

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~~, 2005~~36944~~, May 3, 2024, unless otherwise noted.

49 CFR 24 Subpart A - General		
2005 Rule	2024 Rule	
	Text	Appendix
24.1 Purpose		
The purpose of this part is to promulgate rules to implement the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 U.S.C. 4601 et seq.) (Uniform Act), in accordance with the following objectives:	The purpose of this part is to promulgate rules to implement the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 U.S.C. 4601 et seq.) (Uniform Act), in accordance with the following objectives:	
24.1(a)		
To ensure that owners of real property to be acquired for Federal and federally assisted projects are treated fairly and consistently, to encourage and expedite acquisition by agreements with such owners, to minimize litigation and relieve congestion in the courts, and to promote public confidence in Federal and federally assisted land acquisition programs;	To ensure that owners of real property to be acquired for Federal and federally assisted projects are treated fairly and consistently, to encourage and expedite acquisition by agreements with such owners, to minimize litigation and relieve congestion in the courts, and to promote public confidence in Federal and federally assisted land acquisition programs;	
24.1(b)		
To ensure that persons displaced as a direct result of Federal or federally assisted projects are treated fairly, consistently, and equitably so that such displaced persons will not suffer disproportionate injuries as a result of projects designed for the benefit of the public as a whole; and	To ensure that persons displaced as a direct result of Federal or federally assisted projects are treated fairly, consistently, and equitably so that such displaced persons will not suffer disproportionate injuries as a result of projects designed for the benefit of the public as a whole; and	
24.1(c)		
To ensure that Agencies implement these regulations in a manner that is efficient and cost effective.	To ensure that agencies implement <u>the</u> regulations in <u>this part in</u> a manner that is efficient and cost effective.	

49 CFR 24 Subpart A - General		
2005 Rule	2024 Rule	
	Text	Appendix
<p>Architect of the Capitol, the Federal Reserve Banks and branches thereof, and any person who has the authority to acquire property by eminent domain under Federal law.</p> <p>(iv) State Agency. The term State Agency means any department, Agency or instrumentality of a State or of a political subdivision of a State, any department, Agency, or instrumentality of two or more States or of two or more political subdivisions of a State or States, and any person who has the authority to acquire property by eminent domain under State law.</p>	<p>Architect of the Capitol, the Federal Reserve Banks and branches thereof, and any person who has the authority to acquire property by eminent domain under Federal law.</p> <p>(ii) State <u>agency</u> means any department, <u>agency</u>, or instrumentality of a State or of a political subdivision of a State, any department, <u>agency</u>, or instrumentality of two or more States or of two or more political subdivisions of a State or States, and any person who has the authority to acquire property by eminent domain under State law.</p>	
<p>(2) Alien not lawfully present in the United States . The phrase “alien not lawfully present in the United States” means an alien who is not “lawfully present” in the United States as defined in 8 CFR 103.12 and includes:</p> <p>(i) An alien present in the United States who has not been admitted or paroled into the United States pursuant to the Immigration and Nationality Act (8 U.S.C. 1101 <i>et seq.</i>) and whose stay in the United States has not been authorized by the United States Attorney General; and,</p>	<p><i>Alien not lawfully present in the United States</i> means an alien who is not “lawfully present” in the United States as defined in 8 CFR 103.12 and includes:</p> <p>(i) An alien present in the United States who has not been admitted or paroled into the United States pursuant to the Immigration and Nationality Act (8 U.S.C. 1101 <i>et seq.</i>) and whose stay in the United States has not been authorized by the <u>U.S. Secretary of Homeland Security</u>; and</p>	

49 CFR 24 Subpart A - General		
2005 Rule	2024 Rule	
	Text	Appendix
(ii) An alien who is present in the United States after the expiration of the period of stay authorized by the United States Attorney General or who otherwise violates the terms and conditions of admission, parole or authorization to stay in the United States.	(ii) An alien who is present in the United States after the expiration of the period of stay authorized by the <u>U.S. Secretary of Homeland Security</u> or who otherwise violates the terms and conditions of admission, parole, or authorization to stay in the United States.	
(3) Appraisal. The term appraisal means a written statement independently and impartially prepared by a qualified appraiser setting forth an opinion of defined value of an adequately described property as of a specific date, supported by the presentation and analysis of relevant market information.	<i>Appraisal</i> means a written statement independently and impartially prepared by a qualified appraiser setting forth an opinion of defined value of an adequately described property as of a specific date, supported by the presentation and analysis of relevant market information.	
(4) Business. The term business means any lawful activity, except a farm operation, that is conducted: (i) Primarily for the purchase, sale, lease and/or rental of personal and/or real property, and/or for the manufacture, processing, and/or marketing of products, commodities, and/or any other personal property; (ii) Primarily for the sale of services to the public; (iii) Primarily for outdoor advertising display purposes, when the display must be moved as a result of the project; or	<i>Business</i> means any lawful activity, except a farm operation, that is conducted: (i) Primarily for the purchase, sale, lease, and/or rental of personal and/or real property, and/or for the manufacture, processing, and/or marketing of products, commodities, and/or any other personal property; (ii) Primarily for the sale of services to the public; (iii) Primarily for outdoor advertising display purposes, when the display must be moved as a result of the project; or	

49 CFR 24 Subpart A - General		
2005 Rule	2024 Rule	
	Text	Appendix
(iv) By a nonprofit organization that has established its nonprofit status under applicable Federal or State law.	(iv) By a nonprofit organization that has established its nonprofit status under applicable Federal or State law.	
(5) Citizen. The term citizen for purposes of this part includes both citizens of the United States and noncitizen nationals.	<i>Citizen</i> for purposes of this part includes both citizens of the United States and noncitizen nationals.	
(6) Comparable replacement dwelling. The term comparable replacement dwelling means a dwelling which is: (i) Decent, safe and sanitary as described in paragraph 24.2(a)(8) of this section ; (ii) Functionally equivalent to the displacement dwelling. The term <i>functionally equivalent</i> means that it performs the same function, and provides the same utility. While a comparable replacement dwelling need not possess every feature of the displacement dwelling, the principal features must be present. Generally, functional equivalency is an objective standard, reflecting the range of purposes for which the various physical features of a dwelling may be used. However, in determining whether a replacement dwelling is functionally equivalent to the displacement dwelling, the	<i>Comparable replacement dwelling</i> means a dwelling which is: (i) Decent, safe, and sanitary as described in <u>the definition of decent, safe, and sanitary in this paragraph (a)</u> ; (ii) Functionally equivalent to the displacement dwelling. The term <i>functionally equivalent</i> means that it performs the same function and provides the same utility. While a comparable replacement dwelling need not possess every feature of the displacement dwelling, the principal features must be present. Generally, functional equivalency is an objective standard, reflecting the range of purposes for which the various physical features of a dwelling may be used. However, in determining whether a replacement dwelling is functionally equivalent to the displacement dwelling, the	<i>Section 24.2(a) Comparable replacement dwelling, (6ii) Definition of comparable replacement dwelling.</i> The requirement in § 24.2(a)(6)(ii) that a comparable replacement dwelling be “functionally equivalent” to the displacement dwelling, means that it must perform the same function, and provide the same utility. <u>While The section states that</u> it need not possess every feature of the displacement dwelling. <u>However</u> , the principal features must be present. For example, if the displacement dwelling contains a pantry and a similar dwelling is not available, a replacement dwelling with ample kitchen cupboards may be acceptable. Insulated and heated space in a garage might prove an adequate substitute

49 CFR 24 Subpart A - General

2005 Rule	2024 Rule	
	Text	Appendix
<p>Agency may consider reasonable trade-offs for specific features when the replacement unit is equal to or better than the displacement dwelling (See appendix A , §24.2(a)(6));</p> <p>(iii) Adequate in size to accommodate the occupants;</p> <p>(iv) In an area not subject to unreasonable adverse environmental conditions;</p> <p>(v) In a location generally not less desirable than the location of the displaced person's dwelling with respect to public utilities and commercial and public facilities, and reasonably accessible to the person's place of employment;</p> <p>(vi) On a site that is typical in size for residential development with normal site improvements, including customary landscaping. The site need not include special improvements such as outbuildings, swimming pools, or greenhouses. (<i>See also</i> § 24.403(a)(2));</p> <p>(vii) Currently available to the displaced person on the private market except as provided in paragraph (a)(6)(ix) of</p>	<p><u>agency</u> may consider reasonable trade-offs for specific features when the replacement unit is equal to or better than the displacement dwelling (<i>see</i> appendix A <u>of this part, Section 24.2(a) Comparable replacement dwelling</u>);</p> <p>(iii) Adequate in size to accommodate the occupants;</p> <p>(iv) In an area not subject to unreasonable adverse environmental conditions;</p> <p>(v) In a location generally not less desirable than the location of the displaced person's dwelling with respect to public utilities and commercial and public facilities, and reasonably accessible to the person's place of employment;</p> <p>(vi) On a site that is typical in size for residential development with normal site improvements, including customary landscaping. The site need not include special improvements such as outbuildings, swimming pools, or greenhouses. (<i>See also</i> § 24.403(a)(2));</p> <p>(vii) Currently available to the displaced person on the private market except as provided in paragraph (ix) of this <u>definition</u> (<i>see</i> appendix A <u>to this</u></p>	<p>for basement workshop space. A dining area may substitute for a separate dining room. Under some circumstances, attic space could substitute for basement space for storage purposes, and vice versa.</p> <p>Only in unusual circumstances may a comparable replacement dwelling contain fewer rooms or, consequentially, less living space than the displacement dwelling. Such may be the case when a decent, safe, and sanitary replacement dwelling (which by definition is “adequate to accommodate” the displaced person) may be found to be “functionally equivalent” to a larger but very run-down substandard displacement dwelling. Another example is when a displaced person accepts an offer of government <u>Government</u> housing assistance and the applicable requirements of such housing assistance program require that the displaced person occupy a dwelling that has fewer rooms or less living space than the displacement dwelling.</p> <p><i>Section 24.2(a) (6)(Comparable replacement dwelling, (vii)).</i> The definition of comparable replacement dwelling requires that a comparable replacement dwelling for a</p>

49 CFR 24 Subpart A - General

2005 Rule	2024 Rule	
	Text	Appendix
<p>this section (See appendix A , § 24.2(a) (6)(viii)); and</p> <p>(viii) Within the financial means of the displaced person:</p> <p>(A) A replacement dwelling purchased by a homeowner in occupancy at the displacement dwelling for at least 180 days prior to initiation of negotiations (180-day homeowner) is considered to be within the homeowner's financial means if the homeowner will receive the full price differential as described in § 24.401(c), all increased mortgage interest costs as described at § 24.401(d) and all incidental expenses as described at § 24.401(e), plus any additional amount required to be paid under § 24.404, Replacement housing of last resort.</p> <p>(B) A replacement dwelling rented by an eligible displaced person is considered to be within his or her financial means if, after receiving rental assistance under this part, the person's monthly rent and estimated average monthly utility costs for the replacement</p>	<p><u>part, Section 24.2(a) , definition of comparable replacement dwelling</u>); and</p> <p>(viii) Within the financial means of the displaced person:</p> <p>(A) A replacement dwelling purchased by a homeowner in occupancy at the displacement dwelling for at least <u>90</u> days prior to initiation of negotiations (<u>90</u>-day homeowner) is considered to be within the homeowner's financial means if the homeowner will receive the full price differential as described in § 24.401(c), all increased mortgage interest costs as described at § 24.401(d) and all incidental expenses as described at § 24.401(<u>f</u>), plus any additional amount required to be paid under § 24.404.</p> <p>(B) A replacement dwelling rented by an eligible displaced person is considered to be within his or her financial means if, after receiving rental assistance under this part, the person's monthly rent and estimated average monthly utility costs for the replacement dwelling do not exceed the person's base monthly rental for</p>	<p>person, who is not receiving assistance under any government <u>Government</u> housing program before displacement, must be currently available on the private market without any subsidy under a government <u>Government</u> housing program.</p> <p>Section 24.2(a)(6)(ix). A public housing unit may qualify as a comparable replacement dwelling only for a person displaced from a public housing unit. A privately owned dwelling with a housing program subsidy tied to the unit may qualify as a comparable replacement dwelling only for a person displaced from a similarly subsidized unit or public housing.</p> <p>A housing program subsidy that is paid to a person (not tied to the building), such as a HUD Section 8 Housing Voucher Program, may be reflected in an offer of a comparable replacement dwelling to a person receiving a similar subsidy or occupying a privately owned subsidized unit or public housing unit before displacement.</p> <p>However, nothing in this part prohibits an Agency from offering, or precludes a person from accepting, assistance under a government housing program, even if the person did not receive similar assistance before displacement. However, the Agency is obligated to inform the person of his or her options under this part. {</p>

49 CFR 24 Subpart A - General

2005 Rule	2024 Rule	
	Text	Appendix
<p>dwelling do not exceed the person's base monthly rental for the displacement dwelling as described at § 24.402(b)(2).</p> <p>(C) For a displaced person who is not eligible to receive a replacement housing payment because of the person's failure to meet length-of-occupancy requirements, comparable replacement rental housing is considered to be within the person's financial means if an Agency pays that portion of the monthly housing costs of a replacement dwelling which exceeds the person's base monthly rent for the displacement dwelling as described in § 24.402(b)(2). Such rental assistance must be paid under § 24.404, Replacement housing of last resort.</p> <p>(ix) For a person receiving government housing assistance before displacement, a dwelling that may reflect similar government housing assistance. In such cases any requirements of the government housing assistance program relating to the size of the replacement</p>	<p>the displacement dwelling as described at § 24.402(b)(2).</p> <p>(C) For a displaced person who is not eligible to receive a replacement housing payment because of the person's failure to meet length-of-occupancy requirements, comparable replacement rental housing is considered to be within the person's financial means if an <u>agency</u> pays that portion of the monthly housing costs of a replacement dwelling which exceeds the person's base monthly rent for the displacement dwelling as described in § 24.402(b)(2). Such rental assistance must be paid under § 24.404.</p> <p>(ix) For a person receiving <u>Government</u> housing assistance before displacement, a dwelling that may reflect similar <u>Government</u> housing assistance. In such cases any requirements of the <u>Government</u> housing assistance program, <u>including fair housing, civil rights, and those</u> relating to the size of the replacement dwelling, <u>shall</u> apply.</p>	<p><u>Section 24.2(a) Comparable replacement dwelling, (ix).</u> If a person accepts assistance under a government <u>Government</u> housing assistance program, the rules of that program governing the size of the dwelling 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 <u>and associated utilities</u></p>

49 CFR 24 Subpart A - General		
2005 Rule	2024 Rule	
	Text	Appendix
dwelling shall apply. (See appendix A, §24.2(a)(6)(ix).)	<p><u>However, nothing in this part prohibits an agency from offering, or 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:</u></p> <p><u>(A) A public housing unit may qualify as a comparable replacement</u></p>	<p><u>after the applicable Government assistance has been applied.</u></p>

49 CFR 24 Subpart A - General		
2005 Rule	2024 Rule	
	Text	Appendix
	<p><u>dwelling only for a person displaced from a public housing unit.</u></p> <p><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.</u></p> <p><u>(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)</u></p>	
(7) Contribute materially. The term contribute materially means that during the 2	Contribute materially means that during the 2 taxable years prior to the taxable year in	

49 CFR 24 Subpart A - General		
2005 Rule	2024 Rule	
	Text	Appendix
<p>taxable years prior to the taxable year in which displacement occurs, or during such other period as the Agency determines to be more equitable, a business or farm operation:</p> <ul style="list-style-type: none"> (i) Had average annual gross receipts of at least \$5,000; or (ii) Had average annual net earnings of at least \$1,000; or (iii) Contributed at least 33$\frac{1}{3}$ percent of the owner's or operator's average annual gross income from all sources. (iv) If the application of the above criteria creates an inequity or hardship in any given case, the Agency may approve the use of other criteria as determined appropriate. 	<p>which displacement occurs, or during such other period as the <u>agency</u> determines to be more equitable, a business or farm operation:</p> <ul style="list-style-type: none"> (i) Had average annual gross receipts of at least \$5,000; or (ii) Had average annual net earnings of at least \$1,000; or (iii) Contributed at least 33$\frac{1}{3}$ percent of the owner's or operator's average annual gross income from all sources. (iv) If the application of the above criteria creates an inequity or hardship in any given case, the <u>agency</u> may approve the use of other criteria as determined appropriate. <u>(See appendix A of this part, section 24.305(e))</u> 	
<p>(8) Decent, safe, and sanitary dwelling. The term <u>decent, safe, and sanitary dwelling</u> means a dwelling which meets local housing and occupancy codes. However, any of the following standards which are not met by the local code shall apply unless waived for good cause by the Federal Agency funding the project. The dwelling shall:</p> <ul style="list-style-type: none"> (i) Be structurally sound, weather tight, and in good repair; 	<p><u>Decent, safe, and sanitary (DSS) dwelling</u> means a dwelling which meets <u>the requirements of paragraphs (i) through (vii) of this definition or the most stringent of the local housing code, Federal agency regulations, or the agency's regulations or written policy. The DSS dwelling shall:</u></p> <ul style="list-style-type: none"> <u>(i) Be structurally sound, weather tight, and in good repair;</u> <p><u>(A) Many local housing and occupancy codes require the abatement of</u></p>	<p><u>Section 24.2(a)(8) Decent, safe, and sanitary, (i) (ii A). Decent, Safe and Sanitary. Many local housing and occupancy codes</u></p>

49 CFR 24 Subpart A - General

2005 Rule	2024 Rule	
	Text	Appendix
<p>(ii) Contain a safe electrical wiring system adequate for lighting and other devices;</p> <p>(iii) Contain a heating system capable of sustaining a healthful temperature (of approximately 70 degrees) for a displaced person, except in those areas where local climatic conditions do not require such a system;</p> <p>(iv) Be adequate in size with respect to the number of rooms and area of living space needed to accommodate the displaced person. The number of persons occupying each habitable room used for sleeping purposes shall not exceed that permitted by local housing codes or, in the absence of local codes, the policies of the displacing Agency. In addition, the displacing Agency shall follow the requirements for separate bedrooms for children of the opposite gender included in local</p>	<p><u>deteriorating paint, including lead-based paint and lead-based paint dust, in protecting the public health and safety. Where such standards exist, they must be honored;</u></p> <p><u>(B) [Reserved]</u></p> <p>(ii) Contain a safe electrical wiring system adequate for lighting and other devices;</p> <p>(iii) Contain a heating system capable of sustaining a healthful temperature (of approximately 70 degrees) for a displaced person, except in those areas where local climatic conditions do not require such a system;</p> <p>(iv) Be adequate in size with respect to the number of rooms and area of living space needed to accommodate the displaced person. The number of persons occupying each habitable room used for sleeping purposes shall not exceed that permitted by <u>the most stringent of the local housing code, Federal agency regulations or requirements, or the agency's regulations or written policy.</u> In addition, the <u>Federal funding agency</u> shall follow the requirements for separate bedrooms for children of the</p>	<p><u>require. Even where Federal or local law does not mandate adherence to standards requiring</u> the abatement of deteriorating paint, including lead-based paint and lead-based paint dust, in protecting the public health and safety. Where such standards exist, they must be honored. Even where local law does not mandate adherence to such standards, it is strongly recommended that they be considered as a matter of public policy.</p>

49 CFR 24 Subpart A - General

2005 Rule	2024 Rule	
	Text	Appendix
<p>housing codes or in the absence of local codes, the policies of such Agencies;</p> <p>(v) There shall be a separate, well lighted and ventilated bathroom that provides privacy to the user and contains a sink, bathtub or shower stall, and a toilet, all in good working order and properly connected to appropriate sources of water and to a sewage drainage system. In the case of a housekeeping dwelling, there shall be a kitchen area that contains a fully usable sink, properly connected to potable hot and cold water and to a sewage drainage system, and adequate space and utility service connections for a stove and refrigerator;</p> <p>(vi) Contains unobstructed egress to safe, open space at ground level; and</p> <p>(vii) For a displaced person with a disability, be free of any barriers which would preclude reasonable ingress, egress, or use of the</p>	<p>opposite gender included in local housing codes or in the absence of local codes, the policies of such <u>agencies</u>;</p> <p>(v) There shall be a separate, well lighted and ventilated bathroom that provides privacy to the user and contains a sink, bathtub, or shower stall, and a toilet, all in good working order and properly connected to appropriate sources of water and to a sewage drainage system. <u>When required by local code standards for residential occupancy</u>, there shall be a kitchen area that contains a fully usable sink, properly connected to potable hot and cold water and to a sewage drainage system, and adequate space and utility service connections for a stove and refrigerator <u>(see appendix A to this part, section 24.2(a), definition of DSS)</u>;</p> <p>(vi) Contains unobstructed egress to safe, open space at ground level; and</p> <p>(vii) For a displaced person with a disability, be free of any barriers which would preclude reasonable ingress, egress, or use of the dwelling by such displaced person.</p>	<p><u>Section 24.2(a) Decent, safe, and sanitary, (v). Some local code standards for occupancy do not require kitchens. However, selection of comparable dwellings that provide a kitchen is recommended. The FHWA believes this is good practice and in most cases should be easily achievable. If the displacement dwelling had a kitchen, the comparable dwelling must have a kitchen. If the displacement dwelling did not have a kitchen but local code standards for occupancy require one, the comparable dwelling must contain a kitchen. If the displacement dwelling did not have a kitchen and local code standards for occupancy do not require one, an agency does not have to provide a kitchen in the comparable dwelling. If a kitchen is provided in the comparable dwelling, at a minimum it must contain a fully usable sink, properly connected to potable hot and cold water and to a sewage drainage system, and adequate space and utility service connections for a stove and refrigerator.</u></p> <p><u>Section 24.2(a) (8)(vii) DSS—Persons with a disability, (vii).</u> Reasonable accommodation of a displaced person with a disability at the</p>

49 CFR 24 Subpart A - General		
2005 Rule	2024 Rule	
	Text	Appendix
dwelling by such displaced person. (See appendix A, §24.2(a)(8)(vii).)	(See appendix A of this part, Section 24.2(a), definition of DSS)	replacement dwelling means the Agency 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, except (i) as provided in paragraph (a)(9)(ii) of this section, any person who moves from the real property or moves his or her personal property from the real property. (This includes a person who occupies the real property prior to its acquisition, but	<i>Displaced person</i> means: (i) Generally. Except as provided in paragraph (ii) of this definition , any person who permanently moves from the real property or moves his or her personal property from the real property. (This includes a person who occupies the real	Section 24.2(a)(9)(ii)(D) Persons not displaced. Paragraph (a)(9)(ii)(D) of this section recognizes that there are circumstances where the acquisition, rehabilitation or demolition of real property takes place without the intent or necessity that an occupant of the property be permanently displaced. Because such occupants are not considered "displaced

49 CFR 24 Subpart A - General

2005 Rule	2024 Rule	
	Text	Appendix
<p>who does not meet the length of occupancy requirements of the Uniform Act as described at § 24.401(a) and §24.402(a):</p> <p>(A) As a direct result of a written notice of intent to acquire (see § 24.203(d)), the initiation of negotiations for, or the acquisition of, such real property in whole or in part for a project;</p> <p>(B) As a direct result of rehabilitation or demolition for a project; or</p> <p>(C) As a direct result of a written notice of intent to acquire, or the acquisition, rehabilitation or demolition of, in whole or in part, other real property on which the person conducts a business or farm operation, for a project. However, eligibility for such person under this paragraph applies only for purposes of obtaining relocation assistance advisory services under § 24.205(c), and moving expenses under § 24.301, § 24.302 or § 24.303.</p>	<p>property prior to its acquisition, but who does not meet the length of occupancy requirements of the Uniform Act as described at §§ 24.401(a) and 24.402(a).)</p> <p>(A) As a direct result of a written notice of intent to acquire, <u>rehabilitate, and/or demolish</u> (see § 24.203(d)), the initiation of negotiations for, or the acquisition of, such real property in whole or in part for a project;</p> <p>(B) As a direct result of rehabilitation or demolition for a project; or</p> <p>(C) As a direct result of a written notice of intent to acquire, or the acquisition, rehabilitation or demolition of, in whole or in part, other real property on which the person conducts a business or farm operation, for a project. However, eligibility for such person under this paragraph <u>(i)(C)</u> applies only for purposes of obtaining relocation assistance advisory services under § 24.205(c), and moving expenses under § 24.301, § 24.302, or § 24.303.</p> <p><u>(ii) Persons required to move temporarily. A person who is</u></p>	<p>persons” under this part, great care must be exercised to ensure that they are treated fairly and equitably. For example, if the tenant-occupant of a dwelling will not be displaced, but is required to relocate temporarily in connection with the project, the temporarily occupied housing must be decent, safe, and sanitary and the tenant must be reimbursed for all reasonable out-of-pocket expenses incurred in connection with the temporary relocation. These expenses may include moving expenses and increased housing costs during the temporary relocation. Temporary relocation should not extend beyond one year before the person is returned to his or her previous unit or location. The Agency must contact any residential tenant who has been temporarily relocated for a period beyond one year and offer all permanent relocation assistance. This assistance would be in addition to any assistance the person has already received for temporary relocation, and may not be reduced by the amount of any temporary relocation assistance.</p> <p>Similarly, if a business will be shut down for any length of time due to rehabilitation of a site, it may be temporarily relocated and reimbursed for all reasonable out-of-pocket expenses or must be determined to be displaced at the Agency's option.</p>

49 CFR 24 Subpart A - General		
2005 Rule	2024 Rule	
	Text	Appendix
	<p><u>required to move or moves his or her personal property from the real property as a direct result of the project but is not required to relocate permanently. Such determination shall be made by the agency in accordance with any requirement, policy, or guidance established by the Federal agency funding the project (see appendix A to this part, section 24.2(a)). All benefits for persons required to move on a temporary basis are described in § 24.202(a).</u></p> <p><u>(iii) Voluntary acquisitions. A tenant who moves as a direct result of a voluntary acquisition as described in § 24.101(b)(1) through (3) is eligible for relocation assistance when there is a binding written agreement between the agency and the owner that obligates the agency, without further election, to purchase the real property. Federal Funding agencies should develop policies identifying the types of agreements used in its programs or projects which it considers to be binding and which would therefore trigger eligibility for tenants as displaced persons. Agreements such as</u></p>	<p>Any person who disagrees with the Agency's determination that he or she is not a displaced person under this part may file an appeal in accordance with 49 CFR part 24.10 of this regulation.</p> <p><u><i>Section 24.2(a) Displaced person—</i></u> <u><i>Occupants of a temporary, daily, or emergency shelter, (iii)(L).</i></u> Shelters can serve many purposes, and each will have specific rules and requirements as to who can occupy or use the shelter and whether prolonged and continuous occupancy is allowed. Persons who are occupying a shelter that only allows overnight stays and requires the occupants to remove their personal property and themselves from the premises on a daily basis and that offers no guarantee of reentry in the evening typically would not meet the definition of displaced persons as used in this part, nor would the shelter meet the definition of dwelling as used in this part. Persons who live at the shelter on a continuous, prolonged, or permanent basis may be considered displaced. These determinations are fact-based determinations. Facts that might assist in the determination include whether the person is employed because they work to pay their rent or there may be a residential landlord-tenant relationship. The FHWA expects it would be unusual to displace a shelter occupant who</p>

49 CFR 24 Subpart A - General

2005 Rule	2024 Rule	
	Text	Appendix
<p>(ii) <i>Persons not displaced.</i> The following is a nonexclusive listing of persons who do not qualify as displaced persons under this part:</p> <p>(A) A person who moves before the initiation of negotiations (see § 24.403(d)), unless the Agency determines that the person was displaced as a direct result of the program or project;</p> <p>(B) A person who initially enters into occupancy of the property after the date of its acquisition for the project;</p> <p>(C) A person who has occupied the property for the purpose of</p>	<p><u>options to purchase and conditional purchase and sale agreements are not considered a binding agreement within the meaning of this paragraph (iii) until all conditions to the agency's obligation to purchase the real property have been satisfied. Provided that, the agency may determine that a tenant who moves before there is a binding 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)).</u></p> <p>(iv) <i>Persons not displaced.</i> The following is a nonexclusive listing of persons who do not qualify as displaced persons under this part:</p> <p>(A) A person who moves before the initiation of negotiations (see § 24.403(d)), unless the <u>agency</u> determines that the person was displaced as a direct result of the program or project;</p> <p>(B) A person who initially enters into occupancy of the property after the date of its acquisition for the project;</p> <p>(C) A person who has occupied the property for the purpose of</p>	<p><u>meets the criteria for making a determination that he or she is a displaced person. Agencies should make reasonable effort to provide information about proposed vacation date or other plans for the shelter to relocate. Providing advisory assistance to shelter occupants may be a challenge due to the transient nature of shelter occupancy, but such assistance must be provided to the maximum extent practicable.</u></p>

49 CFR 24 Subpart A - General

2005 Rule	2024 Rule	
	Text	Appendix
<p>obtaining assistance under the Uniform Act;</p> <p>(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 A, § 24.2(a)(9)(iii)(D));</p> <p>(E) An owner-occupant who moves as a result of an acquisition of real property as described in §§ 24.101(a)(2) or 24.101(b)(1) or (2), or as a result of the rehabilitation or demolition of the real property. (However, the displacement of a tenant as a direct result of any acquisition, rehabilitation or demolition for a Federal or federally assisted project is subject to this part.);</p> <p>(F) A person whom the Agency determines is not displaced as a direct result of a partial acquisition;</p> <p>(G) A person who, after receiving a notice of relocation eligibility (described at § 24.203(b)), is notified in writing that he or she</p>	<p>obtaining assistance under the Uniform Act;</p> <p>(D) An owner-occupant who moves as a result of an acquisition of real property as described in <u>§</u> 24.101(a)(2) or (b)(1) or (2), or as a result of the rehabilitation or demolition of the real property. (However, the displacement of a tenant as a direct result of any acquisition, rehabilitation, <u>or</u> demolition for a Federal or federally assisted project is subject to this part.);</p> <p>(E) A person whom the <u>agency</u> determines is not displaced as a direct result of a partial acquisition;</p> <p>(F) A person who, after receiving a notice of relocation eligibility (described at § 24.203(b)), is notified in writing that he or she</p>	

49 CFR 24 Subpart A - General

2005 Rule	2024 Rule	
	Text	Appendix
<p>will not be displaced for a project. Such written notification shall not be issued unless the person has not moved and the Agency agrees to reimburse the person for any expenses incurred to satisfy any binding contractual relocation obligations entered into after the effective date of the notice of relocation eligibility;</p> <p>(H) An owner-occupant who conveys his or her property, as described in §§ 24.101(a)(2) or 24.101(b)(1) or (2), after being informed in writing that if a mutually satisfactory agreement on terms of the conveyance cannot be reached, the Agency will not acquire the property. In such cases, however, any resulting displacement of a tenant is subject to the regulations in this part;</p> <p>(I) A person who retains the right of use and occupancy of the real property for life following its acquisition by the Agency;</p> <p>(J) An owner who retains the right of use and occupancy of the real property for a fixed term after its acquisition by the Department of</p>	<p>will not be displaced for a project. Such written notification shall not be issued unless the person has not moved and the <u>agency</u> agrees to reimburse the person for any expenses incurred to satisfy any binding contractual relocation obligations entered into after the effective date of the notice of relocation eligibility;</p> <p>(G) An owner-occupant who conveys his or her property, as described in <u>§ 24.101(a)(2) or (b)(1) or (2)</u>, after being informed in writing that if a mutually satisfactory agreement on terms of the conveyance cannot be reached, the <u>agency</u> will not acquire the property. In such cases, however, any resulting displacement of a tenant is subject to the regulations in this part;</p> <p>(H) A person who retains the right of use and occupancy of the real property for life following its acquisition by the <u>agency</u>;</p> <p>(I) An owner who retains the right of use and occupancy of the real property for a fixed term after its acquisition by the Department of</p>	

49 CFR 24 Subpart A - General

2005 Rule	2024 Rule	
	Text	Appendix
<p>the Interior under Pub. L. 93-477, Appropriations for National Park System, or Pub. L. 93-303, Land and Water Conservation Fund, except that such owner remains a displaced person for purposes of subpart D of this part;</p> <p>(K) A person who is determined to be in unlawful occupancy prior to or after the initiation of negotiations, or a person who has been evicted for cause, under applicable law, as provided for in § 24.206. However, advisory assistance may be provided to unlawful occupants at the option of the Agency in order to facilitate the project;</p> <p>(L) A person who is not lawfully present in the United States and who has been determined to be ineligible for relocation assistance in accordance with § 24.208; or</p> <p>(M) Tenants required to move as a result of the sale of their dwelling to a person using downpayment assistance provided under the American Dream Downpayment Initiative (ADDI) authorized by section 102 of the American</p>	<p>the Interior under <u>Public Law</u> 93-477, Appropriations for National Park System, or <u>Public Law</u> 93-303, Land and Water Conservation Fund, except that such owner remains a displaced person for purposes of subpart D of this part;</p> <p>(<u>J</u>) A person who is determined to be in unlawful occupancy prior to or after the initiation of negotiations, or a person who has been evicted for cause, under applicable law, as provided for in § 24.206. However, advisory assistance may be provided to unlawful occupants at the option of the <u>agency</u> in order to facilitate the project;</p> <p>(<u>K</u>) A person who is not lawfully present in the United States and who has been determined to be ineligible for relocation assistance in accordance with § 24.208; or</p> <p><u>(L) Temporary, daily, or emergency shelter occupants are in most cases not considered displaced persons. However, agencies may determine that a person occupying a shelter is a displaced person due to factors which could</u></p>	

49 CFR 24 Subpart A - General		
2005 Rule	2024 Rule	
	Text	Appendix
Dream Downpayment Act (Pub. L. 108-186; codified at 42 U.S.C. 12821).	<u>include reasonable expectation of a prolonged stay, or other 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 <i>displaced persons</i>.)</u>	
(10) Dwelling. The term <i>dwelling</i> means the place of permanent or customary and usual residence of a person, according to local custom or law, including a single family house; a single-family unit in a two-family, multi-family, or multi-purpose property; a unit of a condominium or cooperative housing project; a non-housekeeping unit ; a mobile home; or any other residential unit.	<i>Dwelling</i> means the place of permanent or customary and usual residence of a person, according to local custom or law, including a single-family house; a single-family unit in a two-family, multi-family, or multi-purpose property; a unit of a condominium or cooperative housing project; a mobile home, or any other residential unit.	
(11) Dwelling site. The term <i>dwelling site</i> means a land area that is typical in size for similar dwellings located in the same neighborhood or rural area. (See appendix A, §24.2(a)(11).)	<i>Dwelling site</i> means a land area that is typical in size for similar dwellings located in the same neighborhood or rural area. (See appendix A <u>to this part, section 24.2(a).</u>)	<i>Section 24.2(a)(11) Dwelling site.</i> This definition ensures that the computation <u>computations</u> of replacement housing payments are accurate and realistic (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.

49 CFR 24 Subpart A - General		
2005 Rule	2024 Rule	
	Text	Appendix
{12} Farm operation. The term farm operation means any activity conducted solely or primarily for the production of one or more agricultural products or commodities, including timber, for sale or home use, and customarily producing such products or commodities in sufficient quantity to be capable of contributing materially to the operator's support.	<i>Farm operation</i> means any activity conducted solely or primarily for the production of one or more agricultural products or commodities, including timber, for sale or home use, and customarily producing such products or commodities in sufficient quantity to be capable of contributing materially to the operator's support.	
{13} Federal financial assistance. The term Federal financial assistance means a grant, loan, or contribution provided by the United States, except any Federal guarantee or insurance and any interest reduction payment to an individual in connection with the purchase and occupancy of a residence by that individual.	<i>Federal financial assistance</i> means a grant, loan, or contribution provided by the United States, except any Federal guarantee, <u>insurance or tax credits (Low Income Housing Tax Credit)</u> and any interest reduction payment to an individual in connection with the purchase and occupancy of a residence by that individual.	
{14} Household income. The term household income means total gross income received for a 12-month period from all sources (earned and unearned) including, but not limited to wages, salary, child support, alimony, unemployment benefits, workers compensation, social security, or the net income from a business. It does not include income received or earned by dependent children and full-time students under 18 years of age. (See appendix A, §24.2(a)(14) for examples of exclusions to income.)	<i>Household income</i> means total gross income received for a 12-month period from all sources (earned and unearned) including, but not limited to wages, salary, child support, alimony, unemployment benefits, workers compensation, social security, or the net income from a business. It does not include income received or earned by dependent children <u>under 18, or full-time students who are students for at least 5 months of the year and are under the age of 24.</u> (See appendix A <u>to this part, section 24.2(a),</u> for examples of exclusions to income.)	<i>Section 24.2(a)(14) Household income (exclusions).</i> Household income for purposes of this regulation <u>part</u> does not include program benefits that are not considered income by Federal law such as food stamps and the Women Infants and Children (WIC) program. For a more detailed list of income exclusions see Federal Highway Administration <u>FHWA</u> , Office of Real Estate Services Web site: <u>http://www.fhwa.dot.gov/realestate/</u> . (FR 4644-N-16 page 20319 Updated.) If <u>website.</u> ^[1] <u>Contact the Federal agency administering the program if</u> there is a question on whether or

49 CFR 24 Subpart A - General		
2005 Rule	2024 Rule	
	Text	Appendix
		not to include income from a specific program contact the Federal Agency administering the program.
<p>(15) Initiation of negotiations. Unless a different action is specified in applicable Federal program regulations, the term initiation of negotiations means the following:</p> <p>(i) Whenever the displacement results from the acquisition of the real property by a Federal Agency or State Agency, the initiation of negotiations means the delivery of the initial written offer of just compensation by the Agency to the owner or the owner's representative to purchase the real property for the project. However, if the Federal Agency or State Agency issues a notice of its intent to acquire the real property, and a person moves after that notice, but before delivery of the initial written purchase offer, the initiation of negotiations means the actual move of the person from the property.</p> <p>(ii) Whenever the displacement is caused by rehabilitation, demolition or privately undertaken acquisition of the real property (and there is no related acquisition by a Federal Agency or a State Agency), the</p>	<p><i>Initiation of negotiations, <u>unless</u> a different action is specified in applicable Federal program regulations, means the following:</i></p> <p>(i) Whenever the displacement results from the acquisition of the real property by a Federal <u>agency</u> or State <u>agency</u>, the <u>term</u> means the delivery of the initial written offer of just compensation by the <u>agency</u> to the owner or the owner's representative to purchase the real property for the project. However, if the Federal <u>agency</u> or State <u>agency</u> issues a notice of its intent to acquire, <u>rehabilitate, or demolish</u> the real property, and a person moves after that notice, but before delivery of the initial written purchase offer, the <u>term</u> means the actual move of the person from the property.</p> <p>(ii) Whenever the displacement is caused by rehabilitation, demolition, or privately undertaken acquisition of the real property (and there is no related acquisition by a Federal <u>agency</u> or a State <u>agency</u>), the <u>term</u></p>	<p><i>Section 24.2(a)(15) Initiation of negotiations.</i> This section provides a special definition for acquisition and displacements under Pub. L. <u>Public Law</u> 96-510 or Superfund. The order of activities under Superfund may differ slightly in that temporary relocation may precede acquisition. Superfund is a program designed to clean up hazardous waste sites. When such a site is discovered, it may be necessary, in certain limited circumstances, to alert individual owners and tenants to potential health or safety threats and to offer to temporarily relocate them while additional information is gathered. If a decision is later made to permanently relocate such persons, those who had been temporarily relocated under Superfund authority would no longer be on site when a formal, written offer to acquire the property was made, and thus would lose their eligibility for a replacement housing payment. In order to prevent this unfair outcome, we have <u>FHWA has</u> provided a definition of initiation of negotiation, which is based on the date the Federal Government offers to temporarily relocate an owner or tenant from the subject property.</p>

49 CFR 24 Subpart A - General

2005 Rule	2024 Rule	
	Text	Appendix
<p>initiation of negotiations means the notice to the person that he or she will be displaced by the project or, if there is no notice, the actual move of the person from the property.</p> <p>(iii) In the case of a permanent relocation to protect the public health and welfare, under the Comprehensive Environmental Response Compensation and Liability Act of 1980 (Pub. L. 96-510, or Superfund) (CERCLA) the initiation of negotiations means the formal announcement of such relocation or the Federal or federally-coordinated health advisory where the Federal Government later decides to conduct a permanent relocation.</p> <p>(iv) In the case of permanent relocation of a tenant as a result of an acquisition of real property described in § 24.101(b)(1) through (5), the initiation of negotiations means the actions described in § 24.2(a)(15)(i) and (ii), except that such initiation of negotiations does not become effective, for purposes of establishing eligibility for relocation assistance for such tenants under this part, until there is</p>	<p>means the notice to the person that he or she will be displaced by the project or, if there is no notice, the actual move of the person from the property.</p> <p>(iii) In the case of a permanent relocation to protect the public health and welfare, under the Comprehensive Environmental Response Compensation and Liability Act of 1980 (Pub. L. 96-510, or Superfund) , <u>the term</u> means the formal announcement of such relocation or the Federal or federally-coordinated health advisory where the Federal Government later decides to conduct a permanent relocation.</p> <p>(iv) In the case of permanent relocation of a tenant as a result of <u>a voluntary-</u> acquisition of real property described in § 24.101(b)(1) <u>the tenant is not eligible for relocation assistance</u> under this part, until there is a <u>binding</u> written agreement between the <u>agency</u> and the owner <u>that obligates the agency, without further election</u>, to purchase the real property. (See appendix A <u>to this part, section</u> 24.2(a)).</p>	<p>Section 24.2(a)(15)(iv) Initiation of negotiations-<u>Tenants</u>, (iv). Tenants who occupy property that may be <u>voluntarily</u> acquired amicably, without recourse to the use of the power of eminent domain, must be fully informed as to their <u>potential</u> eligibility for relocation assistance. This includes notifying such tenants of their potential eligibility when negotiations are initiated, notifying them if they become fully eligible, and, in the event the purchase of the property will not occur, notifying them that they are no longer eligible for relocation benefits. If a <u>If negotiations fail to result in a binding agreement the agency should notify tenants that negotiations have failed to result in a binding agreement and that the agency has concluded its efforts to acquire the property. If a tenant is not readily accessible, as the result of a disaster or emergency, the agency must provide these notifications and document its efforts in writing. As used in this definition, agreements such as options to purchase and conditional purchase and sale agreements are not considered binding agreements until all conditions to the agency's obligation to purchase the real property have been satisfied. A right to purchase property is not binding agreement because it does not require the State to purchase the property necessary for the project unless they elect to</u></p>

49 CFR 24 Subpart A - General		
2005 Rule	2024 Rule	
	Text	Appendix
a written agreement between the Agency and the owner to purchase the real property. (See appendix A, § 24.2(a)(15)(iv)).	<u>Agreements such as options to purchase and conditional purchase and sale agreements are not considered a binding agreement within the meaning of this part unless such agreements satisfy the requirements of the Federal agency providing the Federal financial assistance or until all conditions to the agency's obligation to purchase the real property have been satisfied.</u>	<p>do so. A binding agreement as used in this definition is a legally enforceable document in which the property owner agrees to sell certain property rights necessary for a project and the agency agrees, without further election, to make that purchase. If negotiations fail to result in a binding agreement the agency should notify tenants that negotiations have failed to result in a binding agreement and that the agency has concluded its efforts to acquire the property. If a tenant is not readily accessible, as the result of a disaster or emergency, the Agency <u>agency</u> must make a good faith effort to provide these notifications and document its efforts in writing.</p> <p><u>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</u></p>

49 CFR 24 Subpart A - General		
2005 Rule	2024 Rule	
	Text	Appendix
		<p><u>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.</u></p> <p><u>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.</u></p>
{16} - <i>Lead Agency.</i> The term <i>Lead Agency</i> means the Department of Transportation acting through the Federal Highway Administration.	<i>Lead Agency</i> means the Department of Transportation acting through the Federal Highway Administration.	
{17} - <i>Mobile home.</i> The term <i>mobile home</i> includes manufactured homes and recreational vehicles used as residences. (See appendix A, §-24.2(a) {17}).	<i>Mobile home</i> <u>(manufactured home), when used in this part,</u> includes manufactured homes and recreational vehicles used as residences. <u>The term <i>manufactured home</i> is defined at 24 CFR part 3280 (see appendix A to this part, section 24.2(a)).</u>	<p><u>Section 24.2(a){17}-Mobile home. In this part, the term “mobile home” will continue to be used to include those homes that are defined at 24 CFR part 3280 as a “manufactured home.”</u></p> <p><u>Regulations at 24 CFR 3280.2 defines “manufactured home.” The term “mobile home” was changed to “manufactured home” in 24 CFR part 3280 in 1979.</u></p> <p><u>The following examples provide additional guidance on the types of mobile homes and manufactured housing that can be found acceptable as comparable replacement</u></p>

49 CFR 24 Subpart A - General

2005 Rule	2024 Rule	
	Text	Appendix
		<p> 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 <u>has</u> available all necessary utilities for functioning as a housing unit on the date of the displacing Agency <u>agency</u>’s inspection; and, the dwelling, as sited, meets all local, State, and Federal requirements for a decent, safe, <u>and</u> sanitary dwelling. (The regulations of some local jurisdictions will not permit the consideration of these vehicles as decent, safe and sanitary <u>DSS</u> dwellings. In those cases, the recreational vehicle will not qualify as a replacement dwelling.) </p> <p> 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 </p>

49 CFR 24 Subpart A - General

2005 Rule	2024 Rule	
	Text	Appendix
		<p>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.</p> <p>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.</p> <p>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.</p>
(18) Mortgage. The term mortgage means such classes of liens as are commonly	<i>Mortgage</i> means such classes of liens as are commonly given to secure advances on, or	

49 CFR 24 Subpart A - General		
2005 Rule	2024 Rule	
	Text	Appendix
given to secure advances on, or the unpaid purchase price of, real property, under the laws of the State in which the real property is located, together with the credit instruments, if any, secured thereby.	the unpaid purchase price of, real property, under the laws of the State in which the real property is located, together with the credit instruments, if any, secured thereby.	
(19) Nonprofit organization. The term nonprofit organization means an organization that is incorporated under the applicable laws of a State as a nonprofit organization, and exempt from paying Federal income taxes under section 501 of the Internal Revenue Code (26 U.S.C. 501).	<i>Nonprofit organization</i> means an organization that is incorporated under the applicable laws of a State as a nonprofit organization and exempt from paying Federal income taxes under section 501 of the Internal Revenue Code (26 U.S.C. 501).	
(20) Owner of a dwelling. The term owner of a dwelling means a person who is considered to have met the requirement to own a dwelling if the person purchases or holds any of the following interests in real property: (i) Fee title, a life estate, a land contract, a 99year lease, or a lease including any options for extension with at least 50 years to run from the date of acquisition; or (ii) An interest in a cooperative housing project which includes the right to occupy a dwelling; or (iii) A contract to purchase any of the interests or estates described in § 24.2(a)(1)(i) or (ii) of this section; or (iv) Any other interest, including a partial interest, which in the	<i>Owner of a dwelling</i> means a person who is considered to have met the requirement to own a dwelling if the person purchases or holds any of the following interests in real property: (i) Fee title, a life estate, a land contract, a 99-year lease, or a lease including any options for extension with at least 50 years to run from the date of acquisition; or (ii) An interest in a cooperative housing project which includes the right to occupy a dwelling; or (iii) A contract to purchase any of the interests or estates described in this section; or (iv) Any other interest, including a partial interest, which in the	

49 CFR 24 Subpart A - General		
2005 Rule	2024 Rule	
	Text	Appendix
judgment of the Agency warrants consideration as ownership.	judgment of the <u>agency</u> warrants consideration as ownership.	
	<u>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.</u>	
{21} Person. The term person means any individual, family, partnership, corporation, or association.	<i>Person</i> means any individual, family, partnership, corporation, or association.	
{22} Program or project. The phrase program or project means any activity or series of activities undertaken by a Federal Agency or with Federal financial assistance received or anticipated in any phase of an undertaking in accordance with the Federal funding Agency guidelines.	<i>Program or project</i> means any activity or series of activities undertaken by a Federal <u>agency</u> or with Federal financial assistance received or anticipated in any phase of an undertaking in accordance with the Federal funding <u>agency</u> guidelines.	
	<u>Recipient means a non-Federal entity that receives a Federal award directly from a Federal agency to carry out an activity under a Federal program. The recipient is accountable to the Federal funding agency for the use of the funds and for compliance with applicable</u>	

49 CFR 24 Subpart A - General		
2005 Rule	2024 Rule	
	Text	Appendix
	<u>Federal requirements. The term recipient does not include subrecipients.</u>	
	<u>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.</u>	
(23) <i>Salvage value.</i> The term salvage value means the probable sale price of an item offered for sale to knowledgeable buyers with the requirement that it be removed from the property at a buyer's expense (<i>i.e.</i> , not eligible for relocation assistance). This includes items for re-use as well as items with components that can be re-used or recycled when there is no reasonable prospect for sale except on this basis.	<i>Salvage value</i> means the probable sale price of an item offered for sale to knowledgeable buyers with the requirement that it be removed from the property at a buyer's expense (<i>i.e.</i> , not eligible for relocation assistance). This includes items for re-use as well as items with components that can be re-used or recycled when there is no reasonable prospect for sale except on this basis.	

49 CFR 24 Subpart A - General		
2005 Rule	2024 Rule	
	Text	Appendix
(24) <i>Small business.</i> A small business is a business having not more than 500 employees working at the site being acquired or displaced by a program or project, which site is the location of economic activity. Sites occupied solely by outdoor advertising signs, displays, or devices do not qualify as a business for purposes of § 24.304.	<i>Small business</i> <u>means</u> a business having not more than 500 employees working at the site being acquired or displaced by a program or project, which site is the location of economic activity. Sites occupied solely by outdoor advertising signs, displays, or devices do not qualify as a business for purposes of § 24. <u>303 or § 24.304.</u>	
(25) <i>State.</i> Any of the several States of the United States or the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, or a political subdivision of any of these jurisdictions.	<i>State</i> <u>means any</u> of the several States of the United States or the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, or a political subdivision of any of these jurisdictions.	
	<u><i>Subrecipient</i> 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.</u>	
	<u><i>Temporary, daily, or emergency shelter (shelter)</i> 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</u>	

49 CFR 24 Subpart A - General		
2005 Rule	2024 Rule	
	Text	Appendix
	<u>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.</u>	
(26) Tenant. The term tenant means a person who has the temporary use and occupancy of real property owned by another.	<i>Tenant</i> means a person who has the temporary use and occupancy of real property owned by another.	
(27) Uneconomic remnant. The term uneconomic remnant means a parcel of real property in which the owner is left with an interest after the partial acquisition of the owner's property, and which the Agency has determined has little or no value or utility to the owner.	<i>Uneconomic remnant</i> means a parcel of real property in which the owner is left with an interest after the partial acquisition of the <u>owners'</u> property, and which the <u>agency</u> has determined has little or no value or utility to the owner.	
(28) Uniform Act. The term Uniform Act means the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Pub. L. 91-646, 84 Stat. 1894; 42 U.S.C. 4601 <i>et seq.</i>), and amendments thereto.	<i>Uniform Act</i> <u>or</u> <i>Act</i> means the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Pub. L. 91-646, 84 Stat. 1894; 42 U.S.C. 4601 <i>et seq.</i>), and amendments thereto.	
(29) Unlawful occupant. A person who occupies without property right, title or payment of rent or a person legally evicted, with no legal rights to occupy a property under State law. An Agency, at its discretion, may consider such person to be in lawful occupancy.	<i>Unlawful occupant</i> <u>means a</u> person who occupies without property right, title, <u>or</u> payment of rent, <u>or</u> a person legally evicted, with no legal rights to occupy a property under State law. An <u>agency</u> , at its discretion, may consider such person to be in lawful occupancy <u>for the purpose of determining eligibility for assistance under the Uniform Act.</u>	

49 CFR 24 Subpart A - General

2005 Rule	2024 Rule	
	Text	Appendix
<p>(30) Utility costs. The term <i>utility costs</i> means expenses for electricity, gas, other heating and cooking fuels, water and sewer.</p>	<p><i>Utility costs</i> means expenses for electricity, gas, other heating and cooking fuels, water, and sewer.</p>	
<p>(31) Utility facility. The term <i>utility facility</i> means any electric, gas, water, steam power, or materials transmission or distribution system; any transportation system; any communications system, including cable television; and</p> <p>any fixtures, equipment, or other property associated with the operation, maintenance, or repair of any such system. A utility facility may be publicly, privately, or cooperatively owned.</p>	<p><i>Utility facility</i> <u>means:</u></p> <p><u>(i) Any line, facility, or system for producing, transporting, transmitting, or distributing communications, cable, television, 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 indirectly serves the public;</u> any fixtures, equipment, or other property associated with the operation, maintenance, or repair of any such system. A utility facility may be publicly, privately, or cooperatively owned.</p> <p><u>(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</u></p>	

49 CFR 24 Subpart A - General		
2005 Rule	2024 Rule	
	Text	Appendix
	<u>includes those facilities used solely by the utility which are part of its operating plant.</u>	
(32) <i>Utility relocation.</i> The term <i>utility relocation</i> means the adjustment of a utility facility required by the program or project undertaken by the displacing Agency. It includes removing and reinstalling the facility, including necessary temporary facilities; acquiring necessary right-of-way on a new location; moving, rearranging or changing the type of existing facilities; and taking any necessary safety and protective measures. It shall also mean constructing a replacement facility that has the functional equivalency of the existing facility and is necessary for the continued operation of the utility service, the project economy, or sequence of project construction.	<i>Utility relocation</i> means the adjustment of a utility facility required by the program or project undertaken by the <u>agency</u> . It includes removing and reinstalling the facility, including necessary temporary facilities; necessary right-of-way on a new location; moving, rearranging, or changing the type of existing facilities; and taking any necessary safety and protective measures. It shall also mean constructing a replacement facility that has the functional equivalency of the existing facility and is necessary for the continued operation of the utility service, the project economy, or sequence of project construction.	
(33) <i>Waiver valuation.</i> The term <i>waiver valuation</i> means the valuation process used and the product produced when the Agency determines that an appraisal is not required, pursuant to § 24.102(c)(2) appraisal waiver provisions.	<i>Waiver valuation</i> means the valuation process used and the product produced when the <u>agency</u> determines that an appraisal is not required, pursuant to § 24.102(c)(2) appraisal waiver provisions. <u>Waiver valuations are not appraisals as defined by the Uniform Act and this part.</u>	
24.2(b) Acronyms		
The following acronyms are commonly used in the implementation of programs subject to this regulation :	The following acronyms are commonly used in the implementation of programs subject to this <u>part</u> :	

49 CFR 24 Subpart A - General		
2005 Rule	2024 Rule	
	Text	Appendix
<p>(1) BCIS--Bureau of Citizenship and Immigration Service.</p> <p>(2) FEMA--Federal Emergency Management Agency.</p> <p>(3) FHA--Federal Housing Administration.</p> <p>(4) FHWA--Federal Highway Administration.</p> <p>(5) FIRREA--Financial Institutions Reform, Recovery, and Enforcement Act of 1989.</p> <p>(6) HLR--Housing of last resort.</p> <p>(7) HUD--U.S. Department of Housing and Urban Development.</p> <p>(8) MIDP--Mortgage interest differential payment.</p> <p>(9) RHP--Replacement housing payment.</p> <p>(10) STURAA--Surface Transportation and Uniform Relocation Act Amendments of 1987.</p> <p>(11) URA--Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.</p> <p>(12) USDOT--U.S. Department of Transportation.</p> <p>(13) USPAP--Uniform Standards of Professional Appraisal Practice.</p>	<p>(1) <u>DOT (U.S. Department of Transportation).</u></p> <p>(2) FEMA <u>(Federal Emergency Management Agency).</u></p> <p>(3) FHA <u>(Federal Housing Administration).</u></p> <p>(4) FHWA <u>(Federal Highway Administration).</u></p> <p>(5) FIRREA <u>(Financial Institutions Reform, Recovery, and Enforcement Act of 1989).</u></p> <p>(6) HLR <u>(housing of last resort).</u></p> <p>(7) HUD <u>(U.S. Department of Housing and Urban Development).</u></p> <p>(8) MIDP <u>(mortgage interest differential payment).</u></p> <p>(9) RHP <u>(replacement housing payment).</u></p> <p>(10) STURAA <u>(Surface Transportation and Uniform Relocation Assistance Act of 1987).</u></p> <p>(11) <u>UA or</u> URA <u>(Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970).</u></p> <p>(12) <u>USCIS (U.S. Citizenship and Immigration Services).</u></p> <p>(13) USPAP <u>(Uniform Standards of Professional Appraisal Practice).</u></p>	
24.3 No duplication of payments.		
No person shall receive any payment under this part if that person receives a payment under Federal, State, local law, or insurance proceeds which is determined by the Agency to have the same purpose and	No person shall receive any payment under this part if that person receives a payment under Federal, State, local law, or insurance proceeds which is determined by the <u>agency</u> to have the same purpose and	<i>Section 24.3 No Duplication <u>duplication</u> of Payments <u>payments</u>.</i> This section prohibits an Agency <u>agency</u> from making a payment to a person under these regulations <u>this part</u> that would duplicate another payment the

49 CFR 24 Subpart A - General		
2005 Rule	2024 Rule	
	Text	Appendix
effect as such payment under this part. (See appendix A , §-24.3):-	effect as such payment under this part. (See appendix A to this part, section 24.3.)	person receives under Federal, State, or local law. The Agency agency is not required to conduct an exhaustive search for such other payments; it is only required to avoid creating a duplication based on the Agency's agency's knowledge at the time a payment is computed.
24.4 Assurances, monitoring, and corrective action.		
24.4(a) Assurances		
(1) Before a Federal Agency may approve any grant to, or contract, or agreement with, a State Agency under which Federal financial assistance will be made available for a project which results in real property acquisition or displacement that is subject to the Uniform Act, the State Agency must provide appropriate assurances that it will comply with the Uniform Act and this part. A displacing Agency's assurances shall be in accordance with section 210 of the Uniform Act. An acquiring Agency's assurances shall be in accordance with section 305 of the Uniform Act and must contain specific reference to any State law which the Agency believes provides an exception to §§ 301 or 302 of the Uniform Act. If, in the judgment of the Federal Agency , Uniform Act compliance will be served, a State Agency may provide these	(1) Before a Federal agency may approve any grant to, or contract, or agreement with, an agency under which Federal financial assistance will be made available for a project which results in real property acquisition or displacement that is subject to the Uniform Act, the agency must provide appropriate assurances that it will comply with the Uniform Act and this part. An agency's assurances shall be in accordance with sections 4630 and 4655 of the Uniform Act. The agency's Uniform Act section 4655 assurances must contain specific reference to any State law which the agency believes provides an exception to sections 4651 or 4652 of the Uniform Act. If, in the judgment of the Federal agency , Uniform Act compliance will be served, an agency may provide these assurances at one time to cover all subsequent	

49 CFR 24 Subpart A - General		
2005 Rule	2024 Rule	
	Text	Appendix
<p>assurances at one time to cover all subsequent federally assisted programs or projects. An Agency, which both acquires real property and displaces persons, may combine its section 210 and section 305 assurances in one document.</p> <p>(2) If a Federal Agency or State Agency provides Federal financial assistance to a “person” causing displacement, such Federal or State Agency is responsible for ensuring compliance with the requirements of this part, notwithstanding the person's contractual obligation to the grantee to comply.</p> <p>(3) As an alternative to the assurance requirement described in paragraph (a)(1) of this section, a Federal Agency may provide Federal financial assistance to a State Agency after it has accepted a certification by such State Agency in accordance with the requirements in subpart G of this part.</p>	<p>federally assisted programs or projects. An <u>agency</u>, which both acquires real property and displaces persons, may combine its <u>sections 4630 and 4655 of the Uniform Act</u> assurances in one document.</p> <p>(2) If a Federal <u>agency</u> or <u>recipient</u> provides Federal financial assistance to a <u>person</u> causing displacement, such Federal <u>agency</u> or <u>recipient</u> is responsible for ensuring compliance with the requirements of this part, notwithstanding the person's contractual obligation to the <u>recipient</u> to comply <u>with the requirements of this part</u>.</p> <p>(3) As an alternative to the assurance requirement described in paragraph (a)(1) of this section, a Federal <u>agency</u> may provide Federal financial assistance to a <u>recipient</u> after it has accepted a certification by such <u>recipient</u> in accordance with the requirements in subpart G of this part.</p>	
24.4(b) Monitoring and corrective action.		
<p>The Federal Agency will monitor compliance with this part, and the State Agency shall take whatever corrective action is necessary to comply with the Uniform Act and this part. The Federal Agency may also apply sanctions in accordance with applicable</p>	<p>The Federal <u>agency</u> will monitor compliance with this part, and the <u>agency</u> shall take whatever corrective action is necessary to comply with the Uniform Act and this part. The Federal <u>agency</u> may also apply sanctions in accordance with applicable</p>	

49 CFR 24 Subpart A - General		
2005 Rule	2024 Rule	
	Text	Appendix
program regulations. (Also see § 24.603, of this part).	program regulations. (Also see § 24.603).	
24.4(c) Prevention of fraud, waste, and mismanagement.		
The Agency shall take appropriate measures to carry out this part in a manner that minimizes fraud, waste, and mismanagement.	The <u>agency</u> shall take appropriate measures to carry out this part in a manner that minimizes fraud, waste, and mismanagement.	
24.5 Manner of notices <u>and electronic signatures.</u>		
	24.5(a)	<i><u>Section 24.5 Manner of Notices and Electronic Signatures. Property owners or occupants must voluntarily elect to receive notices, offers, correspondence and information via electronic methods. Alternatively, property owners or occupants may request delivery of notices, offers, correspondence and information via certified or registered first class mail, return receipt requested, instead of electronic means. Agencies must accommodate the property owner's or occupant's preference. The FHWA continues to believe that providing notices, offers, correspondence and information by either first-class mail or electronic means should not be used as a substitute for face-to-face meetings, but rather as a supplemental means of communication that accommodates an owner's or occupant's preference.</u></i>
Each notice which the <u>Agency</u> is required to provide to a property owner or occupant under this part, except the notice described at § 24.102(b), shall be personally served or sent by certified or registered first-class mail, return receipt requested, and documented in Agency files.	Each notice <u>that</u> the Agency is required to provide to a property owner or occupant under this part, except the notice described at § 24.102(b), shall be personally served or sent by certified or registered first-class mail, return receipt requested <u>(or by companies other than the United States Postal Service that provide the same function as certified mail with return receipts)</u> and documented in Agency files. <u>A Federal funding Agency may approve a process to permit the displaced to elect to receive required notices by electronic delivery in lieu of the use of certified or registered first-class mail, return receipt requested, or personally served notices, when an Agency demonstrates a means to document receipt of such notices by the property owner or occupant. A Federal funding Agency may approve a process to permit the use of electronic signature which meet the requirements of paragraph (e) of this section.</u>	<u>An agency must be able to demonstrate to the Federal funding agency the ability to securely document the notice delivery and receipt confirmation in order to receive</u>

49 CFR 24 Subpart A - General		
2005 Rule	2024 Rule	
	Text	Appendix
	24.5(b)	
	<p><u>An agency requesting use of electronic delivery of notices must include the following safeguards:</u></p> <p><u>(1) A process to inform property owners and occupants they will continue to receive Notices as described in paragraph (a) of this section unless they voluntarily elect to receive electronic notices.</u></p> <p><u>(2) A process to document and record when information is legally delivered in digital format. A date and timestamp must establish the date of delivery and receipt with an electronic record capable of retention.</u></p> <p><u>(3) A process to link the electronic signature with an electronic document in a way that can be used to determine whether the electronic document was changed subsequent to when an electronic signature was applied to the document.</u></p> <p><u>(4) A certification that use of electronic notices is consistent with existing State and Federal laws.</u></p>	<p><u>approval from the Federal funding agency for use of electronic delivery of notices, offers, correspondence, information, and electronic signature. Additional minimum safeguards that the agency must put in place prior to delivering notices, offers, correspondence, and information by electronic means and for the use of electronic signatures are included in the regulation at § 24.5. Prior to the use of electronic delivery or electronic signature, there must be an agency process or procedure outlined in writing and approved by the Federal funding agency that details the requirements and rules the agency will follow when using electronic means for delivery of notices, offers, correspondence, and information. Should an agency decide to allow electronic signature the agency must develop procedures to ensure that signatures can be verified and documented appropriately. The FHWA understands that certain documents that are essential to the conveyance of the real property interests may not allow for electronic signature(s).</u></p>
	24.5(c)	
Each notice shall be written in plain, understandable language. Persons who are unable to read and understand the notice must be provided with appropriate translation and counseling. Each notice shall indicate the name and telephone number of a person who	Each notice shall be written in plain, understandable language. Persons who are unable to read and understand the notice must be provided with appropriate translation and counseling. Each notice shall indicate the name and telephone number of a person who	<p><u>Agencies must determine and document instances when electronic deliveries of notices or use of electronic signature are appropriate. An example of an appropriate use of electronic delivery of notices, offers, correspondence, and information might be to notify a property owner of his or her right to</u></p>

49 CFR 24 Subpart A - General		
2005 Rule	2024 Rule	
	Text	Appendix
may be contacted for answers to questions or other needed help.	may be contacted for answers to questions or other needed help. <u>(See appendix A to this part, section 24.5.)</u>	<u>accompany an appraiser as required at § 24.102(c)(1). Other appropriate uses may be to secure a release of mortgage or to confirm a property owners' receipt of the acquisition and relocation brochures.</u>
	24.5(d) <u>A property owner or tenant may designate a representative to receive offers, correspondence, and information and to provide any information on their behalf required by the displacing agency by providing a written request to the agency (see § 24.2(a), definition of owner's or tenant's designated representative).</u>	<u>An example of when the use of electronic delivery or electronic signatures may not be appropriate is when the document being signed requires notarization or other similar verification. Electronic delivery of notices, offers, correspondence, and information may not always be a good option for relocation assistance where many actions are conducted in person at the displacement or replacement dwelling or business and require advisory services to be provided as part of the process. The FHWA notes that relocation assistance in part requires ongoing and continuous advisory services be provided (§ 24.205(c)). This may be best accomplished by face to face meetings during which the displaced person may more easily raise questions, request assistance, or indicate a need for additional advisory assistance.</u>
	24.5(e) <u>An agency requesting use of electronic signature of documents must include the following safeguards:</u> <u>(1) A process to document and record when information is legally delivered in digital format. A date and timestamp must establish the date of delivery and receipt with an electronic record capable of retention.</u> <u>(2) A process to link the electronic signature with an electronic document in a way that can be used to determine whether the electronic document was changed subsequent to when an electronic signature was applied to the document.</u> <u>(3) A certification that use of electronic signatures is consistent with existing State and Federal laws.</u>	<u>These examples are not intended to be all-inclusive, nor are they exclusive of other opportunities to use this tool. For additional information, the specific Federal regulations that set out the format and examples for an electronic signature can be found at 37 CFR</u>

49 CFR 24 Subpart A - General		
2005 Rule	2024 Rule	
	Text	Appendix
		<u>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.</u>
24.6 Administration of jointly-funded projects.		
<p>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</p>	<p>Whenever two or more Federal <u>agencies</u> provide financial assistance to an <u>agency</u> or <u>agencies</u>, other than a Federal <u>agency</u>, to carry out functionally or geographically related activities which will result in the acquisition of property or the displacement of a person, the Federal <u>agencies</u> may by agreement designate one such <u>agency</u> as the cognizant Federal <u>agency</u>. In the unlikely event that agreement among the <u>agencies</u> cannot be reached as to which <u>agency</u> shall be the cognizant Federal <u>agency</u>, then the Lead Agency shall designate one of such <u>agencies</u> 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 <u>agency</u> shall <u>ensure</u> 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</p>	

49 CFR 24 Subpart A - General		
2005 Rule	2024 Rule	
	Text	Appendix
be deemed a project for the purposes of this part.	purposes of this part.	
24.7 Federal Agency agency waiver of regulations in this part.		
The Federal Agency funding the project may waive any requirement in this part not required by law if it determines that the waiver does not reduce any assistance or protection provided to an owner or displaced person under this part. Any request for a waiver shall be justified on a case-by-case basis.	The Federal agency funding the project may waive any requirement in this part not required by law if it determines that the waiver does not reduce any assistance or protection provided to an owner or displaced person under this part. Any request for a waiver shall be justified on a case-by-case basis.	
24.8 Compliance with other laws and regulations.		
<p>The implementation of this part must be in compliance with other applicable Federal laws and implementing regulations, including, but not limited to, the following:</p> <ul style="list-style-type: none"> (a) Section I of the Civil Rights Act of 1866 (42 U.S.C. 1982 <i>et seq.</i>). (b) Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d <i>et seq.</i>). (c) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. 3601 <i>et seq.</i>), as amended. (d) The National Environmental Policy Act of 1969 (42 U.S.C. 4321 <i>et seq.</i>). (e) Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 790 <i>et seq.</i>). (f) The Flood Disaster Protection Act of 1973 (Pub. L. 93-234). (g) The Age Discrimination Act of 1975 (42 U.S.C. 6101 <i>et seq.</i>). 	<p>The implementation of this part must be in compliance with other applicable Federal laws and implementing regulations, including, but not limited to, the following:</p> <ul style="list-style-type: none"> (a) Section I of the Civil Rights Act of 1866 (42 U.S.C. 1982 <i>et seq.</i>). (b) Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d <i>et seq.</i>). (c) <u>The Fair Housing Act</u> (42 U.S.C. 3601 <i>et seq.</i>), as amended. (d) The National Environmental Policy Act of 1969 (42 U.S.C. 4321 <i>et seq.</i>). (e) Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 790 <i>et seq.</i>). (f) The Flood Disaster Protection Act of 1973 (<u>42 U.S.C. 4002 <i>et seq.</i></u>). (g) The Age Discrimination Act of 1975 (42 U.S.C. 6101 <i>et seq.</i>). 	

49 CFR 24 Subpart A - General		
2005 Rule	2024 Rule	
	Text	Appendix
<p>(h) Executive Order 11063—Equal Opportunity and Housing, as amended by Executive Order 12892.</p> <p>(i) Executive Order 11246—Equal Employment Opportunity, as amended.</p> <p>(j) Executive Order 11625—Minority Business Enterprise.</p> <p>(k) Executive Orders 11988—Floodplain Management, and 11990—Protection of Wetlands.</p> <p>(l) Executive Order 12250—Leadership and Coordination of Non-Discrimination Laws.</p> <p>(m) Executive Order 12630—Governmental Actions and Interference with Constitutionally Protected Property Rights.</p> <p>(n) Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended (42 U.S.C. 5121 <i>et seq.</i>).</p> <p>(o) Executive Order 12892—Leadership and Coordination of Fair Housing in Federal Programs: Affirmatively Furthering Fair Housing (January 17, 1994).</p>	<p>(h) Executive Order 11063—Equal Opportunity and Housing, as amended by Executive Order 12892.</p> <p>(i) Executive Order 11246—Equal Employment Opportunity, as amended.</p> <p>(j) Executive Order 11625—Minority Business Enterprise.</p> <p>(k) Executive Orders 11988—Floodplain Management, and 11990—Protection of Wetlands.</p> <p>(l) Executive Order 12250—Leadership and Coordination of Non-Discrimination Laws.</p> <p>(m) Executive Order 12630—Governmental Actions and Interference with Constitutionally Protected Property Rights.</p> <p>(n) Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended (42 U.S.C. 5121 <i>et seq.</i>).</p> <p>(o) Executive Order 12892—Leadership and Coordination of Fair Housing in Federal Programs: Affirmatively Furthering Fair Housing.</p>	
24.9 Recordkeeping and reports.		
24.9(a) Records		
The Agency shall maintain adequate records of its acquisition and displacement activities in sufficient detail to demonstrate compliance with this part. These records shall be retained for at least 3 years after each	The agency shall maintain adequate records of its acquisition and displacement activities in sufficient detail to demonstrate compliance with this part. These records shall be retained for at least 3 years after each	

49 CFR 24 Subpart A - General		
2005 Rule	2024 Rule	
	Text	Appendix
owner of a property and each person displaced from the property receives the final payment to which he or she is entitled under this part, or in accordance with the applicable regulations of the Federal funding Agency , whichever is later.	owner of a property and each person displaced from the property receives the final payment to which he or she is entitled under this part, or in accordance with the applicable regulations of the Federal funding <u>agency</u> , whichever is later.	
24.9(b) Confidentiality of records.		
Records maintained by an Agency in accordance with this part are confidential regarding their use as public information, unless applicable law provides otherwise.	Records maintained by an <u>agency</u> in accordance with this part are confidential regarding their use as public information, unless applicable law provides otherwise.	
24.9(c) Reports.		
The Agency shall submit a report of its real property acquisition and displacement activities under this part if required by the Federal Agency funding the project. A report will not be required more frequently than every 3 years, or as the Uniform Act provides, unless the Federal funding Agency shows good cause. The report shall be prepared and submitted using the format contained in appendix B of this part.	<u>Each Federal agency that has programs or projects requiring the acquisition of real property or causing a displacement from real property subject to the provisions of the Uniform Act shall provide to the Lead Agency an annual summary report by November 15 that describes the real property acquisitions, displacements, and related activities conducted by the Federal agency for the prior calendar year. (See appendix A to this part, section 24.9(c).)</u>	<u>Section 24.9(c) Reports. Moving Ahead for Progress in the 21st Century Act (MAP-21) amended 42 U.S.C. 4633(b)(4) to require that each Federal agency subject to the Uniform Act submit an annual report describing activities conducted by the Federal agency. The FHWA believes that such a report that details activity provides a good indication of program health and scope.</u> <u>FHWA realizes that not all agencies 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,</u>

49 CFR 24 Subpart A - General		
2005 Rule	2024 Rule	
	Text	Appendix
		<u>reviews conducted, or technical assistance provided to recipients.</u> <u>Agencies are not required by the Uniform Act to keep records of their efforts to improve the housing conditions of economically disadvantaged persons.</u> <u>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.</u>
24.10 Appeals.		
24.10(a) General.		
The Agency shall promptly review appeals in accordance with the requirements of applicable law and this part.	The <u>agency</u> shall promptly review appeals in accordance with the requirements of applicable law and this part.	
24.10(b) Actions which may be appealed.		
Any aggrieved person may file a written appeal with the Agency in any case in which the person believes that the Agency has failed to properly consider the person's application for assistance under this part. Such assistance may include, but is not limited to, the person's eligibility for, or the amount of, a payment required under § 24.106 or § 24.107, or a relocation payment required under this part. The Agency shall consider a written appeal regardless of form.	Any aggrieved person may file a written appeal with the <u>agency</u> in any case in which the person believes that the <u>agency</u> has failed to properly consider the person's application for assistance under this part. Such assistance may include, but is not limited to, the person's eligibility for, or the amount of, a payment required under § 24.106 or § 24.107, or a relocation payment required under this part. The <u>agency</u> shall consider a written appeal regardless of form.	
24.10(c) Time limit for initiating appeal.		
The Agency may set a reasonable time limit for a person to file an appeal. The time limit shall not be less than 60 days after the	The <u>agency</u> may set a reasonable time limit for a person to file an appeal. The time limit shall not be less than 60 days after the	

49 CFR 24 Subpart A - General		
2005 Rule	2024 Rule	
	Text	Appendix
person receives written notification of the Agency's determination on the person's claim.	person receives written notification of the <u>agency's</u> determination on the person's claim.	
24.10(d) Right to representation.		
A person has a right to be represented by legal counsel or other representative in connection with his or her appeal, but solely at the person's own expense.	A person has a right to be represented by legal counsel or other representative in connection with his or her appeal, but solely at the person's own expense.	
24.10(e) Review of files by person making appeal.		
The Agency shall permit a person to inspect and copy all materials pertinent to his or her appeal, except materials which are classified as confidential by the Agency . The Agency may, however, impose reasonable conditions on the person's right to inspect, consistent with applicable laws.	The <u>agency</u> shall permit a person to inspect and copy all materials pertinent to his or her appeal, except materials which are classified as confidential by the <u>agency</u> . The <u>agency</u> may, however, impose reasonable conditions on the person's right to inspect, consistent with applicable laws.	
24.10(f) Scope of review of appeal.		
In deciding an appeal, the Agency shall consider all pertinent justification and other material submitted by the person, and all other available information that is needed to ensure a fair and full review of the appeal.	In deciding an appeal, the <u>agency</u> shall consider all pertinent justification and other material submitted by the person, and all other available information that is needed to ensure a fair and full review of the appeal.	
24.10(g) Determination and notification after appeal		
Promptly after receipt of all information submitted by a person in support of an appeal, the Agency shall make a written determination on the appeal, including an explanation of the basis on which the decision was made, and furnish the person a copy. If the full relief requested is not granted, the Agency shall advise the person of his or her	Promptly after receipt of all information submitted by a person in support of an appeal, the <u>agency</u> shall make a written determination on the appeal, including an explanation of the basis on which the decision was made, and furnish the person a copy. If the full relief requested is not granted, the <u>agency</u> shall <u>inform the person that the</u>	

49 CFR 24 Subpart A - General		
2005 Rule	2024 Rule	
	Text	Appendix
right to seek judicial review of the Agency decision.	<u>determination is the agency's final decision and that the person may seek judicial review of the agency's determination.</u>	
24.10(h) Agency official to review appeal.		
The Agency official conducting the review of the appeal shall be either the head of the Agency or his or her authorized designee. However, the official shall not have been directly involved in the action appealed.	The <u>agency</u> official conducting the review of the appeal shall be either the head of the <u>agency</u> or his or her authorized designee. However, the official shall not have been directly involved in the action appealed.	
<u>24.11 Adjustments of limits and payments.</u>		
	<p><u>(a) The Lead Agency may adjust the following valuation limits and maximum relocation benefits payments:</u></p> <p><u>(1) The waiver valuation limits at § 24.102(c)(2)(ii) introductory text and (c)(2)(ii)(C);</u></p> <p><u>(2) The conflict of interest valuation limits at § 24.102(n)(3); and</u></p> <p><u>(3) The maximum amounts of relocation payments provided at §§ 24.301, 24.304, 24.305, 24.401, 24.402, 24.502, and 24.503.</u></p> <p><u>(b) The head of the Lead Agency will evaluate whether the cost of living, inflation, or other factors indicate that limits, and payments provided in paragraph (a) of this section, should be adjusted to meet the policy objectives of the Uniform Act. The Lead Agency will divide the Consumer Price Index for All Urban Consumers (CPI-U) index for the</u></p>	<p><u>Section 24.11 Adjustment of Limits and Payments. FHWA will use the Consumer Price Index for All Urban Consumers (CPI-U) Seasonally Adjusted to determine if inflation, cost of living or other factors indicate that an adjustment to relocation benefits is warranted.</u></p> <p><u>Sample calculation:</u></p> <p><u>Assume CPI-U was 110.0 when the final rule was published. The fixed payment for nonresidential moving expenses has a ceiling of \$53,200. During a subsequent evaluation after publication of the final rule, the CPI-U is calculated to be 115.5.</u></p> <p><u>Divide the new index by the base year index = 115.5/110.0 = 1.050 or 5 percent. This means there has been a 5 percent increase in prices and the fixed payment for nonresidential moving expenses ceiling should be increased 5 percent.</u></p>

49 CFR 24 Subpart A - General		
2005 Rule	2024 Rule	
	Text	Appendix
	<u>year of the assessment (current year), by the CPI-U index for the year of the 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.)</u>	<u>Calculate fixed payment benefit ceiling = \$53,200 × 1.05 = \$55,860.</u>