

Subpart A – Definitions & Acronyms

§24.2 Definitions

- **Comparable replacement dwelling**
 - Expanded to clarify requirements for comparable replacement dwellings when displaced from a government housing program.
 - In the prior rule, a person displaced from a dwelling occupied for at least 180 days prior to the initiation of negotiations which would result in the displacement of that person was entitled to a comparable replacement dwelling. That requirement has been reduced to 90 days.

- **Decent, safe, and sanitary (DSS) dwelling**
 - Amended to provide that such dwellings must meet the most stringent of local housing code, federal agency regulations, or the agency's written regulations or policy.
 - The rule also specifically provides that local standards relating to lead paint abatement must be honored.

- **Displaced person**
 - **Now includes persons required to move temporarily**
 - Also provides that tenants displaced as a result of a voluntary acquisition may be entitled to receive relocation benefits under certain circumstances.

§24.5 Manner of notices and electronic signatures

- Notices can be delivered by companies other than USPS.
- Federal funding agencies may approve electronic delivery of notices with proper documentation of receipt.

§24.11 Adjustments of limits and payments

- Authorizes FHWA to adjust waiver valuation limits and maximum relocation benefits.
- This section was also revised by eliminating the fixed 5-year period for review and consideration of the need to update benefits. FHWA will now use the seasonally adjusted CPI-U to adjust valuations.

Subpart B – Real Property Acquisition

§24.101 (b) Voluntary Acquisition Conditions

- Voluntary acquisition criteria have been restated and condensed from 5 components to 3. The conditions for voluntary acquisition are not significantly different, this was primarily a formatting change.
 - (i) inform the seller at time of offer the fair market value and the assurance that eminent domain will not be used;
 - (ii) **where acquisitions are in a general geographic area, all owners are treated similar;**
 - (iii) the property to be acquired is not part of “intended, planned, or designated project area”

§24.102 (c)(2)(ii) Appraisal Waivers

- The Act specifically states that a waiver valuation is not an appraisal, and therefore a review of a valuation waiver is not required.

§24.102 Appraiser as Negotiator / Conflict of Interest Waiver

- Defines conditions under which an appraiser or waiver valuation preparer may also act as negotiator.
 - (i) For those acquisitions where the appraiser or review appraiser will also act as the negotiator, an appraisal must be performed in compliance with §24.103 and reviewed in compliance with §24.104;
 - (ii) Agencies and recipients desiring to exercise this option must request approval in writing from the federal funding agency;
 - (iii) The requesting agency shall have a separate and distinct quality control process in place and set forth in the written procedures approved by the Federal funding agency.

Subpart C – General Relocation Requirements

§24.202 (a) Applicability for Displaced Persons

- **Temporarily displaced persons** now entitled to same relocation benefits as those required to move permanently.

§24.203 Relocation Notices

- Must now notify persons required to *temporarily* move in addition to those required to move permanently.
- Eligibility for relocation assistance shall begin on the earliest of:
 - the date of a notice of intent to acquire, rehabilitate, and/or demolish,
 - the initiation of negotiations,
 - **the date that an agreement for voluntary acquisition becomes binding**, or
 - actual acquisition date
- When this occurs, the agency shall promptly notify all occupants in writing of their eligibility for applicable relocation benefits.

§ 24.204 Availability of comparable replacement dwelling before displacement

- The new rule specifies that this requirement (displaced persons be provided at least three comparable replacement dwellings) pertains to **permanently** displaced persons.
- Requirements for basic conditions for emergency move
 - The new rule removes the term “temporary relocation” and replaces with the term “emergency move” to distinguish the difference between the new requirements for a temporary relocation and an emergency move.

§24.205 Relocation planning, advisory services, and coordination

- Expands services to temporary displacees for both nonresidential and residential
 - Determine, **for nonresidential (businesses, farm, and nonprofit organizations)** displacements, the relocation needs and preferences of each business (farm and nonprofit organization) to be displaced or, **when determined to be necessary by the funding agency, temporarily displaced** and explain the relocation payments and other assistance for which the business may be eligible, the related eligibility requirements, and the procedures for obtaining such assistance. This shall include a personal interview with each business.
 - Determine, **for residential displacements**, the relocation needs and preferences of each person to be displaced, **or temporarily displaced when the funding agency determines it to be necessary**, and explain the relocation payments and other assistance for which the person may be eligible, the related eligibility requirements, and the procedures for obtaining such assistance. This shall include a personal interview with each residential

displaced person and, when the funding agency determines it to be necessary, each temporarily displaced person.

§ 24.207 General requirements—claims for relocation payments

- The new rule includes “persons to be displaced temporarily”

§24.208 Aliens Not Lawfully Present in the United States

- Agencies must verify status using the **SAVE program**
 - If there is reason to believe a person’s certification is invalid and as a result the person may not be lawfully present in the U.S., then lawful presence must now be verified using the Systematic Alien Verification for Entitlements (SAVE) system.
- The new rule **removes the ability to claim extreme hardship of alien lawfully admitted to US** and now limits the hardship to “person’s spouse, parent, or child who is a citizen of the United States.”

Subpart D – Payments for Moving and Related Expenses

§ 24.301 Payment for actual reasonable moving and related expenses

- Authorizes five methods for reimbursing residential move costs:
 - Commercial move
 - Self-move (Fixed Residential Moving Cost Schedule)
 - Self-move (actual costs)
 - Self-move (moving cost estimate)
 - Self-move (lower of two bids)
- Self-Move: Actual Cost Method
 - The new rule adds additional language for determining reasonable labor rates.
 - Hourly labor rates should not exceed the cost paid by a commercial mover for moving staff necessary for moving the residential personal property.
 - Costs for moving personal property that requires special handling should not exceed the hourly market rate for a commercial specialist. Equipment and rental fees should be based on the actual cost of renting the equipment but not exceed the cost paid by a commercial mover.
- A Moving Cost Estimate Prepared by Agency Staff - **NEW**
 - A moving cost estimate may be prepared by a qualified agency staff person
 - Developed from the agency’s thorough review of the personal property to be moved and documented costs for materials, equipment, and labor.
 - Hourly labor rates should not exceed the cost paid by a commercial mover for moving staff.

- Costs for moving residential personal property that requires special handling should not exceed the hourly rate for a commercial specialist.
- Equipment rental fees should be based on the actual cost of renting the equipment but not exceed the cost paid by a commercial mover. The cost of materials should equal those readily available locally.
- Commercial Move Estimate – **NEW**
 - Based on the lower of two bids from a commercial mover.
 - Federal funding agencies may establish policies and procedures which require its grantees to calculate and subtract an estimated amount of overhead and profit from the moving cost bids to establish a reimbursement eligibility.

§24.301(d) Moves from a business, farm, or nonprofit organization -NEW

- The new rule allows qualified agency staff to prepare move estimates of less than \$5,000 if the person agrees in writing to this method.

§24.301(g) Eligible actual moving expenses

- The new rule expands guidance for personal property storage for up to 12 months and adds the ability to exceed 12 months if unusual circumstances exist
- Tenant application fees and credit report costs reimbursed up to \$1,000 – **NEW**
- Move and reinstall – limits move estimate to within 50 miles and also requires displacee make good faith effort to sell items unless the agency determines that effort is not necessary
- Estimates to Move Items Not in Use – removes the disallowance of storage as part of move and adds 50 mile limit
- Searching for a Replacement Location – Business or Farm
 - The new rule now allows a one-time payment of \$1,000 for search expenses with minimal documentation – **NEW**
 - The new rule increases the amount of expense that can be reimbursed for searching for new location for business or farm to \$5000 (increased from \$2500)

§24.301(h) Ineligible Moving and Related Expenses

- Residential Search Expenses
 - Expenses for searching for a temporary or replacement dwelling which include costs for mileage, meals, lodging, time and professional real estate broker or attorney's fees are not eligible for reimbursement
- Physical Changes to Business or Farm Operation
 - The new rule clarifies that this the ineligibility applies to temporary displacement as well as permanent
- Storage of Personal Property on Owned or Leased Space
 - The new rule clarifies that this the ineligibility applies to temporary displacement as well as permanent

- Cosmetic Changes
 - Cosmetic changes to a replacement or temporary dwelling, which are not required by State or local law, such as painting, draperies, or replacement carpet or flooring are not eligible for reimbursement

§ 24.302 Fixed payment for moving expenses—residential moves

- The new rule adds the eligible costs of storing personal property up to 12 months for a temporary displacement if a necessary cost

§24.304 Reestablishment expenses – nonresidential moves

- Maximum payment increased to \$33,200.
- *NOTE: Colorado’s statutory limit is \$50K, so this increase doesn’t affect CDOT
 - C.R.S. §24-56-103(d)(I)

§24.305 Fixed payment for moving expenses—nonresidential moves

- The new rule raises the cap for a fixed payment for business, farm, or non-profit move to \$53,200 (up from \$40,000)

Subpart E – Replacement Housing Payments

§24.401 Replacement housing payment for 90-day homeowner-occupants

- Maximum payment increased to \$41,200 (up from \$31,000)
- Reverse Mortgage – **NEW**
 - Purchasing a property with a reverse mortgage requires different calculations than when a property is acquired with a regular mortgage. (See §24.401(e) and related appendix in the Act for detailed explanation.)
- Rental Assistance Payment for 90- day Occupant
 - The new rule increases the limit for replacement rental property to \$9,570 (up from \$7,200)

§24.402 Replacement housing payment for 90-day tenants and certain others

- Tenant Eligibility / Rental Assistance Payment
 - The new rule increases the rental assistance cap to \$9,570 (up from \$7,200)
- Downpayment Assistance to Purchase a Home
 - The new rule increases the amount of rental assistance that can be used as a downpayment for purchasing a home instead of renting.