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Right-of-Way Uniform Act Relocation Assistance

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In acquiring property for project right-of-way, property owner must be provided with assistance to relocate



One of the fundamental rules when acquiring private property for public purposes—according to the U.S. Constitution—is that the owner be paid just compensation.

The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, or The Uniform Act, defines how public agencies must proceed when acquiring the right-of-way for a Federal-aid project. The act addresses:

- The valuation of the property
- The presentation of the offer to acquire the property
- Relocation assistance and benefit

Your agency must follow the rules of the Uniform Act to avoid delaying the project or losing Federal funding.

The goal of relocation assistance is to make a person “whole” by providing both advisory services and relocation assistance payments.

Advisory services provide information and guidance on the relocation process and available support. The services are determined through personal interviews. During the interview, for example, an agency may learn that a displaced person requires a professional mover, transportation to view potential replacement housing, or technical assistance for reinstalling machinery. The level of advisory services depends on the complexity of the move and the needs of the displaced person.

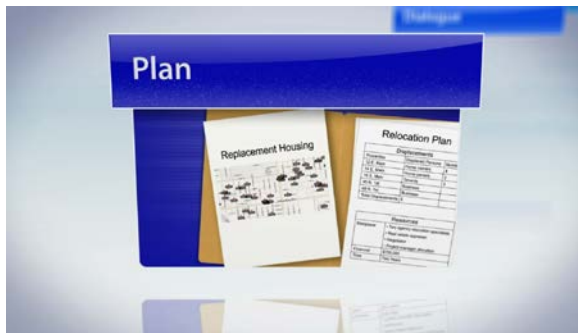
Relocation assistance payments are available to tenants, homeowners and businesses. For example, tenants may be eligible for rental assistance. Homeowners may be eligible for monetary assistance for the purchase of a home. And business owners may be eligible for moving, re-establishment, and other business-related expenses.

Let's look at how agencies progress through the relocation assistance process—from planning the move to claims processing. We'll also learn the importance of keeping a contact log.



To help minimize the adverse effects of displacement, agencies need to begin relocation planning at the earliest stages of project development. Before project approval, information is gathered about the needed parcels and any displaced individual or businesses. For example, your agency will need to know:

- If there will be displacements of residents or businesses and potentially how many
- The amount of time and resources required to accomplish the relocation
- If there is adequate replacement housing in the area and what is the cost

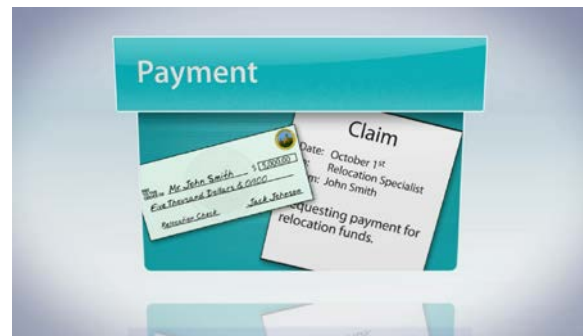


Next, the agency representative needs to contact the persons being displaced and begin an open dialog with them. Personal interviews are conducted and the individual needs of displaced persons begin to be identified. During this meeting, the relocation process, rights, and benefits are explained.

Displaced persons must be given a 90-day notice before being required to relocate. For property owners, the offer to purchase, also known as the Initiation of Negotiations, usually establishes the date of this relocation notice.

To be eligible for a replacement housing payment, a displaced person must relocate into decent, safe, and sanitary housing. Before making payments, sponsoring agencies verify that the housing meets these and all other Federal and local regulatory standards. For business relocations, additional verifications are required to ensure all items in the inventory list have been removed.

To receive payment, a relocated person typically submits a claim and required documentation. Occasionally an advance payment may be made to help the person complete a transaction, for example, to rent moving equipment.



How does this work in practice? Let's look at a project involving the widening of a one-mile stretch of a city street.

The project will acquire several different properties, one of which is a single-family home that is owned and occupied by the Garcia family and valued at \$100,000.

The agency's relocation specialist has found comparable housing for \$120,000 and determines that the Garcias are eligible for up to \$20,000 in relocation housing payment.

The relocation specialist meets the Garcias at their home and provides a description of the process, the purchase offer, and information about the relocation housing payment, moving costs and other advisory services.

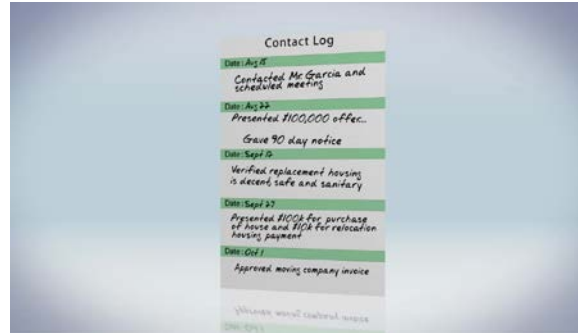
During the conversation, the relocation specialist learns that the Garcias would like the assistance of a moving company and want to know how the costs will be reimbursed. She explains that payment will be based on an estimate from the moving company. At the end of the meeting, the relocation agent documents the meeting in her relocation contact log.

A few weeks later, the Garcias find a house they like for \$110,000, \$10,000 below the amount eligible for reimbursement. An agency's relocation specialist conducts a walkthrough of the property and verifies that it meets all regulatory standards for decent, safe and sanitary housing.

When it comes time to close on the new house, an agency's relocation specialist accompanies the Garcias to the closing and provides a check for \$110,000, \$100,000 for just compensation and \$10,000 for relocation housing payment. The invoices from the moving company arrive shortly after and are paid directly by the agency.



Federal regulations require the maintenance of a contact log. A typical contact log includes dates of contacts, the names of individuals spoken with, what was discussed, and decisions made. Displaced persons may appeal any decision concerning an eligibility determination or payment amount. Your agency's contact log supports your decisions and demonstrates compliance with the regulations.



Sponsoring agencies are responsible for coordinating the relocation of owners and their personal property from land purchased for right-of-way.

Because relocation assistance is a complex program area, those who provide relocation assistance must have the appropriate experience and knowledge. Those new to the process can find additional information in the State department of transportation's, or State DOT's, Right-of-Way Procedures Manual and in professional development courses.

Your State DOT is responsible for the oversight of your agency's program.



The staff in the State DOT right-of-way office can assist your agency with meeting all Federal and State requirements when providing relocation assistance.

Web Resources

- FHWA guidance and additional links for Federal-aid right-of-way program requirements
<http://www.fhwa.dot.gov/realestate/lpaguide/index.htm>
- A resource for property owners and occupants, transportation professionals, and highway right-of-way professionals
<http://www.fhwa.dot.gov/realestate/index.htm>
- Frequently asked questions about the Uniform Act
<http://www.fhwa.dot.gov/realestate/ua/uafags.htm>
- Rules and procedures for Federal-aid right-of-way acquisition and property management
http://www.access.gpo.gov/nara/cfr/waisidx_11/23cfr710_11.html
- Rules for procedures used to obtain right-of-way for federally assisted projects
<http://www.ecfr.gov/cgi/t/text/text-idx?c=ecfr&sid=3bdda26e1102fe42dd21611091c4a569&rgn=div5&view=text&node=49:1.0.1.1.18&idno=49>

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This companion resource is the script content for the video production of the same name.