PART 24—UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION FOR FEDERAL AND FEDERALLY-ASSISTED¹ PROGRAMS

Authority: 42 U.S.C. 4601 et *seq.*; 49 CFR 1.48(cc)85.

Source: 7089 FR 611, Jan. 4, 200536944, May 3, 2024, unless otherwise noted.

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| | 24.1 Purpose | |
| The purpose of this part is to promulgate | The purpose of this part is to promulgate | |
| rules to implement the Uniform Relocation | rules to implement the Uniform Relocation | |
| Assistance and Real Property Acquisition | Assistance and Real Property Acquisition | |
| Policies Act of 1970, as amended (42 U.S.C. | Policies Act of 1970, as amended (42 U.S.C. | |
| 4601 et seq.) (Uniform Act), in accordance | 4601 et seq.) (Uniform Act), in accordance | |
| with the following objectives: | with the following objectives: | |
| | 24.1(a) | |
| To ensure that owners of real | To ensure that owners of real property to | |
| property to be acquired for Federal and | be acquired for Federal and federally assisted | |
| federally assisted projects are treated fairly | projects are treated fairly and consistently, to | |
| and consistently, to encourage and expedite | encourage and expedite acquisition by | |
| acquisition by agreements with such owners, | agreements with such owners, to minimize | |
| to minimize litigation and relieve congestion | litigation and relieve congestion in the courts, | |
| in the courts, and to promote public | and to promote public confidence in Federal | |
| confidence in Federal and federally assisted | and federally assisted land acquisition | |
| land acquisition programs; | programs; | |
| | 24.1(b) | <u> </u> |
| To ensure that persons displaced as a | To ensure that persons displaced as a | |
| direct result of Federal or federally assisted | direct result of Federal or federally assisted | |
| projects are treated fairly, consistently, and | projects are treated fairly, consistently, and | |
| equitably so that such displaced persons will | equitably so that such displaced persons will | |
| not suffer disproportionate injuries as a result | not suffer disproportionate injuries as a result | |
| of projects designed for the benefit of the | of projects designed for the benefit of the | |
| public as a whole; and | public as a whole; and | |
| | 24.1(c) | |
| To ensure that Agencies implement | To ensure that agencies implement | |
| these-regulations in a manner that is efficient | the regulations in this part in a manner that is | |
| and cost effective. | efficient and cost effective. | |

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| | 24.2 Definitions and acronyms. | |
| | 24.2(a) Definitions | |
| Unless otherwise noted, the following | Unless otherwise noted, the following | |
| terms used in this part shall be understood as | terms used in this part shall be understood as | |
| defined in this section: | defined in this section: | |
| (1) Agency. The term Agency means the | Agency means any entity utilizing | |
| Federal Agency, State, State Agency, or | Federal funds or Federal financial assistance | |
| person-that acquires real property or | for a project or program that acquires real | |
| displaces a person. | property or displaces a person. | |
| (i) Acquiring Agency. The term acquiring | | |
| Agency means a State Agency, as | | |
| defined in paragraph (a)(1)(iv) of this | | |
| section, which has the authority to | | |
| acquire property by eminent domain | | |
| under State law, and a State Agency | | |
| or person which does not have such | | |
| authority. | | |
| (ii) <i>Displacing Agency.</i> The term | | |
| displacing Agency means any | | |
| Federal Agency carrying out a | | |
| program or project, and any State, | | |
| State Agency, or person carrying out | | |
| a program or project with Federal | | |
| financial assistance, which causes a | | |
| person to be a displaced person. | | |
| (iii) Federal Agency. The Federal Agency | (<u>i</u>) <i>Federal</i> agency means any | |
| agency means any department, | department, <u>agency</u> , or | |
| Agency, or instrumentality in the | instrumentality in the executive | |
| executive branch of the | branch of the <u>United States</u> | |
| government, any wholly owned | Government, any wholly owned U.S. | |
| government corporation, the | Government corporation, the | |

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| Architect of the Capitol, the Federal | Architect of the Capitol, the Federal | |
| Reserve Banks and branches | Reserve Banks and branches | |
| thereof, and any person who has the | thereof, and any person who has the | |
| authority to acquire property by | authority to acquire property by | |
| eminent domain under Federal law. | eminent domain under Federal law. | |
| (iv)State Agency. The term State Agency | (ii) State <u>agency</u> means any department, | |
| means any department, Agency-or | agency, or instrumentality of a State | |
| instrumentality of a State or of a | or of a political subdivision of a | |
| political subdivision of a State, any | State, any department, agency, or | |
| department, Agency , or | instrumentality of two or more | |
| instrumentality of two or more | States or of two or more political | |
| States or of two or more political | subdivisions of a State or States, and | |
| subdivisions of a State or States, and | any person who has the authority to | |
| any person who has the authority to | acquire property by eminent domain | |
| acquire property by eminent domain | under State law. | |
| under State law. | | |
| (2) Alien not lawfully present in the | Alien not lawfully present in the United | |
| United States . The phrase "alien not lawfully | States means an alien who is not "lawfully | |
| present in the United States" means an alien | present" in the United States as defined in 8 | |
| who is not "lawfully present" in the United | CFR 103.12 and includes: | |
| States as defined in 8 CFR 103.12 and | | |
| includes: | | |
| (i) An alien present in the United States | (i) An alien present in the United States | |
| who has not been admitted or | who has not been admitted or | |
| paroled into the United States | paroled into the United States | |
| pursuant to the Immigration and | pursuant to the Immigration and | |
| Nationality Act (8 U.S.C. 1101 et | Nationality Act (8 U.S.C. 1101 et | |
| seq.) and whose stay in the United | seq.) and whose stay in the United | |
| States has not been authorized by | States has not been authorized by | |
| the United States Attorney General ; | the <u>U.S. Secretary of Homeland</u> | |
| and , | <u>Security</u> ; and | |

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| (ii) An alien who is present in the United | (ii) An alien who is present in the United | |
| States after the expiration of the | States after the expiration of the | |
| period of stay authorized by the | period of stay authorized by the U.S. | |
| United States Attorney General or | Secretary of Homeland Security or | |
| who otherwise violates the terms | who otherwise violates the terms | |
| and conditions of admission, parole | and conditions of admission, parole, | |
| or authorization to stay in the | or authorization to stay in the | |
| United States. | United States. | |
| (3) Appraisal. The term appraisal means | Appraisal means a written statement | |
| a written statement independently and | independently and impartially prepared by a | |
| impartially prepared by a qualified appraiser | qualified appraiser setting forth an opinion of | |
| setting forth an opinion of defined value of an | defined value of an adequately described | |
| adequately described property as of a specific | property as of a specific date, supported by | |
| date, supported by the presentation and | the presentation and analysis of relevant | |
| analysis of relevant market information. | market information. | |
| (4) Business. The term business means | Business means any lawful activity, | |
| any lawful activity, except a farm operation, | except a farm operation, that is conducted: | |
| that is conducted: | | |
| (i) Primarily for the purchase, sale, lease | (i) Primarily for the purchase, sale, | |
| and/or rental of personal and/or | lease_and/or rental of personal | |
| real property, and/or for the | and/or real property, and/or for the | |
| manufacture, processing, and/or | manufacture, processing, and/or | |
| marketing of products, | marketing of products, | |
| commodities, and/or any other | commodities, and/or any other | |
| personal property; | personal property; | |
| (ii) Primarily for the sale of services to | (ii) Primarily for the sale of services to | |
| the public; | the public; | |
| (iii) Primarily for outdoor advertising | (iii) Primarily for outdoor advertising | |
| display purposes, when the display | display purposes, when the display | |
| must be moved as a result of the | must be moved as a result of the | |
| project; or | project; or | |

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| (iv) By a nonprofit organization that has | (iv) By a nonprofit organization that has | |
| established its nonprofit status | established its nonprofit status | |
| under applicable Federal or State | under applicable Federal or State | |
| law. | law. | |
| (5) Citizen. The term citizen for purposes | Citizen for purposes of this part includes | |
| of this part includes both citizens of the | both citizens of the United States and | |
| United States and noncitizen nationals. | noncitizen nationals. | |
| (6) Comparable replacement dwelling- | Comparable replacement dwelling | |
| The term comparable replacement dwelling | means a dwelling which is: | |
| means a dwelling which is: | | |
| (i) Decent, safe and sanitary as described | (i) Decent, safe, and sanitary as | |
| in paragraph 24.2 (a) (8) of this | described in the definition of decent, | |
| section ; | safe, and sanitary in this paragraph | |
| | (a); | |
| (ii) Functionally equivalent to the | (ii) Functionally equivalent to the | Section 24.2(a) <u>Comparable replacement</u> |
| displacement dwelling. The term | displacement dwelling. The term | <u>dwelling, (6ii)</u> Definition of comparable |
| functionally equivalent means that it | functionally equivalent means that it | replacement dwelling. The requirement in § |
| performs the same function , and | performs the same function and | 24.2(a)(6)(ii) that a comparable replacement |
| provides the same utility. While a | provides the same utility. While a | dwelling be "functionally equivalent" to the |
| comparable replacement dwelling | comparable replacement dwelling | displacement dwelling_means that it must |
| need not possess every feature of | need not possess every feature of | perform the same function, and provide the |
| the displacement dwelling, the | the displacement dwelling, the | same utility. While The section states that it |
| principal features must be present. | principal features must be present. | need not possess every feature of the |
| Generally, functional equivalency is | Generally, functional equivalency is | displacement dwelling <u>. However</u> , the principal |
| an objective standard, reflecting the | an objective standard, reflecting the | features must be present. |
| range of purposes for which the | range of purposes for which the | For example, if the displacement |
| various physical features of a | various physical features of a | dwelling contains a pantry and a similar |
| dwelling may be used. However, in | dwelling may be used. However, in | dwelling is not available, a replacement |
| determining whether a replacement | determining whether a replacement | dwelling with ample kitchen cupboards may |
| dwelling is functionally equivalent to | dwelling is functionally equivalent to | be acceptable. Insulated and heated space in |
| the displacement dwelling, the | the displacement dwelling, the | a garage might prove an adequate substitute |

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| Agency-may consider reasonable | agency may consider reasonable | for basement workshop space. A dining area |
| trade-offs for specific features when | trade-offs for specific features when | may substitute for a separate dining room. |
| the replacement unit is equal to or | the replacement unit is equal to or | Under some circumstances, attic space could |
| better than the displacement | better than the displacement | substitute for basement space for storage |
| dwelling (See -appendix A , | dwelling (<u>see</u> appendix A <u>of this</u> | purposes, and vice versa. |
| § 24.2(a) (6)); | part, Section 24.2(a)Comparable | Only in unusual circumstances may a |
| | <u>replacement dwelling</u>); | comparable replacement dwelling contain |
| (iii) Adequate in size to accommodate | (iii) Adequate in size to accommodate | fewer rooms or, consequentially, less living |
| the occupants; | the occupants; | space than the displacement dwelling. Such |
| (iv) In an area not subject to | (iv) In an area not subject to | may be the case when a decent, safe, and |
| unreasonable adverse | unreasonable adverse | sanitary replacement dwelling (which by |
| environmental conditions; | environmental conditions; | definition is "adequate to accommodate" the |
| (v) In a location generally not less | (v) In a location generally not less | displaced person) may be found to be |
| desirable than the location of the | desirable than the location of the | "functionally equivalent" to a larger but very |
| displaced person's dwelling with | displaced person's dwelling with | run-down substandard displacement dwelling. |
| respect to public utilities and | respect to public utilities and | Another example is when a displaced person |
| commercial and public facilities, and | commercial and public facilities, and | accepts an offer of government Government |
| reasonably accessible to the | reasonably accessible to the | housing assistance and the applicable |
| person's place of employment; | person's place of employment; | requirements of such housing assistance |
| (vi) On a site that is typical in size for | (vi) On a site that is typical in size for | program require that the displaced person |
| residential development with | residential development with | occupy a dwelling that has fewer rooms or |
| normal site improvements, including | normal site improvements, including | less living space than the displacement |
| customary landscaping. The site | customary landscaping. The site | dwelling. |
| need not include special | need not include special | |
| improvements such as outbuildings, | improvements such as outbuildings, | |
| swimming pools, or greenhouses. | swimming pools, or greenhouses. | |
| (See also § 24.403(a)(2)); | (See also § 24.403(a)(2)); | |
| (vii) Currently available to the displaced | (vii) Currently available to the displaced | Section 24.2(a) (6)(Comparable |
| person on the private market except | person on the private market except | <u>replacement dwelling, (vii)</u> . The definition of |
| as provided in paragraph (a)(6)(ix) of | as provided in paragraph (ix) of this | comparable replacement dwelling requires |
| | definition (see appendix A to this | that a comparable replacement dwelling for a |

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| this section (See appendix A , § | part, Section 24.2(a), definition of | person_who is not receiving assistance under |
| 24.2(a) (6)(vii)) ; and | comparable replacement dwelling); | any government housing |
| | and | program before displacement, must be |
| | (viii) Within the financial means of the | currently available on the private market |
| (viii) Within the financial means of the | displaced person: | without any subsidy under a government |
| displaced person: | (A) A replacement dwelling purchased | Government housing program. |
| (A) A replacement dwelling purchased | by a homeowner in occupancy at | Section 24.2(a)(6)(ix). A public housing |
| by a homeowner in occupancy at | the displacement dwelling for at | unit may qualify as a comparable replacement |
| the displacement dwelling for at | least 90 days prior to initiation of | dwelling only for a person displaced from a |
| least 180- days prior to initiation of | negotiations (<u>90</u> -day homeowner) | public housing unit. A privately owned |
| negotiations (180 -day | is considered to be within the | dwelling with a housing program subsidy tied |
| homeowner) is considered to be | homeowner's financial means if | to the unit may qualify as a comparable |
| within the homeowner's financial | the homeowner will receive the | replacement dwelling only for a person |
| means if the homeowner will | full price differential as described | displaced from a similarly subsidized unit or |
| receive the full price differential | in § 24.401(c), all increased | public housing. |
| as described in § 24.401(c), all | mortgage interest costs as | A housing program subsidy that is paid |
| increased mortgage interest costs | described at § 24.401(d) and all | to a person (not tied to the building), such as |
| as described at § 24.401(d) and all | incidental expenses as described | a HUD Section 8 Housing Voucher Program, |
| incidental expenses as described | at § 24.401(<u>f</u>), plus any additional | may be reflected in an offer of a comparable |
| at § 24.401(e), plus any additional | amount required to be paid under | replacement dwelling to a person receiving a |
| amount required to be paid under | § 24.404. | similar subsidy or occupying a privately owned |
| § 24.404 , Replacement housing of | (B) A replacement dwelling rented by | subsidized unit or public housing unit before |
| last resort . | an eligible displaced person is | displacement. |
| (B) A replacement dwelling rented by | considered to be within his or her | However, nothing in this part prohibits |
| an eligible displaced person is | financial means if, after receiving | an Agency from offering, or precludes a |
| considered to be within his or her | rental assistance under this part, | person from accepting, assistance under a |
| financial means if, after receiving | the person's monthly rent and | government housing program, even if the |
| rental assistance under this part, | estimated average monthly utility | person did not receive similar assistance |
| the person's monthly rent and | costs for the replacement | before displacement. However, the Agency is |
| estimated average monthly utility | dwelling do not exceed the | obligated to inform the person of his or her |
| costs for the replacement | person's base monthly rental for | options under this part. (|

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| dwelling do not exceed the | the displacement dwelling as | |
| person's base monthly rental for | described at § 24.402(b)(2). | |
| the displacement dwelling as | | |
| described at § 24.402(b)(2). | (C) For a displaced person who is not | |
| (C) For a displaced person who is not | eligible to receive a replacement | |
| eligible to receive a replacement | housing payment because of the | |
| housing payment because of the | person's failure to meet length-of- | |
| person's failure to meet length-of- | occupancy requirements, | |
| occupancy requirements, | comparable replacement rental | |
| comparable replacement rental | housing is considered to be within | |
| housing is considered to be within | the person's financial means if an | |
| the person's financial means if an | agency pays that portion of the | |
| Agency-pays that portion of the | monthly housing costs of a | |
| monthly housing costs of a | replacement dwelling which | |
| replacement dwelling which | exceeds the person's base | |
| exceeds the person's base | monthly rent for the displacement | |
| monthly rent for the displacement | dwelling as described in § | |
| dwelling as described in § | 24.402(b)(2). Such rental | |
| 24.402(b)(2). Such rental | assistance must be paid under § | |
| assistance must be paid under § | 24.404. | |
| 24.404 , Replacement housing of | | |
| last resort . | (ix) For a person receiving Government | Section 24.2(a) Comparable replacement |
| (ix) For a person receiving government | housing assistance before | dwelling, (ix). If a person accepts assistance |
| housing assistance before | displacement, a dwelling that may | under a government <u>Government</u> housing |
| displacement, a dwelling that may | reflect similar Government housing | assistance program, the rules of that program |
| reflect similar government housing | assistance. In such cases any | governing the size of the dwelling apply, and |
| assistance. In such cases any | requirements of the Government | the rental assistance payment under § 24.402 |
| requirements of the government | housing assistance program, | would be computed on the basis of the |
| housing assistance program relating | including fair housing, civil rights, | person's actual out-of-pocket cost for the |
| to the size of the replacement | and those relating to the size of the | replacement housing .) and associated utilities |
| | replacement dwelling_shall apply. | |

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| dwelling shall apply. (See appendix | However, nothing in this part | after the applicable Government assistance |
| A, §24.2(a)(6)(ix).) | prohibits an agency from offering, or | has been applied. |
| | precludes a person from accepting, | |
| | assistance under a Government | |
| | housing program, even if the person | |
| | did not receive similar assistance | |
| | before displacement, subject to the | |
| | eligibility requirements of the | |
| | Government housing assistance | |
| | program. An agency is obligated to | |
| | inform the person of his or her | |
| | options under this part and the | |
| | implications of accepting a different | |
| | form of assistance than the | |
| | assistance that the person may | |
| | currently be receiving. If a person | |
| | accepts assistance under a | |
| | Government housing assistance | |
| | program, the rules of that program | |
| | apply, and the rental assistance | |
| | payment under § 24.402 would be | |
| | computed on the basis of the | |
| | person's actual out-of-pocket cost | |
| | for the replacement housing and | |
| | associated utilities after the | |
| | applicable Government housing | |
| | assistance has been applied. In | |
| | determining comparability of | |
| | housing under this part: | |
| | (A) A public housing unit may qualify | |
| | as a comparable replacement | |

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| | dwelling only for a person | |
| | displaced from a public housing | |
| | <u>unit.</u> | |
| | (B) A privately owned unit with a | |
| | housing project—based rental | |
| | program subsidy (e.g., tied to the | |
| | unit or building) may qualify as a | |
| | comparable replacement dwelling | |
| | only for a person displaced from a | |
| | similarly subsidized unit or public | |
| | housing unit. | |
| | (C) An offer for tenant-based rental | |
| | assistance, such as a HUD Section | |
| | 8 Housing Choice Voucher, may | |
| | be provided along with an offer of | |
| | a comparable replacement | |
| | dwelling to a person receiving a | |
| | similar subsidy assistance or | |
| | occupying a privately owned | |
| | subsidized unit or public housing | |
| | unit before displacement. The | |
| | displacing agency must confirm | |
| | that the owner will accept tenant | |
| | based rental assistance before | |
| | offering the unit as comparable | |
| | replacement housing. (see | |
| | appendix A to this part, section | |
| | 24.2(a), definition of comparable | |
| | replacement dwelling) | |
| (7) Contribute materially. The term | Contribute materially means that during | |
| contribute materially means that during the 2 | the 2 taxable years prior to the taxable year in | |

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| taxable years prior to the taxable year in | which displacement occurs, or during such | |
| which displacement occurs, or during such | other period as the <u>agency</u> determines to be | |
| other period as the Agency determines to be | more equitable, a business or farm operation: | |
| more equitable, a business or farm operation: | | |
| (i) Had average annual gross receipts of | (i) Had average annual gross receipts of | |
| at least \$5,000; or | at least \$5,000; or | |
| (ii) Had average annual net earnings of | (ii) Had average annual net earnings of | |
| at least \$1,000; or | at least \$1,000; or | |
| (iii) Contributed at least 33½ percent of | (iii) Contributed at least 33 ¹ /₃ percent of | |
| the owner's or operator's average | the owner's or operator's average | |
| annual gross income from all | annual gross income from all | |
| sources. | sources. | |
| (iv) If the application of the above | (iv) If the application of the above | |
| criteria creates an inequity or | criteria creates an inequity or | |
| hardship in any given case, the | hardship in any given case, the | |
| Agency may approve the use of | agency may approve the use of | |
| other criteria as determined | other criteria as determined | |
| appropriate. | appropriate. (<u>See</u> appendix A of this | |
| | part, section 24.305(e)) | |
| (8) Decent, safe, and sanitary dwelling . | Decent, safe, and sanitary (DSS) dwelling | |
| The term decent, safe, and sanitary dwelling | means a dwelling which meets the | |
| means a dwelling which meets local housing | requirements of paragraphs (i) through (vii) of | |
| and occupancy codes. However, any of the | this definition or the most stringent of the | |
| following standards which are not met by the | local housing code, Federal agency | |
| local code shall apply unless waived for good | regulations, or the agency's regulations or | |
| cause by the Federal Agency funding the | written policy. The DSS dwelling shall: | |
| project. The dwelling shall: | | |
| (i) Be structurally sound, weather tight, | (i) Be structurally sound, weather tight, | |
| and in good repair; | and in good repair; | Section 24.2(a) (8) <u>Decent, safe, and</u> |
| | (A) Many local housing and occupancy | sanitary, (i)(iiA). Decent, Safe and Sanitary. |
| | codes require the abatement of | Many local housing and occupancy codes |

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| | deteriorating paint, including | require Even where Federal or local law does |
| | lead-based paint and lead-based | not mandate adherence to standards |
| | paint dust, in protecting the | requiring the abatement of deteriorating |
| | public health and safety. Where | paint, including lead-based paint and lead- |
| | such standards exist, they must | based paint dust, in protecting the public |
| | <u>be honored;</u> | health and safety. Where such standards |
| | (B) [Reserved] | exist, they must be honored. Even where local |
| (ii) Contain a safe electrical wiring | (ii) Contain a safe electrical wiring | law does not mandate adherence to such |
| system adequate for lighting and | system adequate for lighting and | standards, it is strongly recommended that |
| other devices; | other devices; | they be considered as a matter of public |
| (iii) Contain a heating system capable of | (iii) Contain a heating system capable of | policy. |
| sustaining a healthful temperature | sustaining a healthful temperature | |
| (of approximately 70 degrees) for a | (of approximately 70 degrees) for a | |
| displaced person, except in those | displaced person, except in those | |
| areas where local climatic conditions | areas where local climatic conditions | |
| do not require such a system; | do not require such a system; | |
| (iv) Be adequate in size with respect to | (iv) Be adequate in size with respect to | |
| the number of rooms and area of | the number of rooms and area of | |
| living space needed to | living space needed to | |
| accommodate the displaced person. | accommodate the displaced person. | |
| The number of persons occupying | The number of persons occupying | |
| each habitable room used for | each habitable room used for | |
| sleeping purposes shall not exceed | sleeping purposes shall not exceed | |
| that permitted by local housing | that permitted by the most stringent | |
| codes or, in the absence of local | of the local housing code, Federal | |
| codes, the policies of the displacing | agency regulations or requirements, | |
| Agency. In addition, the displacing | or the agency's regulations or | |
| Agency shall follow the | written policy. In addition, the | |
| requirements for separate | Federal funding agency shall follow | |
| bedrooms for children of the | the requirements for separate | |
| opposite gender included in local | bedrooms for children of the | |

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| housing codes or in the absence of | opposite gender included in local | |
| local codes, the policies of such | housing codes or in the absence of | |
| Agencies; | local codes, the policies of such | |
| | agencies; | |
| (v) There shall be a separate, well | (v) There shall be a separate, well | |
| lighted and ventilated bathroom | lighted and ventilated bathroom | Section 24.2(a) Decent, safe, and |
| that provides privacy to the user and | that provides privacy to the user and | sanitary, (v). Some local code standards for |
| contains a sink, bathtubor shower | contains a sink, bathtub, or shower | occupancy do not require kitchens. However, |
| stall, and a toilet, all in good working | stall, and a toilet, all in good working | selection of comparable dwellings that |
| order and properly connected to | order and properly connected to | provide a kitchen is recommended. The FHWA |
| appropriate sources of water and to | appropriate sources of water and to | believes this is good practice and in most |
| a sewage drainage system. In the | a sewage drainage system. When | cases should be easily achievable. If the |
| case of a housekeeping dwelling, | required by local code standards for | displacement dwelling had a kitchen, the |
| there shall be a kitchen area that | residential occupancy, there shall be | comparable dwelling must have a kitchen. If |
| contains a fully usable sink, properly | a kitchen area that contains a fully | the displacement dwelling did not have a |
| connected to potable hot and cold | usable sink, properly connected to | kitchen but local code standards for |
| water and to a sewage drainage | potable hot and cold water and to a | occupancy require one, the comparable |
| system, and adequate space and | sewage drainage system, and | dwelling must contain a kitchen. If the |
| utility service connections for a | adequate space and utility service | displacement dwelling did not have a kitchen |
| stove and refrigerator; | connections for a stove and | and local code standards for occupancy do not |
| | refrigerator (see appendix A to this | require one, an agency does not have to |
| | part, section 24.2(a), definition of | provide a kitchen in the comparable dwelling. |
| | <u>DSS</u>); | If a kitchen is provided in the comparable |
| (vi) Contains unobstructed egress to | (vi) Contains unobstructed egress to | dwelling, at a minimum it must contain a fully |
| safe, open space at ground level; | safe, open space at ground level; | usable sink, properly connected to potable |
| and | and | hot and cold water and to a sewage drainage |
| (vii) For a displaced person with a | (vii) For a displaced person with a | system, and adequate space and utility service |
| disability, be free of any barriers | disability, be free of any barriers | connections for a stove and refrigerator. |
| which would preclude reasonable | which would preclude reasonable | Section 24.2(a) (8)(vii) <u>DSS</u> —Persons with |
| ingress, egress, or use of the | ingress, egress, or use of the | a disability, (vii). Reasonable accommodation |
| | dwelling by such displaced person. | of a displaced person with a disability at the |

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| dwelling by such displaced person. | (See appendix A of this part, Section | replacement dwelling means the Agency |
| (<i>See</i> appendix A, § 24.2(a) (8)(vii).) | 24.2(a), definition of DSS) | agency is required to address comparability |
| , | · / | for persons with a physical impairment that |
| | | substantially limits one or more of the major |
| | | life activities. In these situations, reasonable |
| | | accommodation should include the following |
| | | at a minimum: Doors of adequate width; |
| | | ramps or other assistance devices to traverse |
| | | stairs and access bathtubs, shower stalls, |
| | | toilets and sinks; storage cabinets, vanities, |
| | | sink and mirrors at appropriate heights. |
| | | Kitchen accommodations will include sinks |
| | | and storage cabinets built at appropriate |
| | | heights for access. The Agency agency shall |
| | | also consider other items that may be |
| | | necessary, such as physical modification to a |
| | | unit, based on the displaced person's needs. |
| | | Requirements include but are not limited to |
| | | Fair Housing Act (FHA), 42 U.S.C. 3604 |
| | | (f)(3)(A)-(C), and/or HUD's regulations for |
| | | newly constructed assisted housing under |
| | | section 504, 24 CFR 8.22. |
| (9) Displaced person . General. The term | Displaced person means: | Section 24.2(a)(9)(ii)(D) Persons not |
| displaced person means, except | | displaced. Paragraph (a)(9)(ii)(D) of this |
| (i) as provided in paragraph (a)(9)(i i) of | (i) Generally. Except as provided in | section recognizes that there are |
| this section , any person who moves | paragraph (ii) of this definition, any | circumstances where the acquisition, |
| from the real property or moves his | person who permanently moves | rehabilitation or demolition of real property |
| or her personal property from the | from the real property or moves his | takes place without the intent or necessity |
| real property. (This includes a | or her personal property from the | that an occupant of the property be |
| person who occupies the real | real property. (This includes a | permanently displaced. Because such |
| property prior to its acquisition, but | person who occupies the real | occupants are not considered "displaced |

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| who does not meet the length of | property prior to its acquisition, but | persons" under this part, great care must be | |
| occupancy requirements of the | who does not meet the length of | exercised to ensure that they are treated | |
| Uniform Act as described at § | occupancy requirements of the | fairly and equitably. For example, if the | |
| 24.401(a) and §24.402(a))÷ | Uniform Act as described at §§ | tenant-occupant of a dwelling will not be | |
| | 24.401(a) and 24.402(a) <u>.</u>) | displaced, but is required to relocate | |
| (A) As a direct result of a written | (A) As a direct result of a written | temporarily in connection with the project, | |
| notice of intent to acquire (see § | notice of intent to acquire, | the temporarily occupied housing must be | |
| 24.203(d)), the initiation of | rehabilitate, and/or demolish (see | decent, safe, and sanitary and the tenant | |
| negotiations for, or the | § 24.203(d)), the initiation of | must be reimbursed for all reasonable out-of- | |
| acquisition of, such real property | negotiations for, or the | pocket expenses incurred in connection with | |
| in whole or in part for a project; | acquisition of, such real property | the temporary relocation. These expenses | |
| | in whole or in part for a project; | may include moving expenses and increased | |
| (B) As a direct result of rehabilitation | (B) As a direct result of rehabilitation | housing costs during the temporary | |
| or demolition for a project; or | or demolition for a project; or | relocation. Temporary relocation should not | |
| (C) As a direct result of a written | (C) As a direct result of a written | extend beyond one year before the person is | |
| notice of intent to acquire, or the | notice of intent to acquire, or the | returned to his or her previous unit or | |
| acquisition, rehabilitation or | acquisition, rehabilitation or | location. The Agency must contact any | |
| demolition of, in whole or in part, | demolition of, in whole or in part, | residential tenant who has been temporarily | |
| other real property on which the | other real property on which the | relocated for a period beyond one year and | |
| person conducts a business or | person conducts a business or | offer all permanent relocation assistance. Thi | |
| farm operation, for a project. | farm operation, for a project. | assistance would be in addition to any | |
| However, eligibility for such | However, eligibility for such | assistance the person has already received fo | |
| person under this paragraph | person under this paragraph (i)(C) | temporary relocation, and may not be | |
| applies only for purposes of | applies only for purposes of | reduced by the amount of any temporary | |
| obtaining relocation assistance | obtaining relocation assistance | relocation assistance. | |
| advisory services under § | advisory services under § | Similarly, if a business will be shut-dowr | |
| 24.205(c), and moving expenses | 24.205(c), and moving expenses | for any length of time due to rehabilitation of | |
| under § 24.301, § 24.302or § | under § 24.301, § 24.302 <u>,</u> or § | a site, it may be temporarily relocated and | |
| 24.303. | 24.303. | reimbursed for all reasonable out of pocket | |
| | (ii) Persons required to move | expenses or must be determined to be | |
| | temporarily. A person who is | displaced at the Agency's option. | |

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| | required to move or moves his or | Any person who disagrees with the |
| | her personal property from the real | Agency's determination that he or she is not a |
| | property as a direct result of the | displaced person under this part may file an |
| | project but is not required to | appeal in accordance with 49 CFR part 24.10 |
| | relocate permanently. Such | of this regulation. |
| | determination shall be made by the | Section 24.2(a) Displaced person— |
| | agency in accordance with any | Occupants of a temporary, daily, or |
| | requirement, policy, or guidance | emergency shelter, (iii)(L). Shelters can serve |
| | established by the Federal agency | many purposes, and each will have specific |
| | funding the project (see appendix A | rules and requirements as to who can occupy |
| | to this part, section 24.2(a)). All | or use the shelter and whether prolonged and |
| | benefits for persons required to | continuous occupancy is allowed. Persons |
| | move on a temporary basis are | who are occupying a shelter that only allows |
| | described in § 24.202(a). | overnight stays and requires the occupants to |
| | (iii) Voluntary acquisitions. A tenant | remove their personal property and |
| | who moves as a direct result of a | themselves from the premises on a daily basis |
| | voluntary acquisition as described in | and that offers no guarantee of reentry in the |
| | § 24.101(b)(1) through (3) is eligible | evening typically would not meet the |
| | for relocation assistance when there | definition of displaced persons as used in this |
| | is a binding written agreement | part, nor would the shelter meet the |
| | between the agency and the owner | definition of dwelling as used in this part. |
| | that obligates the agency, without | Persons who live at the shelter on a |
| | further election, to purchase the | continuous, prolonged, or permanent basis |
| | real property. Federal Funding | may be considered displaced. These |
| | agencies should develop policies | determinations are fact-based |
| | identifying the types of agreements | determinations. Facts that might assist in the |
| | used in its programs or projects | determination include whether the person is |
| | which it considers to be binding and | employed because they work to pay their rent |
| | which would therefore trigger | or there may be a residential landlord-tenant |
| | eligibility for tenants as displaced | relationship. The FHWA expects it would be |
| | persons. Agreements such as | unusual to displace a shelter occupant who |

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| | options to purchase and conditional | meets the criteria for making a determination |
| | purchase and sale agreements are | that he or she is a displaced person. Agencies |
| | not considered a binding agreement | should make reasonable effort to provide |
| | within the meaning of this | information about proposed vacation date or |
| | paragraph (iii) until all conditions to | other plans for the shelter to relocate. |
| | the agency's obligation to purchase | Providing advisory assistance to shelter |
| | the real property have been | occupants may be a challenge due to the |
| | satisfied. Provided that, the agency | transient nature of shelter occupancy, but |
| | may determine that a tenant who | such assistance must be provided to the |
| | moves before there is a binding | maximum extent practicable. |
| | agreement is eligible for relocation | |
| | assistance once a binding agreement | |
| | exists allowing establishment of | |
| | eligibility (see appendix A to this | |
| | part, section 24.2(a)). | |
| (ii) Persons not displaced. The following | (<u>iv</u>) <i>Persons not displaced</i> . The following | |
| is a nonexclusive listing of persons | is a nonexclusive listing of persons | |
| who do not qualify as displaced | who do not qualify as displaced | |
| persons under this part: | persons under this part: | |
| (A) A person who moves before the | (A) A person who moves before the | |
| initiation of negotiations (see § | initiation of negotiations (see § | |
| 24.403(d)), unless the Agency | 24.403(d)), unless the agency | |
| determines that the person was | determines that the person was | |
| displaced as a direct result of the | displaced as a direct result of the | |
| program or project; | program or project; | |
| (B) A person who initially enters into | (B) A person who initially enters into | |
| occupancy of the property after | occupancy of the property after | |
| the date of its acquisition for the | the date of its acquisition for the | |
| project; | project; | |
| (C) A person who has occupied the | (C) A person who has occupied the | |
| property for the purpose of | property for the purpose of | |

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| obtaining assistance under the | obtaining assistance under the | |
| Uniform Act; | Uniform Act; | |
| (D) A person who is not required to | | |
| relocate permanently as a direct | | |
| result of a project. Such | | |
| determination shall be made by | | |
| the Agency in accordance with | | |
| any guidelines established by the | | |
| Federal Agency funding the | | |
| project (See appendix Λ, § | | |
| 24.2(a)(9)(ii)(D)); | | |
| (€) An owner-occupant who moves as | (D) An owner-occupant who moves | |
| a result of an acquisition of real | as a result of an acquisition of real | |
| property as described in §§ | property as described in § | |
| 24.101(a)(2) or 24.101 (b)(1) or | 24.101(a)(2) or (b)(1) or (2), or as | |
| (2), or as a result of the | a result of the rehabilitation or | |
| rehabilitation or demolition of the | demolition of the real property. | |
| real property. (However, the | (However, the displacement of a | |
| displacement of a tenant as a | tenant as a direct result of any | |
| direct result of any acquisition, | acquisition, rehabilitation <u>.</u> or | |
| rehabilitation or demolition for a | demolition for a Federal or | |
| Federal or federally assisted | federally assisted project is | |
| project is subject to this part.); | subject to this part.); | |
| (F) A person whom the Agency | (E) A person whom the agency | |
| determines is not displaced as a | determines is not displaced as a | |
| direct result of a partial | direct result of a partial | |
| acquisition; | acquisition; | |
| (G) A person who, after receiving a | (F) A person who, after receiving a | |
| notice of relocation eligibility | notice of relocation eligibility | |
| (described at § 24.203(b)), is | (described at § 24.203(b)), is | |
| notified in writing that he or she | notified in writing that he or she | |

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| will not be displaced for a project. | will not be displaced for a project. | |
| Such written notification shall not | Such written notification shall not | |
| be issued unless the person has | be issued unless the person has | |
| not moved and the Agency agrees | not moved and the agency agrees | |
| to reimburse the person for any | to reimburse the person for any | |
| expenses incurred to satisfy any | expenses incurred to satisfy any | |
| binding contractual relocation | binding contractual relocation | |
| obligations entered into after the | obligations entered into after the | |
| effective date of the notice of | effective date of the notice of | |
| relocation eligibility; | relocation eligibility; | |
| (H) An owner-occupant who conveys | (G) An owner-occupant who conveys | |
| his or her property, as described | his or her property, as described | |
| in §§ -24.101(a)(2) or 24.101 (b)(1) | in <u>§</u> 24.101(a)(2) or (b)(1) or (2), | |
| or (2), after being informed in | after being informed in writing | |
| writing that if a mutually | that if a mutually satisfactory | |
| satisfactory agreement on terms | agreement on terms of the | |
| of the conveyance cannot be | conveyance cannot be reached, | |
| reached, the Agency-will not | the agency will not acquire the | |
| acquire the property. In such | property. In such cases, however, | |
| cases, however, any resulting | any resulting displacement of a | |
| displacement of a tenant is | tenant is subject to the | |
| subject to the regulations in this | regulations in this part; | |
| part; | | |
| (4) A person who retains the right of | (H) A person who retains the right of | |
| use and occupancy of the real | use and occupancy of the real | |
| property for life following its | property for life following its | |
| acquisition by the Agency; | acquisition by the agency; | |
| (J) An owner who retains the right of | (<u>I</u>) An owner who retains the right of | |
| use and occupancy of the real | use and occupancy of the real | |
| property for a fixed term after its | property for a fixed term after its | |
| acquisition by the Department of | acquisition by the Department of | |

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| the Interior under Pub. L. 93-477, | the Interior under Public Law 93- | Appendix |
| Appropriations for National Park | 477, Appropriations for National | |
| System, or Pub. L. 93-303, Land | Park System, or Public Law 93- | |
| and Water Conservation Fund, | 303, Land and Water | |
| except that such owner remains a | Conservation Fund, except that | |
| displaced person for purposes of | such owner remains a displaced | |
| subpart D of this part; | person for purposes of subpart D | |
| | of this part; | |
| (K) A person who is determined to be | (J) A person who is determined to be | |
| in unlawful occupancy prior to or | in unlawful occupancy prior to or | |
| after the initiation of | after the initiation of | |
| negotiations, or a person who has | negotiations, or a person who has | |
| been evicted for cause, under | been evicted for cause, under | |
| applicable law, as provided for in | applicable law, as provided for in | |
| § 24.206. However, advisory | § 24.206. However, advisory | |
| assistance may be provided to | assistance may be provided to | |
| unlawful occupants at the option | unlawful occupants at the option | |
| of the Agency in order to facilitate | of the agency in order to facilitate | |
| the project; | the project; | |
| (L) A person who is not lawfully | (K) A person who is not lawfully | |
| present in the United States and | present in the United States and | |
| who has been determined to be | who has been determined to be | |
| ineligible for relocation assistance | ineligible for relocation assistance | |
| in accordance with § 24.208; or | in accordance with § 24.208; or | |
| (M) Tenants required to move as a | (L) Temporary, daily, or emergency | |
| result of the sale of their dwelling | shelter occupants are in most | |
| to a person using downpayment | cases not considered displaced | |
| assistance provided under the | persons. However, agencies may | |
| American Dream Downpayment | determine that a person | |
| Initiative (ADDI) authorized by | occupying a shelter is a displaced | |
| section 102 of the American | person due to factors which could | |

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| Dream Downpayment Act (Pub. L. | include reasonable expectation of | |
| 108-186; codified at 42 U.S.C. | a prolonged stay, or other | |
| 12821). | extenuating circumstances. At a | |
| | minimum, agencies shall provide | |
| | advisory assistance to all | |
| | occupants at initiation of | |
| | negotiations. (See appendix A to | |
| | this part, section 24.2(a), | |
| | definition of displaced persons.) | |
| (10) Dwelling. The term dwelling means | Dwelling means the place of permanent | |
| the place of permanent or customary and | or customary and usual residence of a person, | |
| usual residence of a person, according to local | according to local custom or law, including a | |
| custom or law, including a single family house; | single_family house; a single_family unit in a | |
| a single-family unit in a two-family, multi- | two-family, multi-family, or multi-purpose | |
| family, or multi-purpose property; a unit of a | property; a unit of a condominium or | |
| condominium or cooperative housing project; | cooperative housing project; a mobile home, | |
| a non-housekeeping unit; a mobile home; or | or any other residential unit. | |
| any other residential unit. | | |
| (11) Dwelling site. The term dwelling site | Dwelling site means a land area that is | Section 24.2(a) (11) Dwelling site. This |
| means a land area that is typical in size for | typical in size for similar dwellings located in | definition ensures that the computation |
| similar dwellings located in the same | the same neighborhood or rural area. (See | computations of replacement housing |
| neighborhood or rural area. (See appendix A, | appendix A to this part, section 24.2(a).) | payments are accurate and realistic |
| §24.2(a) (11) .) | | (a) when the dwelling is located on a larger |
| | | than normal site, |
| | | (b) when mixed-use properties are acquired, |
| | | (c) when more than one dwelling is located |
| | | on the acquired property, or |
| | | (d) when the replacement dwelling is |
| | | retained by an owner and moved to |
| | | another site. |

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| (12) Farm operation . The term farm | Farm operation means any activity | |
| operation means any activity conducted solely | conducted solely or primarily for the | |
| or primarily for the production of one or more | production of one or more agricultural | |
| agricultural products or commodities, | products or commodities, including timber, | |
| including timber, for sale or home use, and | for sale or home use, and customarily | |
| customarily producing such products or | producing such products or commodities in | |
| commodities in sufficient quantity to be | sufficient quantity to be capable of | |
| capable of contributing materially to the | contributing materially to the operator's | |
| operator's support. | support. | |
| (13) Federal financial assistance. The | Federal financial assistance means a | |
| term Federal financial assistance-means a | grant, loan, or contribution provided by the | |
| grant, loan, or contribution provided by the | United States, except any Federal guarantee, | |
| United States, except any Federal guarantee | insurance or tax credits (Low Income Housing | |
| or insurance and any interest reduction | Tax Credit) and any interest reduction | |
| payment to an individual in connection with | payment to an individual in connection with | |
| the purchase and occupancy of a residence by | the purchase and occupancy of a residence by | |
| that individual. | that individual. | |
| (14)-Household income. The term | Household income means total gross | Section 24.2(a) (14) Household income |
| <i>household income</i> -means total gross income | income received for a 12-month period from | (exclusions). Household income for purposes |
| received for a 12month period from all | all sources (earned and unearned) including, | of this regulation part does not include |
| sources (earned and unearned) including, but | but not limited to wages, salary, child support, | program benefits that are not considered |
| not limited to wages, salary, child support, | alimony, unemployment benefits, workers | income by Federal law such as food stamps |
| alimony, unemployment benefits, workers | compensation, social security, or the net | and the Women Infants and Children (WIC) |
| compensation, social security, or the net | income from a business. It does not include | program. For a more detailed list of income |
| income from a business. It does not include | income received or earned by dependent | exclusions see Federal Highway |
| income received or earned by dependent | children <u>under 18, or</u> full <u>-</u> time students <u>who</u> | Administration-FHWA, Office of Real Estate |
| children and fulltime students under 18 years | are students for at least 5 months of the year | Services Web site: |
| of age. (See appendix A, §24.2(a)(14) for | and are under the age of 24. (See appendix A | http://www.fhwa.dot.gov/realestate/. (FR |
| examples of exclusions to income.) | to this part, section 24.2(a), for examples of | 4644-N-16 page 20319 Updated.) If website.[1] |
| | exclusions to income.) | Contact the Federal agency administering the |
| | | program if there is a question on whether or |

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| | | not to include income from a specific program |
| | | contact the Federal Agency administering the |
| | | program . |
| (15)-Initiation of negotiations. Unless a | Initiation of negotiations, unless a | Section 24 <mark>.2</mark> (a) (15) Initiation of |
| different action is specified in applicable | different action is specified in applicable | negotiations. This section provides a special |
| Federal program regulations, the term | Federal program regulations, means the | definition for acquisition and displacements |
| initiation of negotiations means the following: | following: | under Pub. L. <u>Public Law</u> 96-510 or Superfund |
| (i) Whenever the displacement results | (i) Whenever the displacement results | The order of activities under Superfund may |
| from the acquisition of the real | from the acquisition of the real | differ slightly in that temporary relocation |
| property by a Federal Agency or | property by a Federal <u>agency</u> or | may precede acquisition. Superfund is a |
| State Agency, the initiation of | State <u>agency</u> , the <u>term</u> means the | program designed to clean up hazardous |
| negotiations means the delivery of | delivery of the initial written offer of | waste sites. When such a site is discovered, it |
| the initial written offer of just | just compensation by the agency to | may be necessary, in certain limited |
| compensation by the Agency to the | the owner or the owner's | circumstances, to alert individual owners and |
| owner or the owner's representative | representative to purchase the real | tenants to potential health or safety threats |
| to purchase the real property for the | property for the project. However, if | and to offer to temporarily relocate them |
| project. However, if the Federal | the Federal <u>agency</u> or State <u>agency</u> | while additional information is gathered. If a |
| Agency or State Agency issues a | issues a notice of its intent to | decision is later made to permanently |
| notice of its intent to acquire the | acquire <u>, rehabilitate, or demolish</u> | relocate such persons, those who had been |
| real property, and a person moves | the real property, and a person | temporarily relocated under Superfund |
| after that notice, but before delivery | moves after that notice, but before | authority would no longer be on site when a |
| of the initial written purchase offer, | delivery of the initial written | formal, written offer to acquire the property |
| the <i>initiation of negotiations</i> -means | purchase offer, the term means the | was made, and thus would lose their eligibilit |
| the actual move of the person from | actual move of the person from the | for a replacement housing payment. In order |
| the property. | property. | to prevent this unfair outcome, we have |
| (ii) Whenever the displacement is | (ii) Whenever the displacement is | FHWA has provided a definition of initiation of |
| caused by rehabilitation, demolition | caused by rehabilitation, demolition, | negotiation, which is based on the date the |
| or privately undertaken acquisition | or privately undertaken acquisition | Federal Government offers to temporarily |
| of the real property (and there is no | of the real property (and there is no | relocate an owner or tenant from the subject |
| related acquisition by a Federal | related acquisition by a Federal | property. |
| A | construction of Charles are a series of the charges | |

agency or a State agency), the term

Agency or a State Agency), the

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| <i>initiation of negotiations</i> -means the | means the notice to the person that | Section 24.2(a) (15)(iv) Initiation of | |
| notice to the person that he or she | he or she will be displaced by the | negotiations-{_Tenants} (iv). Tenants who | |
| will be displaced by the project or, if | project or, if there is no notice, the | occupy property that may be voluntarily | |
| there is no notice, the actual move | actual move of the person from the | acquired amicably , without recourse to the | |
| of the person from the property. | property. | use of the power of eminent domain, must be | |
| (iii) In the case of a permanent | (iii) In the case of a permanent | fully informed as to their potential eligibility | |
| relocation to protect the public | relocation to protect the public | for relocation assistance. This includes | |
| health and welfare, under the | health and welfare, under the | notifying such tenants of their potential | |
| Comprehensive Environmental | Comprehensive Environmental | eligibility when negotiations are initiated, | |
| Response Compensation and | Response Compensation and | notifying them if they become fully eligible, | |
| Liability Act of 1980 (Pub. L. 96-510, | Liability Act of 1980 (Pub. L. 96-510, | and, in the event the purchase of the property | |
| or Superfund) (CERCLA) the | or Superfund) , the term means the | will not occur, notifying them that they are no | |
| <i>initiation of negotiations</i> means the | formal announcement of such | longer eligible for relocation benefits. If a. If | |
| formal announcement of such | relocation or the Federal or | negotiations fail to result in a binding | |
| relocation or the Federal or | federally-coordinated health | agreement the agency should notify tenants | |
| federally-coordinated health | advisory where the Federal | that negotiations have failed to result in a | |
| advisory where the Federal | Government later decides to | binding agreement and that the agency has | |
| Government later decides to | conduct a permanent relocation. | concluded its efforts to acquire the property. | |
| conduct a permanent relocation. | | If a tenant is not readily accessible, as the | |
| (iv) In the case of permanent relocation | (iv) In the case of permanent relocation | result of a disaster or emergency, the agency | |
| of a tenant as a result of an | of a tenant as a result of a voluntary- | must provide these notifications and | |
| acquisition of real property | acquisition of real property | document its efforts in writing. As used in this | |
| described in § 24.101(b)(1) through | described in § 24.101(b)(1) the | definition, agreements such as options to | |
| (5), the initiation of negotiations | tenant is not eligible for relocation | purchase and conditional purchase and sale | |
| means the actions described in § | assistance under this part, until | agreements are not considered binding | |
| 24.2(a)(15)(i) and (ii), except that | there is a binding written agreement | agreements until all conditions to the agency's | |
| such initiation of negotiations does | between the agency and the owner | obligation to purchase the real property have | |
| not become effective, for purposes | that obligates the agency, without | been satisfied. A right to purchase property is | |
| of establishing eligibility for | further election, to purchase the | not binding agreement because it does not | |
| relocation assistance for such | real property. (<i>See</i> appendix A <u>to</u> | require the State to purchase the property | |
| tenants under this part, until there is | this part, section 24.2(a)). | necessary for the project unless they elect to | |

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| a written agreement between the | Agreements such as options to | do so. A binding agreement as used in this |
| Agency and the owner to purchase | purchase and conditional purchase | definition is a legally enforceable document in |
| the real property. (See appendix A, § | and sale agreements are not | which the property owner agrees to sell |
| 24.2(a) (15)(iv)). | considered a binding agreement | certain property rights necessary for a project |
| | within the meaning of this part | and the agency agrees, without further |
| | unless such agreements satisfy the | election, to make that purchase. If |
| | requirements of the Federal agency | negotiations fail to result in a binding |
| | providing the Federal financial | agreement the agency should notify tenants |
| | assistance or until all conditions to | that negotiations have failed to result in a |
| | the agency's obligation to purchase | binding agreement and that the agency has |
| | the real property have been | concluded its efforts to acquire the property. |
| | <u>satisfied.</u> | If a tenant is not readily accessible, as the |
| | | result of a disaster or emergency, the Agency |
| | | agency must make a good faith effort to |
| | | provide these notifications and document its |
| | | efforts in writing. |
| | | Applications for many Federal programs |
| | | permit site control to be demonstrated by |
| | | option contracts. Once the application for |
| | | Federal financial assistance is approved, the |
| | | acquiring agency must execute the purchase |
| | | contract to receive the Federal financial |
| | | assistance for the program or project. |
| | | Therefore, if the purchase agreement satisfies |
| | | the site control requirements of the Federal |
| | | agency providing the Federal financial |
| | | assistance, then the application date is the |
| | | date of the initiation of negotiations for that |
| | | program or project. Setting the initiation of |
| | | negotiations at the earlier of the date of |
| | | application or when all conditions to the |

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| | | obligation to purchase the real property have |
| | | been satisfied, ensures that residents of a |
| | | project are treated fairly, given that |
| | | application approval and the ultimate sale of |
| | | the property could be as long as six months to |
| | | a year after the application date taking into |
| | | account the application review and processing |
| | | periods. |
| | | A binding agreement as used in this |
| | | section is a legally enforceable document in |
| | | which the property owner agrees to sell |
| | | certain property rights necessary for a project |
| | | and the agency agrees to that purchase for a |
| | | specified consideration. |
| (16) Lead Agency. The term Lead Agency | Lead Agency means the Department of | |
| means the Department of Transportation | Transportation acting through the Federal | |
| acting through the Federal Highway | Highway Administration. | |
| Administration. | | |
| (17) Mobile home. The term mobile | Mobile home <u>(manufactured home),</u> | Section 24.2(a) (17) Mobile home. <u>In this</u> |
| home-includes manufactured homes and | when used in this part, includes manufactured | part, the term "mobile home" will continue to |
| recreational vehicles used as residences. (See | homes and recreational vehicles used as | be used to include those homes that are |
| appendix A, § -24.2(a) (17)) . | residences. <u>The term manufactured home is</u> | defined at 24 CFR part 3280 as a |
| | defined at 24 CFR part 3280 (see appendix A | <u>"manufactured home."</u> |
| | to this part, section 24.2(a)). | Regulations at 24 CFR 3280.2 defines |
| | | <u>"manufactured home."</u> The <u>term "mobile</u> |
| | | home" was changed to "manufactured home" |
| | | <u>in 24 CFR part 3280 in 1979.</u> |
| | | The following examples provide |
| | | additional guidance on the types of mobile |
| | | homes and manufactured housing that can be |
| | | found acceptable as comparable replacement |

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| | | dwellings for persons displaced from mobile |
| | | homes. A recreational vehicle that is capable |
| | | of providing living accommodations may be |
| | | considered a replacement dwelling if the |
| | | following criteria are met: the recreational |
| | | vehicle is purchased and occupied as the |
| | | "primary" place of residence; it is located on a |
| | | purchased or leased site and connected to or |
| | | have has available all necessary utilities for |
| | | functioning as a housing unit on the date of |
| | | the displacing Agency agency's inspection; |
| | | and, the dwelling, as sited, meets all local, |
| | | State, and Federal requirements for a decent, |
| | | safe, and sanitary dwelling. (The regulations |
| | | of some local jurisdictions will not permit the |
| | | consideration of these vehicles as decent, safe |
| | | and sanitary DSS dwellings. In those cases, the |
| | | recreational vehicle will not qualify as a |
| | | replacement dwelling.) |
| | | For HUD programs, mobile home is |
| | | defined as "a structure, transportable in one |
| | | or more sections, which, in the traveling |
| | | mode, is eight body feet or more in width or |
| | | forty body feet or more in length, or, when |
| | | erected on site, is three hundred or more |
| | | square feet, and which is built on a |
| | | permanent chassis and designed to be used as |
| | | a dwelling with or without a permanent |
| | | foundation when connected to the required |
| | | utilities and includes the plumbing, heating, |
| | | air-conditioning, and electrical systems |

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| | | contained therein; except that such terms |
| | | shall include any structure which meets all the |
| | | requirements of this paragraph except the |
| | | size requirements and with respect to which |
| | | the manufacturer voluntarily files a |
| | | certification required by the Secretary of HUD |
| | | and complies with the standards established |
| | | under the National Manufactured Housing |
| | | Construction and Safety Standards Act, |
| | | provided by Congress in the original 1974 |
| | | Manufactured Housing Act." In 1979 the term |
| | | "mobile home" was changed to |
| | | "manufactured home." For purposes of this |
| | | regulation, the terms mobile home and |
| | | manufactured home are synonymous. |
| | | When assembled, manufactured homes |
| | | built after 1976 contain no less than 320 |
| | | square feet. They may be single or multi- |
| | | sectioned units when installed. Their |
| | | designation as personalty or realty will be |
| | | determined by State law. When determined |
| | | to be realty, most are eligible for conventional |
| | | mortgage financing. |
| | | The 1976 HUD standards distinguish |
| | | manufactured homes from factory-built |
| | | "modular homes" as well as conventional or |
| | | "stick built" homes. Both of these types of |
| | | housing are required to meet State and local |
| | | construction codes. |
| (18) -Mortgage . The term mortgage | Mortgage means such classes of liens as | |
| means such classes of liens as are commonly | are commonly given to secure advances on, or | |

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| given to secure advances on, or the unpaid | the unpaid purchase price of, real property, | |
| purchase price of, real property, under the | under the laws of the State in which the real | |
| laws of the State in which the real property is | property is located, together with the credit | |
| located, together with the credit instruments, | instruments, if any, secured thereby. | |
| if any, secured thereby. | | |
| (19) Nonprofit organization. The term | Nonprofit organization means an | |
| nonprofit organization means an organization | organization that is incorporated under the | |
| that is incorporated under the applicable laws | applicable laws of a State as a nonprofit | |
| of a State as a nonprofit organization, and | organization and exempt from paying Federal | |
| exempt from paying Federal income taxes | income taxes under section 501 of the | |
| under section 501 of the Internal Revenue | Internal Revenue Code (26 U.S.C. 501). | |
| Code (26 U.S.C. 501). | | |
| (20)-Owner of a dwelling. The term | Owner of a dwelling means a person | |
| owner of a dwelling means a person who is | who is considered to have met the | |
| considered to have met the requirement to | requirement to own a dwelling if the person | |
| own a dwelling if the person purchases or | purchases or holds any of the following | |
| holds any of the following interests in real | interests in real property: | |
| property: | (i) Fee title, a life estate, a land contract, | |
| (i) Fee title, a life estate, a land contract, | a 99 <u>-</u> year lease, or a lease including | |
| a 99year lease, or a lease including | any options for extension with at | |
| any options for extension with at | least 50 years to run from the date | |
| least 50 years to run from the date | of acquisition; or | |
| of acquisition; or | (ii) An interest in a cooperative housing | |
| (ii) An interest in a cooperative housing | project which includes the right to | |
| project which includes the right to | occupy a dwelling; or | |
| occupy a dwelling; or | (iii) A contract to purchase any of the | |
| (iii) A contract to purchase any of the | interests or estates described in this | |
| interests or estates described in § | section; or | |
| 24.2(a)(1)(i) or (ii) of this section; or | (iv) Any other interest, including a | |
| (iv) Any other interest, including a | partial interest, which in the | |
| partial interest, which in the | | |

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| judgment of the Agency warrants | judgment of the <u>agency</u> warrants | |
| consideration as ownership. | consideration as ownership. | |
| | Owner's or tenant's designated | |
| | representative means a representative | |
| | designated by a property owner or tenant to | |
| | receive all required notifications and | |
| | documents from the agency. The owner or | |
| | tenant must provide the agency a written | |
| | notification which states that they are | |
| | designating a representative, provide that | |
| | person's name and contact information and | |
| | what if any notices or information, the | |
| | representative is not authorized to receive. | |
| (21) Person. The term person means any | Person means any individual, family, | |
| individual, family, partnership, corporation, or | partnership, corporation, or association. | |
| association. | | |
| | | |
| (22) Program or project . The phrase | Program or project means any activity or | |
| program or project means any activity or | series of activities undertaken by a Federal | |
| series of activities undertaken by a Federal | agency or with Federal financial assistance | |
| Agency or with Federal financial assistance | received or anticipated in any phase of an | |
| received or anticipated in any phase of an | undertaking in accordance with the Federal | |
| undertaking in accordance with the Federal | funding agency guidelines. | |
| funding Agency -guidelines. | | |
| | Recipient means a non-Federal entity | |
| | that receives a Federal award directly from a | |
| | Federal agency to carry out an activity under a | |
| | <u>Federal program. The recipient is accountable</u> | |
| | to the Federal funding agency for the use of | |
| | the funds and for compliance with applicable | |

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| | Federal requirements. The term recipient | , ipponant |
| | does not include subrecipients. | |
| | Reverse mortgage (also known as a | |
| | Home Equity Conversion Mortgage (HECM)) | |
| | means a first mortgage which provides for | |
| | future payments to the homeowner based on | |
| | accumulated equity and which a housing | |
| | creditor is authorized to make under any | |
| | Federal law or State constitution, law, or | |
| | regulation. See 12 U.S.C. 1715z-20 for | |
| | additional information. It is a class of lien | |
| | generally available to persons 62 years of age | |
| | or older. Reverse mortgages do not require a | |
| | monthly mortgage payment and can also be | |
| | used to access a home's equity. The reverse | |
| | mortgage becomes due when none of the | |
| | original borrowers lives in the home, if taxes | |
| | or insurance become delinquent, or if the | |
| | property falls into disrepair. | |
| (23) Salvage value . The term salvage | Salvage value means the probable sale | |
| value means the probable sale price of an | price of an item offered for sale to | |
| item offered for sale to knowledgeable buyers | knowledgeable buyers with the requirement | |
| with the requirement that it be removed from | that it be removed from the property at a | |
| the property at a buyer's expense (i.e., not | buyer's expense (i.e., not eligible for | |
| eligible for relocation assistance). This | relocation assistance). This includes items for | |
| includes items for re-use as well as items with | re-use as well as items with components that | |
| components that can be re-used or recycled | can be re-used or recycled when there is no | |
| when there is no reasonable prospect for sale | reasonable prospect for sale except on this | |
| except on this basis. | basis. | |
| | | |

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| (24) Small business . A small business is a | Small business means a business having | |
| business having not more than 500 employees | not more than 500 employees working at the | |
| working at the site being acquired or | site being acquired or displaced by a program | |
| displaced by a program or project, which site | or project, which site is the location of | |
| is the location of economic activity. Sites | economic activity. Sites occupied solely by | |
| occupied solely by outdoor advertising signs, | outdoor advertising signs, displays, or devices | |
| displays, or devices do not qualify as a | do not qualify as a business for purposes of § | |
| business for purposes of § 24.304. | 24. <u>303 or § 24.</u> 304. | |
| | | |
| (25) State. Any of the several States of | State means any of the several States of | |
| the United States or the District of Columbia, | the United States or the District of Columbia, | |
| the Commonwealth of Puerto Rico, any | the Commonwealth of Puerto Rico, any | |
| territory or possession of the United States, or | territory or possession of the United States, or | |
| a political subdivision of any of these | a political subdivision of any of these | |
| jurisdictions. | jurisdictions. | |
| | | |
| | Subrecipient means a government | |
| | agency or legal entity that enters into an | |
| | agreement with a recipient to carry out part | |
| | or all of the activity funded by Federal | |
| | program grant funds. A subrecipient is | |
| | accountable to the recipient for the use of the | |
| | funds and for compliance with applicable | |
| | Federal requirements. | |
| | Tanana anno adatha a a a a a a a a a ta | |
| | Temporary, daily, or emergency shelter | |
| | (shelter) means any facility, the primary | |
| | purpose of which is to provide a person with a | |
| | temporary overnight shelter which does not | |
| | allow prolonged or guaranteed occupancy. A | |
| | shelter typically requires the occupants to | |

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| | remove their personal property and | |
| | themselves from the premises on a daily | |
| | basis, offers no guarantee of reentry in the | |
| | evening, and in most cases does not meet the | |
| | definition of dwelling as used in this part. | |
| (26) Tenant. The term tenant means a | Tenant means a person who has the | |
| person who has the temporary use and | temporary use and occupancy of real property | |
| occupancy of real property owned by another. | owned by another. | |
| (27) -Uneconomic remnant . The term | Uneconomic remnant means a parcel of | |
| uneconomic remnant means a parcel of real | real property in which the owner is left with | |
| property in which the owner is left with an | an interest after the partial acquisition of the | |
| interest after the partial acquisition of the | owners' property, and which the agency has | |
| owner's property, and which the Agency has | determined has little or no value or utility to | |
| determined has little or no value or utility to | the owner. | |
| the owner. | | |
| (28)-Uniform Act. The term Uniform Act | Uniform Act or Act means the Uniform | |
| means the Uniform Relocation Assistance and | Relocation Assistance and Real Property | |
| Real Property Acquisition Policies Act of 1970 | Acquisition Policies Act of 1970 (Pub. L. 91- | |
| (Pub. L. 91-646, 84 Stat. 1894; 42 U.S.C. 4601 | 646, 84 Stat. 1894; 42 U.S.C. 4601 et seq.), | |
| et seq.), and amendments thereto. | and amendments thereto. | |
| (29) Unlawful occupant . A-person who | <i>Unlawful occupant means a person who</i> | |
| occupies without property right, title or | occupies without property right, title_or | |
| payment of rent or a person legally evicted, | payment of rent_or a person legally evicted, | |
| with no legal rights to occupy a property | with no legal rights to occupy a property | |
| under State law. An Agency, at its discretion, | under State law. An <u>agency</u> , at its discretion, | |
| may consider such person to be in lawful | may consider such person to be in lawful | |
| occupancy. | occupancy for the purpose of determining | |
| | eligibility for assistance under the Uniform | |
| | Act. | |

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| (30)-Utility costs. The term utility costs | Utility costs means expenses for | |
| means expenses for electricity, gas, other | electricity, gas, other heating and cooking | |
| heating and cooking fuels, water and sewer. | fuels, water, and sewer. | |
| (31)-Utility facility. The term utility | Utility facility means: | |
| facility means any electric, gas, water, steam | (i) Any line, facility, or system for | |
| power, or materials transmission or | producing, transporting, | |
| distribution system; any transportation | transmitting, or distributing | |
| system; any communications system, | communications, cable, television, | |
| including cable television; and | power, electricity, light, heat, gas, | |
| | oil, crude products, water, steam, | |
| | waste, storm water not connected | |
| | with highway drainage, or any other | |
| | similar commodity, including any | |
| | fire or police signal system or street | |
| | lighting system, which directly or | |
| any fixtures, equipment, or other | indirectly serves the public; any | |
| property associated with the operation, | fixtures, equipment, or other | |
| maintenance, or repair of any such system. A | property associated with the | |
| utility facility may be publicly, privately, or | operation, maintenance, or repair of | |
| cooperatively owned. | any such system. A utility facility | |
| | may be publicly, privately, or | |
| | cooperatively owned. | |
| | (ii) The term shall also mean the utility | |
| | company including any substantially | |
| | owned or controlled subsidiary. For | |
| | the purposes of this part the term | |
| | includes those utility-type facilities | |
| | which are owned or leased by a | |
| | Government agency for its own use, | |
| | or otherwise dedicated solely to | |
| | Governmental use. The term utility | |

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| | includes those facilities used solely | |
| | by the utility which are part of its | |
| | operating plant. | |
| (32)-Utility relocation. The term utility | Utility relocation means the adjustment | |
| relocation means the adjustment of a utility | of a utility facility required by the program or | |
| facility required by the program or project | project undertaken by the <u>agency</u> . It includes | |
| undertaken by the displacing Agency. It | removing and reinstalling the facility, | |
| includes removing and reinstalling the facility, | including necessary temporary facilities; | |
| including necessary temporary facilities; | necessary right-of-way on a new location; | |
| acquiring-necessary right-of-way on a new | moving, rearranging, or changing the type of | |
| location; moving, rearranging or changing the | existing facilities; and taking any necessary | |
| type of existing facilities; and taking any | safety and protective measures. It shall also | |
| necessary safety and protective measures. It | mean constructing a replacement facility that | |
| shall also mean constructing a replacement | has the functional equivalency of the existing | |
| facility that has the functional equivalency of | facility and is necessary for the continued | |
| the existing facility and is necessary for the | operation of the utility service, the project | |
| continued operation of the utility service, the | economy, or sequence of project | |
| project economy, or sequence of project | construction. | |
| construction. | | |
| | | |
| (33) Waiver valuation. The term waiver | Waiver valuation means the valuation | |
| valuation means the valuation process used | process used and the product produced when | |
| and the product produced when the Agency | the <u>agency</u> determines that an appraisal is not | |
| determines that an appraisal is not required, | required, pursuant to § 24.102(c)(2) appraisal | |
| pursuant to § 24.102(c)(2) appraisal waiver | waiver provisions. Waiver valuations are not | |
| provisions. | appraisals as defined by the Uniform Act and | |
| | this part. | |
| The fellowing agency was an account. | 24.2(b) Acronyms | |
| The following acronyms are commonly | The following acronyms are commonly | |
| used in the implementation of programs | used in the implementation of programs | |
| subject to this regulation : | subject to this <u>part</u> : | |

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| (1)-BCIS. Bureau of Citizenship and | (1) DOT (U.S. Department of | |
| Immigration Service. | Transportation). | |
| (2) FEMAFederal Emergency Management | (2) FEMA (Federal Emergency Management | |
| Agency. | Agency <u>)</u> . | |
| (3) FHA. Federal Housing Administration. | (3) FHA (Federal Housing Administration). | |
| (4) FHWA-Federal Highway Administration. | (4) FHWA (Federal Highway Administration). | |
| (5) FIRREAFinancial Institutions Reform, | (5) FIRREA (Financial Institutions Reform, | |
| Recovery, and Enforcement Act of 1989. | Recovery, and Enforcement Act of | |
| (6) HLR . Housing of last resort. | 1989 <mark>)</mark> . | |
| (7) HUD-U.S. Department of Housing and | (6) HLR (housing of last resort). | |
| Urban Development. | (7) HUD (U.S. Department of Housing and | |
| (8) MIDP . Mortgage interest differential | Urban Development <mark>)</mark> . | |
| payment. | (8) MIDP (mortgage interest differential | |
| (9) RHP. Replacement housing payment. | payment <mark>)</mark> . | |
| (10) STURAA-Surface Transportation and | (9) RHP (replacement housing payment). | |
| Uniform Relocation Act Amendments of | (10) STURAA (Surface Transportation and | |
| 1987. | Uniform Relocation Assistance Act of | |
| (11) URA-Uniform Relocation Assistance and | 1987 <mark>)</mark> . | |
| Real Property Acquisition Policies Act of | (11) <u>UA or</u> URA (Uniform Relocation | |
| 1970. | Assistance and Real Property Acquisition | |
| (12)-USDOTU.S. Department of | Policies Act of 1970]. | |
| Transportation. | (12) USCIS (U.S. Citizenship and Immigration | |
| (13) USPAPUniform Standards of | <u>Services)</u> . | |
| Professional Appraisal Practice. | (13) USPAP (Uniform Standards of | |
| | Professional Appraisal Practice]. | |
| | 24.3 No duplication of payments. | |
| No person shall receive any payment | No person shall receive any payment | Section 24.3 No Duplication duplication |
| under this part if that person receives a | under this part if that person receives a | of Payments <u>payments</u> . This section prohibits |
| payment under Federal, State, local law, or | payment under Federal, State, local law, or | an Agency agency from making a payment to |
| insurance proceeds which is determined by | insurance proceeds which is determined by | a person under these regulations this part |
| the Agency to have the same purpose and | the <u>agency</u> to have the same purpose and | that would duplicate another payment the |

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| effect as such payment under this part. (See | effect as such payment under this part. (See | person receives under Federal, State, or local |
| appendix A , § -24.3) . | appendix A to this part, section 24.3.) | law. The Agency agency is not required to |
| | | conduct an exhaustive search for such other |
| | | payments; it is only required to avoid creatin |
| | | a duplication based on the Agency's agency's |
| | | knowledge at the time a payment is |
| | | computed. |
| | 24.4 Assurances, monitoring, and corrective actio | n. |
| | 24.4(a) Assurances | |
| (1) Before a Federal Agency may approve | (1) Before a Federal <u>agency</u> may approve | |
| any grant to, or contract, or agreement | any grant to, or contract, or agreement | |
| with, a State Agency under which | with, <u>an agency</u> under which Federal | |
| Federal financial assistance will be made | financial assistance will be made | |
| available for a project which results in | available for a project which results in | |
| real property acquisition or | real property acquisition or | |
| displacement that is subject to the | displacement that is subject to the | |
| Uniform Act, the State Agency-must | Uniform Act, the <u>agency</u> must provide | |
| provide appropriate assurances that it | appropriate assurances that it will | |
| will comply with the Uniform Act and | comply with the Uniform Act and this | |
| this part. A displacing Agency 's | part. An agency's assurances shall be in | |
| assurances shall be in accordance with | accordance with <u>sections 4630 and 4655</u> | |
| section 210 of the Uniform Act. An | of the Uniform Act. The agency's | |
| acquiring Agency 's assurances shall be | Uniform Act <u>section 4655 assurances</u> | |
| in accordance with section 305 of the | must contain specific reference to any | |
| Uniform Act and must contain specific | State law which the <u>agency</u> believes | |
| reference to any State law which the | provides an exception to sections 4651 | |
| Agency believes provides an exception | or <u>4652</u> of the Uniform Act. If, in the | |
| to §§ 301 or 302 of the Uniform Act. If, | judgment of the Federal agency, | |

Uniform Act compliance will be served,

at one time to cover all subsequent

an agency may provide these assurances

in the judgment of the Federal Agency,

State Agency may provide these

Uniform Act compliance will be served, a

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| assurances at one time to cover all | federally assisted programs or projects. | |
| subsequent federally assisted programs | An agency, which both acquires real | |
| or projects. An Agency, which both | property and displaces persons, may | |
| acquires real property and displaces | combine its sections 4630 and 4655 of | |
| persons, may combine its section 210 | the Uniform Act assurances in one | |
| and section 305 assurances in one | document. | |
| document. | (2) If a Federal <u>agency</u> or <u>recipient</u> provides | |
| (2) If a Federal Agency or State Agency | Federal financial assistance to a person | |
| provides Federal financial assistance to a | causing displacement, such Federal | |
| "person" causing displacement, such | agency or recipient is responsible for | |
| Federal or State Agency-is responsible | ensuring compliance with the | |
| for ensuring compliance with the | requirements of this part, | |
| requirements of this part, | notwithstanding the person's | |
| notwithstanding the person's | contractual obligation to the recipient to | |
| contractual obligation to the grantee to | comply with the requirements of this | |
| comply. | part. | |
| (3) As an alternative to the assurance | (3) As an alternative to the assurance | |
| requirement described in paragraph | requirement described in paragraph | |
| (a)(1) of this section, a Federal Agency | (a)(1) of this section, a Federal agency | |
| may provide Federal financial assistance | may provide Federal financial assistance | |
| to a State Agency after it has accepted a | to a <u>recipient</u> after it has accepted a | |
| certification by such State Agency in | certification by such recipient in | |
| accordance with the requirements in | accordance with the requirements in | |
| subpart G of this part. | subpart G of this part. | |
| 24.4(b) Monitoring and corrective action. | | |
| The Federal Agency will monitor | The Federal agency will monitor | |
| compliance with this part, and the State | compliance with this part, and the agency | |
| Agency-shall take whatever corrective action | shall take whatever corrective action is | |
| is necessary to comply with the Uniform Act | necessary to comply with the Uniform Act and | |
| and this part. The Federal Agency may also | this part. The Federal agency may also apply | |
| apply sanctions in accordance with applicable | sanctions in accordance with applicable | |

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| program regulations. (Also see § 24.603, of this part). | program regulations. (Also see § 24.603). | |
| 24 | I.4(c) Prevention of fraud, waste, and mismanag | ement. |
| The Agency shall take appropriate | The <u>agency</u> shall take appropriate | |
| measures to carry out this part in a manner | measures to carry out this part in a manner | |
| that minimizes fraud, waste, and | that minimizes fraud, waste, and | |
| mismanagement. | mismanagement. | |
| | 4.5 Manner of notices and electronic signatures | <u>.</u> |
| | 24.5 <mark>(a)</mark> | Section 24.5 Manner of Notices and |
| Each notice which the Agency is required | Each notice that the Agency is required | Electronic Signatures. Property owners or |
| to provide to a property owner or occupant | to provide to a property owner or occupant | occupants must voluntarily elect to receive |
| under this part, except the notice described at | under this part, except the notice described at | notices, offers, correspondence and |
| § 24.102(b), shall be personally served or sent | § 24.102(b), shall be personally served or sent | information via electronic methods. |
| by certified or registered first-class mail, | by certified or registered first-class mail, | Alternatively, property owners or occupants |
| return receipt requested, and documented in | return receipt requested (or by companies | may request delivery of notices, offers, |
| Agency files. | other than the United States Postal Service | correspondence and information via certified |
| | that provide the same function as certified | or registered first class mail, return receipt |
| | mail with return receipts) and documented in | requested, instead of electronic means. |
| | Agency files. A Federal funding Agency may | Agencies must accommodate the property |
| | approve a process to permit the displaced to | owner's or occupant's preference. The FHWA |
| | elect to receive required notices by electronic | continues to believe that providing notices, |
| | delivery in lieu of the use of certified or | offers, correspondence and information by |
| | registered first-class mail, return receipt | either first-class mail or electronic means |
| | requested, or personally served notices, when | should not be used as a substitute for face-to- |
| | an Agency demonstrates a means to | face meetings, but rather as a supplemental |
| | document receipt of such notices by the | means of communication that accommodates |
| | property owner or occupant. A Federal | an owner's or occupant's preference. |
| | funding Agency may approve a process to | An agency must be able to demonstrate |
| | permit the use of electronic signature which | to the Federal funding agency the ability to |
| | meet the requirements of paragraph (e) of | securely document the notice delivery and |
| | this section. | receipt confirmation in order to receive |

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| | 24.5 <mark>(b)</mark> | approval from the Federal funding agency for |
| | An agency requesting use of electronic | use of electronic delivery of notices, offers, |
| | delivery of notices must include the following | correspondence, information, and electronic |
| | safeguards: | signature. Additional minimum safeguards |
| | (1) A process to inform property owners and | that the agency must put in place prior to |
| | occupants they will continue to receive | delivering notices, offers, correspondence, |
| | Notices as described in paragraph (a) of | and information by electronic means and for |
| | this section unless they voluntarily elect | the use of electronic signatures are included |
| | to receive electronic notices. | in the regulation at § 24.5. Prior to the use of |
| | (2) A process to document and record when | electronic delivery or electronic signature, |
| | information is legally delivered in digital | there must be an agency process or procedure |
| | format. A date and timestamp must | outlined in writing and approved by the |
| | establish the date of delivery and receipt | Federal funding agency that details the |
| | with an electronic record capable of | requirements and rules the agency will follow |
| | <u>retention.</u> | when using electronic means for delivery of |
| | (3) A process to link the electronic signature | notices, offers, correspondence, and |
| | with an electronic document in a way | information. Should an agency decide to allow |
| | that can be used to determine whether | electronic signature the agency must develop |
| | the electronic document was changed | procedures to ensure that signatures can be |
| | subsequent to when an electronic | verified and documented appropriately. The |
| | signature was applied to the document. | FHWA understands that certain documents |
| | (4) A certification that use of electronic | that are essential to the conveyance of the |
| | notices is consistent with existing State | real property interests may not allow for |
| | and Federal laws. | electronic signature(s). |
| | 24.5 <u>(c)</u> | Agencies must determine and document |
| Each notice shall be written in plain, | Each notice shall be written in plain, | instances when electronic deliveries of notices |
| understandable language. Persons who are | understandable language. Persons who are | or use of electronic signature are appropriate. |
| unable to read and understand the notice | unable to read and understand the notice | An example of an appropriate use of |
| must be provided with appropriate translation | must be provided with appropriate translation | electronic delivery of notices, offers, |
| and counseling. Each notice shall indicate the | and counseling. Each notice shall indicate the | correspondence, and information might be to |
| name and telephone number of a person who | name and telephone number of a person who | notify a property owner of his or her right to |

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| may be contacted for answers to questions or | may be contacted for answers to questions or | accompany an appraiser as required at § |
| other needed help. | other needed help. (See appendix A to this | 24.102(c)(1). Other appropriate uses may be |
| | part, section 24.5.) | to secure a release of mortgage or to confirm |
| | 24.5 <mark>(d)</mark> | a property owners' receipt of the acquisition |
| | A property owner or tenant may | and relocation brochures. |
| | designate a representative to receive offers, | An example of when the use of |
| | correspondence, and information and to | electronic delivery or electronic signatures |
| | provide any information on their behalf | may not be appropriate is when the |
| | required by the displacing agency by providing | document being signed requires notarization |
| | a written request to the agency (see § 24.2(a), | or other similar verification. Electronic |
| | definition of owner's or tenant's designated | delivery of notices, offers, correspondence, |
| | representative). | and information may not always be a good |
| | <u>24.5<mark>(e)</mark></u> | option for relocation assistance where many |
| | An agency requesting use of electronic | actions are conducted in person at the |
| | signature of documents must include the | displacement or replacement dwelling or |
| | following safeguards: | business and require advisory services to be |
| | (1) A process to document and record when | provided as part of the process. The FHWA |
| | information is legally delivered in digital | notes that relocation assistance in part |
| | format. A date and timestamp must | requires ongoing and continuous advisory |
| | establish the date of delivery and receipt | services be provided (§ 24.205(c)). This may |
| | with an electronic record capable of | be best accomplished by face to face |
| | retention. | meetings during which the displaced person |
| | (2) A process to link the electronic signature | may more easily raise questions, request |
| | with an electronic document in a way | assistance, or indicate a need for additional |
| | that can be used to determine whether | advisory assistance. |
| | the electronic document was changed | These examples are not intended to be |
| | subsequent to when an electronic | all-inclusive, nor are they exclusive of other |
| | signature was applied to the document. | opportunities to use this tool. For additional |
| | (3) A certification that use of electronic | information, the specific Federal regulations |
| | signatures is consistent with existing | that set out the format and examples for an |
| | State and Federal laws. | electronic signature can be found at 37 CFR |

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| | | 1.4(d)(2). The regulations in 37 CFR 1.4(d)(2) |
| | | fall under the purview of the United States |
| | | Patent and Trademark Office, which provides |
| | | examples of what is considered to be proper |
| | | format in a variety of electronically signed |
| | | documents. |
| 24.6 Administration of jointly-funded projects. | | |

Whenever two or more Federal Agencies provide financial assistance to an Agency or Agencies, other than a Federal Agency, to carry out functionally or geographically related activities -which will result in the acquisition of property or the displacement of a person, the Federal Agencies may by agreement designate one such Agency as the cognizant Federal Agency. In the unlikely event that agreement among the Agencies cannot be reached as to which Agency shall be the cognizant Federal Agency, then the Lead Agency shall designate one of such Agencies to assume the cognizant role. At a minimum, the agreement shall set forth the federally assisted activities which are subject to its terms and cite any policies and procedures, in addition to this part, that are applicable to the activities under the agreement. Under the agreement, the cognizant Federal Agency shall assure that the project is in compliance with the provisions of the Uniform Act and this part. All federally assisted activities under the agreement shall

Whenever two or more Federal agencies provide financial assistance to an agency or agencies, other than a Federal agency, to carry out functionally or geographically related activities which will result in the acquisition of property or the displacement of a person, the Federal agencies may by agreement designate one such agency as the cognizant Federal agency. In the unlikely event that agreement among the agencies cannot be reached as to which agency shall be the cognizant Federal agency, then the Lead Agency shall designate one of such agencies to assume the cognizant role. At a minimum, the agreement shall set forth the federally assisted activities which are subject to its terms and cite any policies and procedures, in addition to this part, that are applicable to the activities under the agreement. Under the agreement, the cognizant Federal agency shall ensure that the project is in compliance with the provisions of the Uniform Act and this part. All federally assisted activities under the agreement shall be deemed a project for the

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| be deemed a project for the purposes of this | purposes of this part. | |
| part. | | |
| 24.7 | Federal Agency agency waiver of regulations in | this part. |
| The Federal Agency funding the project | The Federal agency funding the project | |
| may waive any requirement in this part not | may waive any requirement in this part not | |
| required by law if it determines that the | required by law if it determines that the | |
| waiver does not reduce any assistance or | waiver does not reduce any assistance or | |
| protection provided to an owner or displaced | protection provided to an owner or displaced | |
| person under this part. Any request for a | person under this part. Any request for a | |
| waiver shall be justified on a case-by-case | waiver shall be justified on a case-by-case | |
| basis. | basis. | |
| | 24.8 Compliance with other laws and regulations | 5. |
| The implementation of this part must be | The implementation of this part must be | |
| in compliance with other applicable Federal | in compliance with other applicable Federal | |
| laws and implementing regulations, including, | laws and implementing regulations, including, | |
| but not limited to, the following: | but not limited to, the following: | |
| (a) Section I of the Civil Rights Act of 1866 | (a) Section I of the Civil Rights Act of 1866 | |
| (42 U.S.C. 1982 et seq.). | (42 U.S.C. 1982 et seq.). | |
| (b) Title VI of the Civil Rights Act of 1964 (42 | (b) Title VI of the Civil Rights Act of 1964 (42 | |
| U.S.C. 2000d et seg.). | U.S.C. 2000d et seq.). | |
| (c) Title VIII of the Civil Rights Act of 1968 | (c) The Fair Housing Act (42 U.S.C. 3601 et | |
| (42 U.S.C. 3601 et seq.), as amended. | seq.), as amended. | |
| (d) The National Environmental Policy Act of | (d) The National Environmental Policy Act of | |
| 1969 (42 U.S.C. 4321 et seg.). | 1969 (42 U.S.C. 4321 et seq.). | |
| (e) Section 504 of the Rehabilitation Act of | (e) Section 504 of the Rehabilitation Act of | |
| 1973 (29 U.S.C. 790 et seq.). | 1973 (29 U.S.C. 790 et seq.). | |
| (f) The Flood Disaster Protection Act of 1973 | (f) The Flood Disaster Protection Act of 1973 | |
| (Pub . L. 93-23 4). | (<u>42 U.S.C. 4002 et seq.</u>). | |
| (g) The Age Discrimination Act of 1975 (42 | (g) The Age Discrimination Act of 1975 (42 | |
| U.S.C. 6101 et seq.). | U.S.C. 6101 et seg.). | |

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| (h) Executive Order 11063—Equal | (h) Executive Order 11063—Equal | FF |
| Opportunity and Housing, as amended | Opportunity and Housing, as amended | |
| by Executive Order 12892. | by Executive Order 12892. | |
| (i) Executive Order 11246—Equal | (i) Executive Order 11246—Equal | |
| Employment Opportunity, as amended. | Employment Opportunity, as amended. | |
| (j) Executive Order 11625—Minority | (j) Executive Order 11625—Minority | |
| Business Enterprise. | Business Enterprise. | |
| (k) Executive Orders 11988—Floodplain | (k) Executive Orders 11988—Floodplain | |
| Management, and 11990—Protection of | Management, and 11990—Protection of | |
| Wetlands. | Wetlands. | |
| (I) Executive Order 12250—Leadership and | (I) Executive Order 12250—Leadership and | |
| Coordination of Non-Discrimination | Coordination of Non-Discrimination | |
| Laws. | Laws. | |
| (m) Executive Order 12630—Governmental | (m) Executive Order 12630—Governmental | |
| Actions and Interference with | Actions and Interference with | |
| Constitutionally Protected Property | Constitutionally Protected Property | |
| Rights. | Rights. | |
| (n) Robert T. Stafford Disaster Relief and | (n) Robert T. Stafford Disaster Relief and | |
| Emergency Assistance Act, as amended | Emergency Assistance Act, as amended | |
| (42 U.S.C. 5121 et seg.). | (42 U.S.C. 5121 et seq.). | |
| (o) Executive Order 12892—Leadership and | (o) Executive Order 12892—Leadership and | |
| Coordination of Fair Housing in Federal | Coordination of Fair Housing in Federal | |
| Programs: Affirmatively Furthering Fair | Programs: Affirmatively Furthering Fair | |
| Housing (January 17, 1994). | Housing. | |
| | 24.9 Recordkeeping and reports. | |
| | 24.9(a) Records | |
| The Agency shall maintain adequate | The agency shall maintain adequate | |
| records of its acquisition and displacement | records of its acquisition and displacement | |
| activities in sufficient detail to demonstrate | activities in sufficient detail to demonstrate | |
| compliance with this part. These records shall | compliance with this part. These records shall | |
| be retained for at least 3 years after each | be retained for at least 3 years after each | |

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| owner of a property and each person | owner of a property and each person | |
| displaced from the property receives the final | displaced from the property receives the final | |
| payment to which he or she is entitled under | payment to which he or she is entitled under | |
| this part, or in accordance with the applicable | this part, or in accordance with the applicable | |
| regulations of the Federal funding Agency, | regulations of the Federal funding agency, | |
| whichever is later. | whichever is later. | |
| | 24.9(b) Confidentiality of records. | |
| Records maintained by an Agency in | Records maintained by an agency in | |
| accordance with this part are confidential | accordance with this part are confidential | |
| regarding their use as public information, | regarding their use as public information, | |
| unless applicable law provides otherwise. | unless applicable law provides otherwise. | |
| | 24.9(c) Reports. | |
| The Agency shall submit a report of its | Each Federal agency that has programs | Section 24.9(c) Reports. Moving Ahead |
| real property acquisition and displacement | or projects requiring the acquisition of real | for Progress in the 21st Century Act (MAP-21) |
| activities under this part if required by the | property or causing a displacement from real | amended 42 U.S.C. 4633(b)(4) to require that |
| Federal Agency funding the project. A report | property subject to the provisions of the | each Federal agency subject to the Uniform |
| will not be required more frequently than | Uniform Act shall provide to the Lead Agency | Act submit an annual report describing |
| every 3 years, or as the Uniform Act provides, | an annual summary report by November 15 | activities conducted by the Federal agency. |
| unless the Federal funding Agency shows | that describes the real property acquisitions, | The FHWA believes that such a report that |
| good cause. The report shall be prepared and | displacements, and related activities | details activity provides a good indication of |
| submitted using the format contained in | conducted by the Federal agency for the prior | program health and scope. |
| appendix B of this part. | calendar year. (See appendix A to this part, | FHWA realizes that not all agencies |
| | section 24.9(c).) | subject to this reporting requirement |
| | | currently have the ability to collect all |
| | | information requested on the reporting form. |
| | | However, Federal agencies may elect to |
| | | provide a narrative report that focuses on |
| | | their respective efforts to improve and |
| | | enhance delivery of Uniform Act benefits and |
| | | services. Narrative report information would |
| | | include information on training offered, |

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| | | reviews conducted, or technical assistance |
| | | provided to recipients. |
| | | Agencies are not required by the |
| | | Uniform Act to keep records of their efforts to |
| | | improve the housing conditions of |
| | | economically disadvantaged persons. |
| | | However, agencies must ensure that their |
| | | relocations are carried out in a manner which |
| | | is consistent with the requirements of section |
| | | 4621 of the Uniform Act. |
| | 24.10 Appeals. | |
| | 24.10(a) General. | |
| The Agency shall promptly review | The <u>agency</u> shall promptly review | |
| appeals in accordance with the requirements | appeals in accordance with the requirements | |
| of applicable law and this part. | of applicable law and this part. | |
| | 24.10(b) Actions which may be appealed. | |
| Any aggrieved person may file a written | Any aggrieved person may file a written | |
| appeal with the Agency in any case in which | appeal with the <u>agency</u> in any case in which | |
| the person believes that the Agency has failed | the person believes that the <u>agency</u> has failed | |
| to properly consider the person's application | to properly consider the person's application | |
| for assistance under this part. Such assistance | for assistance under this part. Such assistance | |
| may include, but is not limited to, the person's | may include, but is not limited to, the person's | |
| eligibility for, or the amount of, a payment | eligibility for, or the amount of, a payment | |
| required under § 24.106 or § 24.107, or a | required under § 24.106 or § 24.107, or a | |
| relocation payment required under this part. | relocation payment required under this part. | |
| The Agency-shall consider a written appeal | The <u>agency</u> shall consider a written appeal | |
| regardless of form. | regardless of form. | |
| | 24.10(c) Time limit for initiating appeal. | |
| The Agency-may set a reasonable time | The <u>agency</u> may set a reasonable time | |
| limit for a person to file an appeal. The time | limit for a person to file an appeal. The time | |
| limit shall not be less than 60 days after the | limit shall not be less than 60 days after the | |

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| person receives written notification of the | person receives written notification of the | | |
| Agency 's determination on the person's | agency's determination on the person's claim. | | |
| claim. | | | |
| | 24.10(d) Right to representation. | | |
| A person has a right to be represented | A person has a right to be represented | | |
| by legal counsel or other representative in | by legal counsel or other representative in | | |
| connection with his or her appeal, but solely | connection with his or her appeal, but solely | | |
| at the person's own expense. | at the person's own expense. | | |
| 2 | 4.10(e) Review of files by person making appear | | |
| The Agency-shall permit a person to | The agency shall permit a person to | | |
| inspect and copy all materials pertinent to his | inspect and copy all materials pertinent to his | | |
| or her appeal, except materials which are | or her appeal, except materials which are | | |
| classified as confidential by the Agency. The | classified as confidential by the agency. The | | |
| Agency-may, however, impose reasonable | agency may, however, impose reasonable | | |
| conditions on the person's right to inspect, | conditions on the person's right to inspect, | | |
| consistent with applicable laws. | consistent with applicable laws. | | |
| | 24.10(f) Scope of review of appeal. | | |
| In deciding an appeal, the Agency shall | In deciding an appeal, the agency shall | | |
| consider all pertinent justification and other | consider all pertinent justification and other | | |
| material submitted by the person, and all | material submitted by the person, and all | | |
| other available information that is needed to | other available information that is needed to | | |
| ensure a fair and full review of the appeal. | ensure a fair and full review of the appeal. | | |
| 24 | 24.10(g) Determination and notification after appeal | | |
| Promptly after receipt of all information | Promptly after receipt of all information | | |
| submitted by a person in support of an | submitted by a person in support of an | | |
| appeal, the Agency-shall make a written | appeal, the agency shall make a written | | |
| determination on the appeal, including an | determination on the appeal, including an | | |
| explanation of the basis on which the decision | explanation of the basis on which the decision | | |
| was made, and furnish the person a copy. If | was made, and furnish the person a copy. If | | |
| the full relief requested is not granted, the | the full relief requested is not granted, the | | |
| Agency shall advise the person of his or her | agency shall inform the person that the | | |

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| right to-seek judicial review of the Agency | determination is the agency's final decision | |
| decision . | and that the person may seek judicial review | |
| | of the <u>agency's determination</u> . | |
| | 24.10(h) Agency official to review appeal. | |
| The Agency official conducting the | The <u>agency</u> official conducting the | |
| review of the appeal shall be either the head | review of the appeal shall be either the head | |
| of the Agency-or his or her authorized | of the <u>agency</u> or his or her authorized | |
| designee. However, the official shall not have | designee. However, the official shall not have | |
| been directly involved in the action appealed. | been directly involved in the action appealed. | |
| | 24.11 Adjustments of limits and payments. | |
| | (a) The Lead Agency may adjust the | Section 24.11 Adjustment of Limits and |
| | following valuation limits and maximum | Payments. FHWA will use the Consumer Price |
| | relocation benefits payments: | Index for All Urban Consumers (CPI-U) |
| | (1) The waiver valuation limits at § | Seasonally Adjusted to determine if inflation, |
| | 24.102(c)(2)(ii) introductory text and | cost of living or other factors indicate that an |
| | (c)(2)(ii)(C); | adjustment to relocation benefits is |
| | (2) The conflict of interest valuation | <u>warranted.</u> |
| | limits at § 24.102(n)(3); and | Sample calculation: |
| | (3) The maximum amounts of relocation | Assume CPI-U was 110.0 when the final |
| | payments provided at §§ 24.301, | rule was published. The fixed payment for |
| | <u>24.304, 24.305, 24.401, 24.402,</u> | nonresidential moving expenses has a ceiling |
| | 24.502, and 24.503. | of \$53,200. During a subsequent evaluation |
| | (b) The head of the Lead Agency will | after publication of the final rule, the CPI-U is |
| | evaluate whether the cost of living, | calculated to be 115.5. |
| | inflation, or other factors indicate that | Divide the new index by the base year |
| | limits, and payments provided in | <u>index = 115.5/110.0 = 1.050 or 5 percent. This</u> |
| | paragraph (a) of this section, should be | means there has been a 5 percent increase in |
| | adjusted to meet the policy objectives of | prices and the fixed payment for |
| | the Uniform Act. The Lead Agency will | nonresidential moving expenses ceiling should |
| | divide the Consumer Price Index for All | be increased 5 percent. |
| | <u>Urban Consumers (CPI-U) index for the</u> | |

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| | year of the assessment (current year), | Calculate fixed payment benefit ceiling = |
| | by the CPI-U index for the year of the | \$53,200 × 1.05 = \$55,860. |
| | previous assessment (base year | |
| | index/year of last adjustment) to | |
| | determine the effect of inflation over | |
| | the assessment period. If adjustments | |
| | are determined to be necessary, the | |
| | head of the Lead Agency will publish the | |
| | new maximum benefit limits eligible for | |
| | Federal participation in the Federal | |
| | Register. (See appendix A to this part, | |
| | section 24.11.) | |