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	24.201 Purpose.	
This subpart prescribes general requirements	This subpart prescribes general requirements	
governing the provision of relocation payments	governing the provision of relocation payments	
and other relocation assistance in this part.	and other relocation assistance in this part.	
	24.202 Applicability.	
These requirements apply to the relocation of any	The requirements in this subpart apply to the	Section 24.202 Applicability and
displaced personas defined at § 24.2(a)(9). Any	relocation of any permanently or temporarily	Section <u>24.</u> 205(c) <u>Relocation Advisory</u>
person who qualifies as a displaced person must	displaced person, as defined at § 24.2(a). Any	Services to be provided. In
be fully informed of his or her rights and	person who qualifies as a permanently or	extraordinary circumstances, when a
entitlements to relocation assistance and	temporarily displaced person must be fully	displaced person is not readily
payments provided by the Uniform Act and this	informed of his or her rights and entitlements to	accessible, the Agency agency must
regulation. (See appendix A, § 24.202.)	relocation assistance and payments provided by	make a good faith effort to comply
	the Uniform Act and this <u>part</u> . (<i>See</i> appendix A <u>to</u>	with these sections and §§ 24.202
	this part, section 24.202.)	and 24.205(c) and the Uniform Act
		and document its efforts in writing.
24.2	02(a) Persons required to move temporarily.	
	(1) Appropriate notices must be provided in	
	accordance with § 24.203 and appropriate	
	advisory services must be provided in	
	accordance with § 24.205;	
	(2) For persons occupying a dwelling, at least one	
	comparable dwelling, is made available prior	
	to requiring a person to move, except in the	
	case of an emergency move as described in §	
	24.204(b)(1), (2), or (3) (see appendix A, to	
	this part, section 24.202);	
	(3) Similarly, if a person's business will be shut	
	down due to a project which either requires	
	the occupant to vacate the property or	
	which denies physical access to the property,	
	it may be temporarily relocated and	

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	reimbursed for all reasonable out of pocket	
	expenses or must be determined to be	
	permanently displaced at the agency's	
	option;	
	(4) Payment is provided for all out-of-pocket	
	expenses incurred in connection with the	
	temporary relocation as the agency	
	determines to be reasonable and necessary,	
	associated with comparable replacement	
	dwelling, and incidental to selecting a	
	temporary comparable replacement	
	dwelling. Such payments may include the	
	reasonable and necessary costs of	
	temporarily moving personal property from	
	the real property and returning to the real	
	property. Storage of the personal property	
	may be allowed when approved by the	
	displacing agency;	
	(5) A person's temporary move from their	
	dwelling or business for the project may not	
	exceed 12 months. The agency must contact	
	any person who has temporarily moved from	
	their dwelling or business when that	
	temporary move has lasted for a period	
	beyond 12 months because that person is	
	considered permanently displaced and	
	eligible as a displaced person. The agency	
	shall offer such eligible persons all required	
	relocation assistance benefits and services	
	for permanently displaced persons. An	
	agency may not deduct any temporary	

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	relocation assistance benefits previously	
	provided when determining permanent	
	relocation benefits eligibility; and	
	(6) 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 is not eligible for	
	temporary relocation assistance unless such	
	denial of benefits would create an extremely	
	unusual hardship to a designated family	
	member in accordance with § 24.208(h).	
	24.202(b) [Reserved]	
	24.203 Relocation notices.	
	24.203(a) General information notice.	
As soon as feasible, a person scheduled to be	As soon as feasible, a person who may be	
displaced shall be furnished with a general written	displaced or who may be required to move	
description of the displacing Agency 's relocation	temporarily shall be furnished with a general	
program which does at least the following:	written description of the agency's relocation	
	program which does at least the following:	
(1) Informs the person that he or she may be	(1) Informs the person that he or she may be	
displaced for the project and generally	displaced (or, if appropriate, required to	
describes the relocation payment(s) for	move temporarily from his or her unit) for	
which the person may be eligible, the basic	the project and generally describes the	
conditions of eligibility, and the procedures	relocation payment(s) for which the person	
for obtaining the payment(s);	may be eligible, the basic conditions of	
	eligibility, and the procedures for obtaining	
	the payment(s);	
(2) Informs the displaced person that he or she	(2) Informs the displaced person (or person	
will be given reasonable relocation advisory	required to move temporarily from his or her	
services, including referrals to replacement	unit, if appropriate) that he or she will be	
properties, help in filing payment claims, and	given reasonable relocation advisory	

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other necessary assistance to help the	services, including referrals to replacement	
displaced person successfully relocate;	properties, help in filing payment claims, and	
	other necessary assistance to help the	
	displaced person successfully relocate;	
(3) Informs the displaced person that he or she	(3) Informs the displaced person (or person	
will not be required to move without at least	required to move temporarily from his or her	
90 days advance written notice (see	dwelling when required by the Federal	
paragraph (c) of this section), and informs	funding agency) that he or she will not be	
any person to be displaced from a	required to move without at least 90 days	
dwellingthat he or she cannot be required to	advance written notice (see paragraph (c) of	
move permanently unless at least one	this section), and informs any person to be	
comparable replacement dwelling has been	displaced from a dwelling <u>, either</u>	
made available;	permanently or temporarily (when required	
	by the Federal funding agency), that he or	
	she cannot be required to move unless at	
	least one comparable replacement dwelling	
	has been made available;	
(4) Informs the displaced person that any person	(4) Informs the displaced person or person	
who is an alien not lawfully present in the	required to move temporarily that any	
United States is ineligible for relocation	person who is an alien not lawfully present in	
advisory services and relocation payments,	the United States is ineligible for relocation	
unless such ineligibility would result in	advisory services and relocation payments	
exceptional and extremely unusual hardship	under this part, unless such ineligibility	
to a qualifying spouse, parent, or child, as	would result in exceptional and extremely	
defined in § 24.208(h); and	unusual hardship to a qualifying spouse,	
	parent, or child, <u>pursuant to</u> § 24.208(h); and	
(5) Describes the displaced person 's-right to	(5) Describes to the displaced person (or persons	
appeal the Agency's determination as to a	required to move temporarily) their right to	
person's application for assistance for which	appeal the <u>agency</u> 's determination as to a	
a person may be eligible under this part.	person's application for assistance for which	
	a person may be eligible under this part.	

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	24.203(b) Notice of relocation eligibility.	
Eligibility for relocation assistance shall begin	Eligibility for relocation assistance shall begin	
on the date of a notice of intent to acquire	on the <u>earliest of: the</u> date of a notice of intent to	
(described in § 24.203 (d)) , the initiation of	acquire, rehabilitate, and/or demolish (described	
negotiations (defined in § 24.2(a) (15)), or actual	in paragraph (d) of this section); the initiation of	
acquisition , whichever occurs first . When this	negotiations (defined in § 24.2(a)); the date that	
occurs, the Agency shall promptly notify all	an agreement for voluntary acquisition becomes	
occupants in writing of their eligibility for	binding (defined in § 24.2(a)); or actual	
applicable relocation assistance.	acquisition. When this occurs, the agency shall	
	promptly notify all occupants in writing of their	
	eligibility for applicable relocation assistance.	
	24.203(c) Ninety-day notice	
(1) General. No lawful occupant shall be	(1) <i>General.</i> No lawful occupant shall be required	
required to move unless he or she has	to move unless he or she has received at	
received at least 90 days advance written	least 90 days advance written notice of the	
notice of the earliest date by which he or she	earliest date by which he or she may be	
may be required to move.	required to move.	
(2) <i>Timing of notice</i> . The displacing Agency may	(2) <i>Timing of notice</i> . The <u>agency</u> may issue the	
issue the notice 90 days or earlier before it	notice 90 days or earlier before it expects	
expects the person to be displaced.	the person to be displaced.	
(3) Content of notice. The 90-day notice shall	(3) Content of notice. The 90-day notice shall	
either state a specific date as the earliest	either state a specific date as the earliest	
date by which the occupant may be required	date by which the occupant may be required	
to move, or state that the occupant will	to move, or state that the occupant will	
receive a further notice indicating, at least	receive a further notice indicating, at least	
30 days in advance, the specific date by	30 days in advance, the specific date by	
which he or she must move. If the 90-day	which he or she must move. If the 90-day	
notice is issued before a comparable	notice is issued before a comparable	
replacement dwelling is made available, the	replacement dwelling is made available, the	
notice must state clearly that the occupant	notice must state clearly that the occupant	
will not have to move earlier than 90 days	will not have to move earlier than 90 days	

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after such a dwelling is made available. (See	after such a dwelling is made available. (See	
§ 24.204(a).)	§ 24.204(a).)	
(4) Urgent need. In unusual circumstances, an	(4) Urgent need. In unusual circumstances, an	
occupant may be required to vacate the	occupant may be required to vacate the	
property on less than 90 days advance	property on less than 90 days advance	
written notice if the displacing Agency	written notice if the <u>agency</u> determines that	
determines that a 90-day notice is	a 90-day notice is impracticable, such as	
impracticable, such as when the person's	when the person's continued occupancy of	
continued occupancy of the property would	the property would constitute a substantial	
constitute a substantial danger to health or	danger to health or safety. A copy of the	
safety. A copy of the Agency 's	agency's determination shall be included in	
determination shall be included in the	the applicable case file.	
applicable case file.		
24.203(d) Not	ice of intent to acquire, rehabilitate, and/or demolis	h.
A notice of intent to acquire is a displacing	A notice of intent to acquire, rehabilitate, and/or	
Agency's written communication that is provided	demolish is an agency's written communication	
to a person to be displaced, including those to be	that is provided to a person to be displaced,	
displaced by rehabilitation or demolition activities	including persons required to temporarily move,	
from property acquired prior to the commitment	which clearly sets forth that the <u>agency</u> intends to	
of Federal financial assistance to the activity,	acquire, rehabilitate, and/or demolish the	
which clearly sets forth that the Agency intends to	property. A notice of intent to acquire,	
acquire the property. A notice of intent to acquire	rehabilitate, and/or demolish establishes eligibility	
establishes eligibility for relocation assistance	for relocation assistance prior to the initiation of	
prior to the initiation of negotiations and/or prior	negotiations and/or prior to the commitment of	
to the commitment of Federal financial assistance.	Federal financial assistance to the activity. (See §	
(See § 24.2 (a) (9)(i)(A) .)	24.2 (a).)	
24.204 Availability	of comparable replacement dwelling before displace	ement.
	24.204(a) General.	
No person to be displaced shall be required to	No person to be permanently displaced shall be	Section 24.204(a) General. This
move from his or her dwelling unless at least one	required to move from his or her dwelling unless	provision Section 24.204(a) requires
comparable replacement dwelling (defined at §	at least one comparable replacement dwelling	that no one may be required to mov

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24.2(a) (6))-has been made available to the	(defined at § 24.2(a)) has been made available to	from a dwelling without a
person. When possible, three or more comparable	the person. <u>Information on comparable</u>	comparable replacement dwelling
replacement dwellings shall be made available. A	replacement dwellings that were used in the	having been made available. In
comparable replacement dwelling will be	determination process must be provided to	addition, § 24.204(a) requires that,
considered to have been made available to a	permanently displaced persons. When possible,	<u>"where where possible, three or</u>
person, if:	three or more comparable replacement dwellings	more comparable replacement
	shall be made available. A comparable	dwellings shall be made available. "
	replacement dwelling will be considered to have	Thus, the basic standard for the
	been made available to a person, if:	number of referrals required under
(1) The person is informed of its location;	(1) The person is informed in writing of its	this section is three. Only in
	location;	situations where three comparable
(2) The person has sufficient time to negotiate	(2) The person has sufficient time to negotiate	replacement dwellings are not
and enter into a purchase agreement or	and enter into a purchase or lease	available (e.g., when the local
lease for the property; and	agreement for the property; and	housing market does not contain
(3) Subject to reasonable safeguards, the person	(3) Subject to reasonable safeguards, the person	three comparable dwellings) may the
is assured of receiving the relocation	is assured of receiving the relocation	Agency agency make fewer than
assistance and acquisition payment to which	assistance and acquisition payment to which	three referrals.
the person is entitled in sufficient time to	the person is entitled in sufficient time to	
complete the purchase or lease of the	complete the purchase or lease of the	
property.	property.	
24	4.204(b) Circumstances permitting waiver.	
The Federal Agency funding the project may grant	The Federal agency funding the project may grant	
a waiver of the policy in paragraph (a) of this	a waiver of the requirement in paragraph (a) of	
section in any case where it is demonstrated that a	this section in any case where it is demonstrated	
person must move because of:	that a person must move because of:	
(1) A major disaster as defined in section 102 of	(1) A major disaster as defined in section 102 of	
the Robert T. Stafford Disaster Relief and	the Robert T. Stafford Disaster Relief and	
Emergency Assistance Act, as amended (42	Emergency Assistance Act, as amended (42	
U.S.C. 5122);	U.S.C. 5122);	
(2) A presidentially declared national emergency;	(2) A presidentially declared national emergency;	
or	or	

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(3) Another emergency which requires	(3) Another emergency which requires	
immediate vacation of the real property,	immediate vacation of the real property,	
such as when continued occupancy of the	such as when continued occupancy of the	
displacement dwelling constitutes a	displacement dwelling constitutes a	
substantial danger to the health or safety of	substantial danger to the health or safety of	
the occupants or the public.	the occupants or the public.	
24.	204(c) Basic conditions of emergency move.	
Whenever a person to be displaced is required to	Whenever a person to be displaced is required to	
relocate from the displacement dwelling for a	move from the displacement dwelling for a	
temporary period because of an emergency as	temporary period because of an emergency as	
described in paragraph (b) of this section, the	described in paragraph (b) of this section, the	
Agency shall:	agency shall:	
(1) Take whatever steps are necessary to assure	(1) Take whatever steps are necessary to assure	
that the person is temporarily relocated to a	that the person who is required to move	
decent, safe, and sanitary dwelling;	from their dwelling is relocated to a DSS	
(2) Pay the actual reasonable out-of-pocket	dwelling;	
moving expenses and any reasonable	(2) Pay the actual reasonable out-of-pocket	
increase in rent and utility costs incurred in	moving expenses and any reasonable	
connection with the temporary relocation;	increase in rent and utility costs incurred in	
and	connection with the <u>emergency move</u> ; and	
(3) Make available to the displaced person as	(3) Make available to the displaced person as	
soon as feasible, at least one comparable	soon as feasible, at least one comparable	
replacement dwelling. (For purposes of filing	replacement dwelling. (For purposes of filing	
a claim and meeting the eligibility	a claim and meeting the eligibility	
requirements for a relocation payment, the	requirements for a relocation payment; the	
date of displacement is the date the person	date of displacement is the date the person	
moves from the temporarily occupied	moves from their dwelling due to the	
dwelling.)	emergency.)	
<u>. </u>	cation planning, advisory services, and coordination.	
	24.205(a) Relocation planning.	

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During the early stages of development, an Agency	During the early stages of development, an agency	Section 24.205 Relocation
shall plan Federal and federally assisted programs	shall plan Federal and federally assisted programs	assistance advisory services.
or projects in such a manner that recognizes the	or projects in such a manner that recognizes the	Section 24.205(a). As part of the
problems associated with the displacement of	problems associated with the displacement of	relocation planning process agencies
individuals, families, businesses, farms, and	individuals, families, businesses, farms, and	should, to the extent practical,
nonprofit organizations and develop solutions to	nonprofit organizations and develop solutions to	identify relocations that may require
minimize the adverse impacts of displacement.	minimize the adverse impacts of displacement.	additional time for advisory services
Such planning, where appropriate, shall precede	Such planning, where appropriate, shall precede	and coordination for their
any action by an Agency which will cause	any action by an agency which will cause	relocations. Such relocations may
displacement, and should be scoped to the	displacement, and should be scoped to the	include the elderly, those with
complexity and nature of the anticipated	complexity and nature of the anticipated	medical needs, and those in public
displacing activity including an evaluation of	displacing activity including an evaluation of	housing or other federally subsidized
program resources available to carry out timely	program resources available to carry out timely	housing. In each of these examples,
and orderly relocations. Planning may involve a	and orderly relocations. Planning may involve a	the nature of the relocation means
relocation survey or study, which may include the	relocation survey or study, which may include the	that the unique needs of the
following:	following:	relocated person should be
(1) An estimate of the number of households to	(1) An estimate of the number of households to	determined early and that the
be displaced including information such as	be displaced including information such as	relocation agent should make full use
owner/tenant status, estimated value and	owner/tenant status, estimated value and	of available social services and other
rental rates of properties to be acquired,	rental rates of properties to be acquired,	program support (examples include
family characteristics, and special	family characteristics, and special	local transportation services that may
consideration of the impacts on minorities,	consideration of the impacts on minorities,	be available in certain areas, financial
the elderly, large families, and persons with	the elderly, large families, and persons with	support available from local, Federal,
disabilities when applicable.	disabilities when applicable.	and State agencies, and community
(2) An estimate of the number of comparable	(2) An estimate of the number of comparable	support services that may be
replacement dwellings in the area (including	replacement dwellings in the area (including	available) in considering and
price ranges and rental rates) that are	price ranges and rental rates) that are	developing a relocation plan.
expected to be available to fulfill the needs	expected to be available to fulfill the needs	
of those households displaced. When an	of those households permanently or	
adequate supply of comparable housing is	temporarily displaced. When an adequate	
not expected to be available, the Agency	supply of comparable housing is not	

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should consider housing of last resort	expected to be available, the agency should		
actions.	consider housing of last resort actions.		
(3) An estimate of the number, typeand size of	(3) An estimate of the number, type_and size of		
the businesses, farms, and nonprofit	the businesses, farms, and nonprofit		
organizations to be displaced and the	organizations to be displaced and the		
approximate number of employees that may	approximate number of employees that may		
be affected.	be affected.		
(4) An estimate of the availability of replacement	(4) An estimate of the availability of replacement		
business sites. When an adequate supply of	business sites. When an adequate supply of		
replacement business sites is not expected	replacement business sites is not expected		
to be available, the impacts of displacing the	to be available, the impacts of displacing <u>or</u>		
businesses should be considered and	temporarily moving the businesses should be		
addressed. Planning for displaced businesses	considered and addressed. Planning for		
which are reasonably expected to involve	permanently and temporarily displaced		
complex or lengthy moving processes or	businesses which are reasonably expected to		
small businesses with limited financial	involve complex or lengthy moving processes		
resources and/or few alternative relocation	or small businesses with limited financial		
sites should include an analysis of business	resources and/or few alternative relocation		
moving problems.	sites should include an analysis of business		
	moving problems.		
(5) Consideration of any special relocation	(5) Consideration of any special relocation		
advisory services that may be necessary	advisory services that may be necessary from		
from the displacing Agency and other	the <u>agency</u> displacing <u>a person</u> and other		
cooperating Agencies.	cooperating <u>agencies</u> .		
24.205(b) Loans for planning and preliminary expenses.		
In the event that an Agency elects to	In the event that an <u>agency</u> elects to consider		
consider using the duplicative provision in section	using the duplicative provision in section 4635 of		
215 of the Uniform Act which permits the use of	the Uniform Act which permits the use of project		
project funds for loans to cover planning and	funds for loans to cover planning and other		
other preliminary expenses for the development	preliminary expenses for the development of		
of additional housing, the Lead Agency will	additional housing, the Lead Agency will establish		

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establish criteria and procedures for such use	criteria and procedures for such use upon the	
upon the request of the Federal Agency funding	request of the Federal Agency funding the	
the program or project.	program or project.	
24.20	D5(c) Relocation assistance advisory services.	
(1) <i>General.</i> The Agency-shall carry out a	(1) <i>General</i> . The <u>agency</u> shall carry out a	
relocation assistance advisory program	relocation assistance advisory program	
which satisfies the requirements of Title-VI	which satisfies the requirements of title VI of	
of the Civil Rights Act of 1964 (42 U.S.C.	the Civil Rights Act of 1964 (42 U.S.C. 2000d	
2000d et seq.), Title-VIII of the Civil Rights Act	et seq.), title VIII of the Civil Rights Act of	
of 1968 (42 U.S.C. 3601 et seq.), and	1968 (42 U.S.C. 3601 et seq. <u>, as amended.</u>),	
Executive Order 11063 (27 FR 11527,	and Executive Order 11063 (<u>3 CFR, 1959-</u>	
November 24, 1962), and offer the services	1963 Comp., p. 652), and offer the services	
described in paragraph (c)(2) of this section.	described in paragraph (c)(2) of this section.	
If the Agency-determines that a person	If the <u>agency</u> determines that a person	
occupying property adjacent to the real	occupying property adjacent to the real	
property acquired for the project is caused	property acquired for the project is caused	
substantial economic injury because of such	substantial economic injury because of such	
acquisition, it may offer advisory services to	acquisition, it may offer advisory services to	
such person.	such person.	
(2) Services to be provided. The advisory	(2) Services to be provided. The advisory	
program shall include such measures,	program shall include such measures,	
facilities, and services as may be necessary	facilities, and services as may be necessary	
or appropriate in order to:	or appropriate in order to:	
(i) Determine, for nonresidential (businesses,	(i) Determine, for nonresidential (businesses,	
farm and nonprofit organizations)	farm_and nonprofit organizations)	
displacements, the relocation needs and	displacements, the relocation needs and	
preferences of each business (farm and	preferences of each business (farm and	
nonprofit organization) to be displaced	nonprofit organization) to be displaced	
and explain the relocation payments and	or, when determined to be necessary by	
other assistance for which the business	the funding agency, temporarily	
may be eligible, the related eligibility	displaced and explain the relocation	

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requirements, and the procedures for	payments and other assistance for which	••
obtaining such assistance. This shall	the business may be eligible, the related	
include a personal interview with each	eligibility requirements, and the	
business. At a minimum, interviews with	procedures for obtaining such	
displaced business owners and operators	assistance. This shall include a personal	
should include the following items:	interview with each business. At a	
	minimum, interviews with displaced	
	business owners and operators should	
(A) The business's replacement site	include the following items:	
requirements, current lease terms and	(A) The business's replacement site	
other contractual obligations and the	requirements, current lease terms and	
financial capacity of the business to	other contractual obligations and the	
accomplish the move.	financial capacity of the business to	
(B) Determination of the need for outside	accomplish the move.	
specialists in accordance with §	(B) Determination of the need for outside	
24.301(g)(12) that will be required to	specialists in accordance with §	
assist in planning the move, assistance	24.301(g)(13) that will be required to	
in the actual move, and in the	assist in planning the move, assistance	
reinstallation of machinery and/or	in the actual move, and in the	
other personal property.	reinstallation of machinery and/or	
C) For businesses, an identification and	other personal property.	
resolution of personalty /realty issues.	(C) For businesses, an identification and	
Every effort must be made to identify	resolution of personalty and/or realty	
and resolve realty /personalty-issues	issues. Every effort must be made to	
prior to, or at the time of, the	identify and resolve personalty and/or	
appraisal of the property.	realty issues prior to, or at the time of,	
D) An estimate of the time required for	the appraisal of the property.	
the business to vacate the site.	(D) An estimate of the time required for	
(E) An estimate of the anticipated difficulty in locating a replacement property.	the business to vacate the site.	

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(F) An identification of any advance	(E) An estimate of the anticipated	
relocation payments required for the	difficulty in locating a replacement	
move, and the Agency 's legal capacity	property.	
to provide them.	(F) An identification of any advance	
i) Determine, for residential displacements,	relocation payments required for the	
the relocation needs and preferences of	move, and the <u>agency</u> 's legal capacity	
each person to be displacedand explain	to provide them.	
the relocation payments and other	(ii) Determine, for residential displacements,	
assistance for which the person may be	the relocation needs and preferences of	
eligible, the related eligibility	each person to be displaced, or	
requirements, and the procedures for	temporarily displaced when the funding	
obtaining such assistance. This shall	agency determines it to be necessary,	
include a personal interview with each	and explain the relocation payments and	
residential displaced person.	other assistance for which the person	
	may be eligible, the related eligibility	
	requirements, and the procedures for	
	obtaining such assistance. This shall	
	include a personal interview with each	
	residential displaced person and, when	
(A) Provide current and continuing	the funding agency determines it to be	
information on the availability,	necessary, each temporarily displaced	
purchase prices, and rental costs of	person.	
comparable replacement dwellings,	(A) Provide current and continuing	
and explain that the person cannot be	information on the availability,	
required to move unless at least one	purchase prices, and rental costs of	
comparable replacement dwelling is	comparable replacement dwellings,	
made available as set forth in §	and explain that the person cannot be	
24.204(a).	required to move unless at least one	
(B) As soon as feasible, the Agency-shall	comparable replacement dwelling is	
inform the person in writing of the	made available as set forth in §	
specific comparable replacement	24.204(a).	

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dwelling and the price or rent used for	(B) As soon as feasible, the agency shall	
establishing the upper limit of the	inform the person in writing of the	
replacement housing payment (see §	specific comparable replacement	
24.403(a) and (b)) and the basis for	dwelling and the price or rent used for	
the determination, so that the person	establishing the upper limit of the	
is aware of the maximum replacement	replacement housing payment (see §	
housing payment for which he or she	24.403(a) and (b)) and the basis for	
may qualify.	the determination, so that the person	
(C) Where feasible, housing shall be	is aware of the maximum replacement	
inspected prior to being made	housing payment for which he or she	Section 24.205(c)(2)(ii)(C).
available to assure that it meets	may qualify.	Where feasible, comparable
applicable standards . (See §	(C) Where feasible, comparable housing	replacement housing must be
24.2(a) (8) .) If such an inspection is not	shall be inspected prior to being made	inspected. The comparable
made, the A gency shall notify the	available to assure that it meets	replacement dwellings should be
person to be displaced that a	applicable standards (see § 24.2(a).) If	inspected by a walk through and
replacement housing payment may	such an inspection is not made, the	physical interior and exterior
not be made unless the replacement	agency shall notify the person to be	inspection before being offered to a
dwelling is subsequently inspected	displaced in writing of the reason that	displaced person. Reliance on an
and determined to be decent, safe,	an inspection of the comparable was	exterior visual inspection or
and sanitary.	not made and, that if the comparable	examination of a multiple listing
	is purchased or rented by the	service (MLS) listing, in most cases,
	displaced person, a replacement	does not constitute a complete DSS
	housing payment may not be made	inspection. If an inspection is not
	unless the replacement dwelling is	possible, the displaced person must
	subsequently inspected and	be informed in writing that an
(D) Whenever possible, minority persons	determined to be decent, safe, and	inspection was not possible and be
shall be given reasonable	sanitary. (See appendix A to this part,	provided an explanation of why the
opportunities to relocate to decent,	section 24.205(c)(2)(ii)(C).)	inspection was not possible. They
safe, and sanitary replacement	(D) Whenever possible, minority persons,	also must be informed in writing that
dwellings, not located in an area of	including those temporarily displaced,	if the uninspected comparable is
minority concentration, that are	shall be given reasonable	selected as a replacement dwelling a

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within their financial means. This	opportunities to relocate to decent,	replacement housing payment may
policy, however, does not require an	safe, and sanitary replacement	not be made until the replacement
Agency to provide a person a larger	dwellings, not located in an area of	dwelling is inspected and determined
payment than is necessary to enable a	minority concentration, that are	to be decent, safe, and sanitary.
person to relocate to a comparable	within their financial means. This does	Should the selected comparable later
replacement dwelling. (See appendix	not require an agency to provide a	be found to not be DSS then the
A, § -24.205(c)(2)(ii)(D).)	person a larger payment than is	agency's policies and procedures
	necessary to enable a person to	must ensure that the requirements of
(E) The Agency-shall offer all persons	relocate to a comparable replacement	§ 24.2(a), definition of decent, safe
transportation to inspect housing to	dwelling. (See appendix A to this part,	and sanitary dwelling, are met. If the
which they are referred.	section 24.205(c)(2)(ii)(D).)	agency does not recalculate the
(F) Any displaced person that may be	(E) The agency shall offer all persons	eligibility in these instances, FHWA
eligible for government -housing	transportation to inspect housing to	does not believe that the
assistance at the replacement	which they are referred.	requirement to ensure comparable
dwelling shall be advised of any	(F) Any displaced person that may be	housing is made available to the
requirements of such government	eligible for Government housing	displaced person can be met.
housing assistance program that	assistance at the replacement	Each agency should clearly
would limit the size of the	dwelling shall be advised of any	inform displaced persons that a DSS
replacement dwelling (see §	requirements of such Government	inspection as required by this part is
24.2(a) (6) (ix)) , as well as of the long	housing assistance program that	only a brief inspection to ensure that
term nature of such rent subsidy, and	would limit the size of the	certain requirements as they relate
the limited (42 month) duration of the	replacement dwelling (see § 24.2(a)),	to the definition of DSS in this part
relocation rental assistance payment.	as well as of the long_term nature of	are being met. These DSS inspections
(iii) Provide, for nonresidential moves,	such rent subsidy, and the limited (42	are not the same as a full home
current and continuing information on	month) duration of the relocation	inspection similar to that which a
the availability, purchase prices, and	rental assistance payment.	home inspector would be hired to do
rental costs of suitable commercial and	(iii) Provide, for nonresidential moves,	Agencies may develop more
farm properties and locations. Assist any	current and continuing information on	restrictive DSS inspection
person displaced from a business or farm	the availability, purchase prices, and	requirements which may include
operation to obtain and become	rental costs of suitable commercial and	required DSS inspections for selected
	farm properties and locations. Assist any	comparable dwellings, all comparable

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established in a suitable replacement	person displaced from a business or farm	dwellings used to establish a
location.	operation to obtain and become	displaced persons replacement
(iv) Minimize hardships to persons in	established in a suitable replacement	housing payment eligibility, or o
adjusting to relocation by providing	location.	more stringent DSS inspection
counseling, advice as to other sources of	(iv) Minimize hardships to persons in	requirements for comparable
assistance that may be available, and	adjusting to relocation by providing	<u>dwellings.</u>
such other help as may be appropriate.	counseling, advice as to other sources of	Section 24.205(c)(2)(ii)(D)]
(v) Supply persons to be displaced with	assistance that may be available, and	section emphasizes that if the
appropriate information concerning	such other help as may be appropriate.	comparable replacement dwelling
Federal and State housing programs,	(v) Supply persons to be displaced with	are located in areas of minority
disaster loan and other programs	appropriate information concerning	concentration, minority persons
administered by the Small Business	Federal and State housing programs,	should, if possible, also be given
Administration, and other Federal and	disaster loan and other programs	opportunities to relocate to
State programs offering assistance to	administered by the Small Business	replacement dwellings not locat
displaced persons, and technical help to	Administration, and other Federal and	such areas to improve their hou
persons applying for such assistance.	State programs offering assistance to	condition when they relocate.
	displaced persons, and technical help to	The focus on those displace
	persons applying for such assistance.	from areas of minority concentr
		in this section has been consiste
		applied for almost 40 years. The
		FHWA believes that where pract
		and feasible, agencies carrying of
		relocations should provide those
		live in areas of minority
		concentration opportunities to
		improve their living situations.
		To the extent practical, age
		should maintain adequate writte
		documentation of efforts made
		locate such comparable replace

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24.	205(d) Coordination of relocation activities.	• •
Relocation activities shall be coordinated	Relocation activities shall be coordinated	
with project work and other displacement-causing	with project work and other displacement-causing	
activities to ensure that, to the extent feasible,	activities to ensure that, to the extent feasible,	
persons displaced receive consistent treatment	persons displaced receive consistent treatment	
and the duplication of functions is minimized. (See	and the duplication of functions is minimized. (See	
§ 24.6.)	§ 24.6.)	
	24.205(e) Subsequent occupants.	
Any person who occupies property acquired	Any person who occupies property acquired	
by an Agency , when such occupancy began	by an agency, when such occupancy began	
subsequent to the acquisition of the property, and	subsequent to the acquisition of the property, and	
the occupancy is permitted by a short term rental	the occupancy is permitted by a short-term rental	
agreement or an agreement subject to	agreement or an agreement subject to	
termination when the property is needed for a	termination when the property is needed for a	
program or project, shall be eligible for advisory	program or project, shall be eligible for advisory	
services, as determined by the Agency .	services, as determined by the agency.	
	24.206 Eviction for cause.	
	24.206(a)	
Eviction for cause must conform to applicable	Eviction for cause must conform to applicable	Section 24.206 Eviction for
State and local law. Any person who occupies the	Federal, State, and local law. Any person who	cause. An eviction necessitated by
real property and is not in unlawful occupancy on	occupies the real property and is in lawful	project related to-non-compliance
the date of the initiation of negotiations —is	occupancy on the date of the initiation of	with a requirement related to
presumed to be entitled to relocation payments	negotiations is presumed to be entitled to	carrying out a project (e.g., failure to
and other assistance set forth in this part unless	relocation payments and other assistance set forth	move or relocate when instructed, or
he Agency determines that:	in this part unless the <u>agency</u> determines that:	to cooperate in the relocation
(1) The person received an eviction notice prior	(1) The person received an eviction notice prior	process) shall <u>does</u> not negate a
to the initiation of negotiations and —as a	to the initiation of negotiations and as a	person's entitlement to relocation
result of that notice is later evicted; or	result of that notice is later evicted; or	payments and other assistance set
	1	I =

(2) The person is evicted after the initiation of

negotiations for serious or repeated

forth in this part.

(2) The person is evicted after the initiation of

negotiations for serious or repeated

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violation of material terms of the lease or	violation of material terms of the lease or	
occupancy agreement; and	occupancy agreement; and	
(3) In either case the eviction was not	(3) In either case the eviction was not	
undertaken for the purpose of evading the	undertaken for the purpose of evading the	
obligation to make available the payments	obligation to make available the payments	
and other assistance set forth in this part.	and other assistance set forth in this part.	
	24.206(b)	
For purposes of determining eligibility for	For purposes of determining eligibility for	
relocation payments, the date of displacement is	relocation payments, the date of displacement is	
the date the person moves, or if later, the date a	the date the person moves, or if later, the date a	
comparable replacement dwelling is made	comparable replacement dwelling is made	
available. This section applies only to persons who	available. This section applies only to persons who	
would otherwise have been displaced by the	would otherwise have been displaced by the	
project. (See appendix A , §-24.206.)	project. (See appendix A to this part, section	
	24.206.)	
24.207 Gen	eral requirements—claims for relocation payments.	
		Section 24.207(a) allows an
		Agency agency to make a payment
		for low cost or uncomplicated
		nonresidential moves without
		additional documentation, as long as
		the payment is limited to the amount
		of the lowest acceptable bid or
		estimate, as provided for in §
		24.301(d)(1).
		While § 24.207(f) prohibits an
		Agency agency from proposing or
		requesting that a displaced -person
		waive his or her rights or
		entitlements to relocation assistance
		and payments, an Agency agency

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		may accept a written statement from
		the displaced person that states that
		they have chosen not to accept some
		or all of the payments or assistance
		to which they are entitled. Any such
		written statement must clearly show
		that the individual knows what they
		are entitled to receive (a copy of the
		Notice of Eligibility which was
		provided may serve as
		documentation) and their statement
		must specifically identify which
		assistance or payments they have
		chosen not to accept. The statement
		must be signed and dated and may
		not be coerced by the Agency
		agency.
	24.207(a) Documentation.	
Any claim for a relocation payment shall be	Any claim for a relocation payment shall be	
supported by such documentation as may be	supported by such documentation as may be	
reasonably required to support expenses incurred,	reasonably required to support expenses incurred,	
such as bills, certified prices, appraisals, or other	such as bills, certified prices, appraisals, or other	
evidence of such expenses. A displaced person	evidence of such expenses. A displaced person <u>or</u>	
must be provided reasonable assistance necessary	<u>person required to move temporarily</u> must be	
to complete and file any required claim for	provided reasonable assistance necessary to	
payment.	complete and file any required claim for payment.	
	24.207(b) Expeditious payments.	
The Agency shall review claims in an	The agency shall review claims in an	
expeditious manner. The claimant shall be	expeditious manner. The claimant shall be	
promptly notified as to any additional	promptly notified as to any additional	

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documentation that is required to support the	documentation that is required to support the		
claim. Payment for a claim shall be made as soon	claim. Payment for a claim shall be made as soon		
as feasible following receipt of sufficient	as feasible following receipt of sufficient		
documentation to support the claim.	documentation to support the claim.		
	24.207(c) Advanced payments.		
If a person demonstrates the need for an	If a person demonstrates the need for an		
advanced relocation payment in order to avoid or	advanced relocation payment in order to avoid or		
reduce a hardship, the Agency shall issue the	reduce a hardship, the <u>agency</u> shall issue the		
payment, subject to such safeguards as are	payment, subject to such safeguards as are		
appropriate to ensure that the objective of the	appropriate to ensure that the objective of the		
payment is accomplished.	payment is accomplished.		
	24.207(d) Time for filing.		
(1) All claims for a relocation payment shall be	(1) All claims for a relocation payment shall be		
filed with the Agency- no later than 18	filed with the <u>agency</u> no later than 18		
months after:	months after:		
(i) For tenants, the date of displacement .	(i) For tenants, the date of displacement or		
(ii) For owners, the date of displacement or	temporary move.		
the date of the final payment for the	(ii) For owners, the date of displacement or		
acquisition of the real property,	the date of the final payment for the		
whichever is later.	acquisition of the real property,		
(2) The Agency shall waive this time period for	whichever is later.		
good cause.	(2) The agency shall waive this time period for		
	good cause.		
	24.207(e) Notice of denial of claim.		
If the Agency-disapproves all or part of a	If the <u>agency</u> disapproves all or part of a		
payment claimed or refuses to consider the claim	payment claimed or refuses to consider the claim		
on its merits because of untimely filing or other	on its merits because of untimely filing or other		
grounds, it shall promptly notify the claimant in	grounds, it shall promptly notify the claimant in		
writing of its determination, the basis for its	writing of its determination, the basis for its		
determination, and the procedures for appealing	determination, and the procedures for appealing		
that determination.	that determination.		

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24	.207(f) No waiver of relocation assistance.	
A displacing Agency shall not propose or	An agency shall not propose or request that a	
request that a displaced person waive his or her	person waive his or her rights or entitlements to	
rights or entitlements to relocation assistance and	relocation assistance and benefits provided by the	
benefits provided by the Uniform Act and this	Uniform Act and this part. (See appendix A to this	
regulation.	part, section 24.207(f).)	
	24.207(g) Expenditure of payments.	
Payments, provided pursuant to this part,	Payments, provided pursuant to this part,	
shall not be considered to constitute Federal	shall not be considered to constitute Federal	
financial assistance. Accordingly, this part does not	financial assistance. Accordingly, this part does not	
apply to the expenditure of such payments by, or	apply to the expenditure of such payments by, or	
for, a displaced person.	for, a displaced person.	
24.2	07(h) Deductions from relocation payments.	
	An agency shall deduct the amount of any	
	advance relocation payment from the relocation	
	payment(s) to which a person is otherwise	
	entitled. The agency shall not withhold any part of	
	a relocation payment to a person to satisfy any	
	other obligation.	
24.208	Aliens not lawfully present in the United States.	
	24.208(a)	
Each person seeking relocation payments or	Each person seeking relocation payments or	
relocation advisory assistance shall, as a condition	relocation advisory assistance shall, as a condition	
of eligibility, certify:	of eligibility, certify:	
(1) In the case of an individual, that he or she is	(1) In the case of an individual, that they are a	
either a citizen or national of the United	citizen, or an alien who is lawfully present in	
States, or an alien who is lawfully present in	the United States.	
the United States.		
(2) In the case of a family, that each family	(2) In the case of a family, that each family	
member is either a citizen or national of the	member is a citizen or an alien who is	
United States, or an alien who is lawfully	lawfully present in the United States. The	

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present in the United States. The	certification may be made by the head of the	
certification may be made by the head of the	household on behalf of other family	
household on behalf of other family	members.	
members.		
(3) In the case of an unincorporated business,		
farm, or nonprofit organization, that each	(3) In the case of an unincorporated business,	
owner is either a citizen or national of the	farm, or nonprofit organization, that each	
United States, or an alien who is lawfully	owner is a citizen or an alien who is lawfully	
present in the United States. The	present in the United States. The	
certification may be made by the principal	certification may be made by the principal	
owner, manager, or operating officer on	owner, manager, or operating officer on	
behalf of other persons with an ownership	behalf of other persons with an ownership	
interest.	interest.	
(4) In the case of an incorporated business, farm,		
or nonprofit organization, that the	(4) In the case of an incorporated business, farm,	
corporation is authorized to conduct	or nonprofit organization, that the	
business within the United States.	corporation is authorized to conduct	
	business within the United States.	
	24.208(b)	
The certification provided pursuant to	The certification provided pursuant to	
paragraphs (a)(1) , (a)(2), and (a)(3) of this section	paragraphs (a)(1) through (3) of this section shall	
shall indicate whether such person is either a	specify the person's status as a citizen or an alien	
citizen or national of the United States, or an alien	who is lawfully present in the United States.	
who is lawfully present in the United States.	Requirements concerning the certification in	
Requirements concerning the certification in	addition to those contained in this <u>section</u> shall be	
addition to those contained in this rule -shall be	within the discretion of the Federal funding	
within the discretion of the Federal funding	agency and, within those parameters, that of the	
Agency and, within those parameters, that of the	agency carrying out such displacements.	
displacing Agency .		

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In computing relocation payments under the	In computing relocation payments under the	Section 24.208(c) Aliens not
Uniform Act, if any member(s) of a household or	Uniform Act, if any member(s) of a household or	lawfully present in the United
owner(s) of an unincorporated business, farm, or	owner(s) of an unincorporated business, farm, or	States—computing relocation
nonprofit organization is (are) determined to be	nonprofit organization is (are) determined to be	payments if some members of a
ineligible because of a failure to be legally present	ineligible because of a failure to be lawfully	displaced family are present lawfully
in the United States, no relocation payments may	present in the United States, no relocation	but others are present unlawfully.
be made to him or her. Any payment(s) for which	payments may be made to him or her. Any	If a person who is a member of
such household, unincorporated business, farm, or	payment(s) for which such household,	a family being displaced is not eligible
nonprofit organization would otherwise be eligible	unincorporated business, farm, or nonprofit	for and does not receive Uniform Act
shall be computed for the household, based on	organization would otherwise be eligible shall be	benefits because he or she is not
the number of eligible household members and	computed for the household, based on the	lawfully in the United States, that
for the unincorporated business, farm, or	number of eligible household members and for	person's income shall not be
nonprofit organization, based on the ratio of	the unincorporated business, farm, or nonprofit	excluded from the computation of
ownership between eligible and ineligible owners.	organization, based on the ratio of ownership	family income. The person's income
	between eligible and ineligible owners. (See	is counted unless the agency is
	appendix A to this part, section 24.208(c).)	certain that the ineligible person will
		not continue to reside with the
		family. To exclude the ineligible
		person's income would result in a
		windfall by providing a higher
		relocation payment.
		There are two different
		methods for computing relocation
		payments in situations where some
		members of a displaced family are
		present lawfully, but others are
		present unlawfully. For moving
		expenses, the payment is to be based
		on the proportion of lawfully present
		occupants to the total number of
		occupants. For example, if four out of

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		five members of a family to be
		displaced are lawfully present, the
		proportion of lawful occupants is 80
		percent and that percentage is to be
		applied against the moving expenses
		payment that otherwise would have
		been received. Similarly, unlawful
		occupants are not counted as a part
		of the family for RHP calculations.
		Thus, a family of five, one of whom is
		a person not lawfully present in the
		U.S., would be counted as a family of
		four. The comparable replacement
		dwelling for the family would reflect
		the makeup of the remaining four
		persons, and the RHP would be
		computed accordingly.
		A "pro rata" approach to an RHP
		calculation is not permitted unless
		use of the two permitted methods
		discussed in this section would create
		an exceptional and extremely
		unusual hardship (consistent with
		Pub. L. 105-117; codified at 42 U.S.C.
		4605). Following such a calculation
		would require that the agency
		disregard alien status for
		comparability determination, select a
		comparable and then apply a
		percentage to the RHP amount. A
		"pro rata" calculation approach for

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		RHP may result in a higher RHP		
		eligibility than the displaced persons		
		would otherwise be eligible to		
		receive. The "pro rata" approach of		
		providing a percentage of the		
		calculated RHP eligibility is contrary		
		to the requirements of the Uniform		
		Act and this part. A correct example		
		of a calculation would be:		
		Household of seven (including		
		one alien not lawfully present		
		individually occupying one bedroom.)		
		Displacement dwelling—4 BR		
		unit, with rent/utilities of		
		\$1,200/month		
		Housing requirements for all		
		lawful occupants (six) is a 3 BR unit		
		Comparable dwelling		
		3 BR unit with rent/utilities of		
		\$1,300/month		
		Calculation of RHP under §		
		24.208(c) (alien not lawfully present		
		excluded)		
		\$1,300 (comparable)-\$1,200		
		(displacement unit) = \$100 RHP × 42		
		months = \$4,200 RHP		
24.208(d)				
The displacing Agency shall consider the	The <u>agency</u> shall consider the certification			
certification provided pursuant to paragraph (a) of	provided pursuant to paragraph (a) of this section			
this section to be valid, unless the displacing	to be valid, unless the <u>agency</u> determines in			
Agency determines in accordance with paragraph	accordance with paragraph (f) of this section that			

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(f) of this section that it is invalid based on a	it is invalid based on a review of documentation or			
review of an alien's documentation or other	other information that the <u>agency</u> considers			
information that the Agency considers reliable and	reliable and appropriate.			
appropriate.				
24.208(e)				
Any review by the displacing Agency of the	Any review by the agency of the			
certifications provided pursuant to paragraph (a)	certifications provided pursuant to paragraph (a)			
of this section shall be conducted in a	of this section shall be conducted in a			
nondiscriminatory fashion. Each displacing Agency	nondiscriminatory fashion. Each <u>agency</u> will apply			
will apply the same standard of review to all such	the same standard of review to all such			
certifications it receives, except that such standard	certifications it receives, except that such standard			
may be revised periodically.	may be revised periodically.			
	24.208(f)			
If, based on a review of an alien-'s documentation	If, based on a review of <u>a person</u> 's documentation			
or other credible evidence, a displacing Agency	or other credible evidence, an agency has reason			
has reason to believe that a person's certification	to believe that a person's certification is invalid			
is invalid (for example a document reviewed does	(for example a document reviewed does not on its			
not on its face reasonably appear to be genuine),	face reasonably appear to be genuine), and that,			
and that, as a result, such person may be an alien	as a result, such person may be an alien not			
not lawfully present in the United States, it shall	lawfully present in the United States, it shall			
obtain the following information before making a	obtain the following information before making a			
final determination:	final determination:			
(1) If the Agency has reason to believe that the	(1) For a person who has certified that they are			
certification of a person who has certified	an alien lawfully present in the United			
that he or she is an alien lawfully present in	States, the agency shall obtain verification of			
the United States is invalid, the displacing	the <u>person</u> 's status <u>by using the Systematic</u>			
Agency shall obtain verification of the alien 's	Alien Verification for Entitlements (SAVE)			
status from the local Bureau of Citizenship	program administered by USCIS to verify			
and Immigration Service (BCIS) Office. A list	immigration status.			
of local BCIS offices is available at				
http://www.uscis.gov/graphics/fieldoffices/a				

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Iphaa.htm. Any request for BCIS verification		••
shall include the alien's full name, date of		
birth and alien number, and a copy of the		
alien's documentation. (If an Agency is		
unable to contact the BCIS, it may contact		
the FHWA in Washington, DC, Office of Real		
Estate Services or Office of Chief Counsel for		
a referral to the BCIS.)		
(2) If the Agency has reason to believe that the		
certification of a person who has certified	(2) For a person who has certified that they are a	
that he or she is a citizen or national is	citizen or national, if the agency has reason	
invalid, the displacing Agency shall request	to believe that the certification is invalid, the	
evidence of United States citizenship or	agency shall request evidence of United	
nationality from such person and, if	States citizenship or nationality and, if	
considered necessary, verify the accuracy of	considered necessary, verify the accuracy of	
such evidence with the issuer.	such evidence with the issuer or other	
	appropriate source.	
	24.208(g)	
No relocation payments or relocation	No relocation payments or relocation	
dvisory assistance shall be provided to a person	advisory assistance shall be provided to a person	
who has not provided the certification described	who has not provided the certification described	
n this section or who has been determined to be	in this section or who has been determined to be	
not lawfully present in the United States, unless	not lawfully present in the United States, unless	
uch person can demonstrate to the displacing	such person can demonstrate to the agency's	
Agency's satisfaction that the denial of relocation	satisfaction that the denial of relocation assistance	
ssistance will result in an exceptional and	will result in an exceptional and extremely unusual	
extremely unusual hardship to such person's	hardship to such person's spouse, parent, or child	
pouse, parent, or child who is a citizen of the	who is a citizen of the United States or an alien	
Jnited States , or is an alien lawfully admitted for	lawfully admitted for permanent residence in the	
permanent residence in the United States.	United States.	

2005 Rule	24 Subpart C – General Relocation Requirements 2024 Rule	
2003 Rule	Text	Appendix
For purposes of paragraph (g) of this section,	For purposes of paragraph (g) of this section,	Section 24.208(h) The meaning
"exceptional and extremely unusual hardship" to	"exceptional and extremely unusual hardship" to	of the term "exceptional and
such spouse, parent, or child of the person not	such spouse, parent, or child of the person not	extremely unusual hardship" focuses
lawfully present in the United States means that	lawfully present in the United States means that	on significant and demonstrable
the denial of relocation payments and advisory	the denial of relocation payments and advisory	impacts on health, safety, or family
assistance to such person will directly result in:	assistance to such person will directly result in (see	cohesion. This phrase is intended to
(1) A significant and demonstrable adverse	appendix A to this part, section 24.208(h)):	allow judgment on the part of the
impact on the health or safety of such	(1) A significant and demonstrable adverse	agency and does not lend itself to an
spouse, parent, or child;	impact on the health or safety of such	absolute standard applicable in all
(2) A significant and demonstrable adverse	spouse, parent, or child;	situations.
impact on the continued existence of the	(2) A significant and demonstrable adverse	
•		When considering whether a
family unit of which such spouse, parent, or	impact on the continued existence of the	hardship exemption is appropriate,
child is a member; or	family unit of which such spouse, parent, or	an agency may examine only the
(3) Any other impact that the displacing Agency	child is a member; or	impact on an alien's spouse, parent,
determines will have a significant and	(3) Any other impact that the <u>agency</u> determines	or child who is a citizen, or an alien
demonstrable adverse impact on such	will have a significant and demonstrable	lawfully admitted for permanent
spouse, parent, or child.	adverse impact on such spouse, parent, or	residence in the United States. In
	child.	determining who is a spouse,
		agencies should use the definition of
		that term under State or other
		applicable law.
		A standard of hardship involves
		more than the loss of relocation
		payments and/or assistance alone.
		Also, income alone (for example,
		measured as a percentage of income
		spent on housing) would not make
		the denial of benefits an "exceptional
		and extremely unusual hardship" and
		qualify for a hardship exemption. In
		keeping with the principle of allowing

49 CFR 24 Subpart C – General Relocation Requirements		
2005 Rule	2024 Rule	
	Text	Appendix
		agencies maximum reasonable
		discretion, FHWA believes the
		decision regarding what
		documentation is required to support
		a claim of hardship is one best left to
		the Federal funding agency, as long
		as the decision is handled in a
		nondiscriminatory manner.
	24.208(i)	
The certification referred to in paragraph (a)	The certification referred to in paragraph (a)	
of this section may be included as part of the claim	of this section may be included as part of the claim	
for relocation payments described in § 24.207-of	for relocation payments described in § 24.207.	
this part.	(Approved by the Office of Management and	
(Approved by the Office of Management and	Budget under control number 2105-0508 <u>.</u>)	
Budget under control number 2105-0508)		
No relocation payment received by a	No relocation payment received by a	
displaced person under this part shall be	displaced person or person required to move	
considered as income for the purpose of the	temporarily under this part shall be considered as	
Internal Revenue Code of 1954, which has been	income for the purpose of the Internal Revenue	
redesignated as the Internal Revenue Code of	Code of 1954, which has been redesignated as the	
1986 (Title- 26, U.S. -Code-), or for the purpose of	Internal Revenue Code of 1986 (<u>title</u> 26, U.S. <u>C.</u>), or	
determining the eligibility or the extent of	for the purpose of determining the eligibility or	
eligibility of any person for assistance under the	the extent of eligibility of any person for	
Social Security Act (42 U.SCode-301 et seq.) or	assistance under the Social Security Act (42 U.S. <u>C.</u>	
any other Federal law, except for any Federal law	301 et seq.) or any other Federal law, except for	
providing low-income housing assistance.	any Federal law providing low-income housing	
	assistance.	