORR program assistance 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 an NCORR program are provided with a *URA Fact Sheet* and a *Landlord Fact Sheet* that informs landlords of their responsibility to provide a *Move-In Notice* to a new tenant who wants to move into their property. The fact sheet also informs landlords that they are required to inform the program of any new tenants after the submission of an application to an NCORR program. Landlords must sign the *Landlord Certification and Acknowledgement of URA Responsibilities* also.

Landlords must provide the potential tenant with a *Move-In Notice* before leasing and occupying the property. NCORR 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.

NCORR will provide landlords with a standard *Move-In Notice* form that they are required to issue to new tenants. The *Move-In Notices* will contain the following information at a minimum: that an application for assistance from a NCORR program, which is federally funded, has been submitted; and 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).

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 *Acknowledgement of Move-In Notice Form* (including signature and date) and a copy must be returned to the program for tenant files.

If the applicant (who is a landlord) fails to provide the *Move-In Notice* to a prospective tenant, fails to provide the *Move-In Notice* before a unit is leased, fails to disclose the presence of a tenant, or if the *Acknowledgement of Move-In Notice* is not signed by the tenant indicating their receipt and agreement before the lease is executed (in writing or verbally), the applicant may be found ineligible.

## 2.8 URA RELOCATION ASSISTANCE ADVISORY SERVICES – RESIDENTIAL PROPERTIES

In accordance with all requirements, NCORR 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 interview(s) to obtain tenant supporting documentation (see section 2.9 below), and to ensure that tenants understand their rights and responsibilities. If feasible, such meetings may be scheduled to be held in person. During these interviews, the program will inform the tenant of the following if they are displaced:

- Written notice will be provided informing the displaced person 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;
- Information on current and ongoing listings of available comparable dwellings for residential displacements will be provided;
- There will be an offer to provide transportation to inspect the housing to which they are referred;
- The tenant will be informed that they cannot be required to move unless at least one comparable replacement dwelling is made available (for more information, see section 2.10 on Comparable Residential Replacement Dwelling);









































































