

49 CFR 24 Subpart C – General Relocation Requirements		
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24.201 Purpose.		
This subpart prescribes general requirements governing the provision of relocation payments and other relocation assistance in this part.	This subpart prescribes general requirements governing the provision of relocation payments and other relocation assistance in this part.	
24.202 Applicability.		
These requirements apply to the relocation of any displaced person as defined at § 24.2(a)(9). Any person who qualifies as a displaced person must be fully informed of his or her rights and entitlements to relocation assistance and payments provided by the Uniform Act and this regulation. (See appendix A, § 24.202.)	<u>The</u> requirements <u>in this subpart</u> apply to the relocation of any <u>permanently or temporarily</u> displaced person, as defined at § 24.2(a). Any person who qualifies as a <u>permanently or temporarily</u> displaced person must be fully informed of his or her rights and entitlements to relocation assistance and payments provided by the Uniform Act and this <u>part</u> . (See appendix A <u>to this part, section 24.202.</u>)	<i>Section 24.202 Applicability and Section <u>24.205(c) Relocation Advisory Services to be provided.</u> In extraordinary circumstances, when a displaced person is not readily accessible, the Agency <u>agency</u> must make a good faith effort to comply with these sections and <u>§§ 24.202 and 24.205(c) and the Uniform Act and</u> document its efforts in writing.</i>
24.202(a) Persons required to move temporarily.		
	<u>(1) Appropriate notices must be provided in accordance with § 24.203 and appropriate advisory services must be provided in accordance with § 24.205;</u> <u>(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);</u> <u>(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</u>	

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	<p><u>reimbursed for all reasonable out of pocket expenses or must be determined to be permanently displaced at the agency's option;</u></p> <p><u>(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;</u></p> <p><u>(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</u></p>	

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	<p><u>relocation assistance benefits previously provided when determining permanent relocation benefits eligibility; and</u></p> <p><u>(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).</u></p>	
24.202(b) [Reserved]		
24.203 Relocation notices.		
24.203(a) General information notice.		
<p>As soon as feasible, a person scheduled to be displaced shall be furnished with a general written description of the displacing Agency's relocation program which does at least the following:</p> <p>(1) Informs the person that he or she may be displaced for the project and generally describes the relocation payment(s) for which the person may be eligible, the basic conditions of eligibility, and the procedures for obtaining the payment(s);</p> <p>(2) Informs the displaced person that he or she will be given reasonable relocation advisory services, including referrals to replacement properties, help in filing payment claims, and</p>	<p>As soon as feasible, a person <u>who may</u> be displaced <u>or who may be required to move temporarily</u> shall be furnished with a general written description of the <u>agency's</u> relocation program which does at least the following:</p> <p>(1) Informs the person that he or she may be displaced <u>(or, if appropriate, required to move temporarily from his or her unit)</u> for the project and generally describes the relocation payment(s) for which the person may be eligible, the basic conditions of eligibility, and the procedures for obtaining the payment(s);</p> <p>(2) Informs the displaced person <u>(or person required to move temporarily from his or her unit, if appropriate)</u> that he or she will be given reasonable relocation advisory</p>	

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

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

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<p>after such a dwelling is made available. (See § 24.204(a).)</p> <p>(4) <i>Urgent need.</i> In unusual circumstances, an occupant may be required to vacate the property on less than 90 days advance written notice if the displacing Agency determines that a 90-day notice is impracticable, such as when the person's continued occupancy of the property would constitute a substantial danger to health or safety. A copy of the Agency's determination shall be included in the applicable case file.</p>	<p>after such a dwelling is made available. (See § 24.204(a).)</p> <p>(4) <i>Urgent need.</i> In unusual circumstances, an occupant may be required to vacate the property on less than 90 days advance written notice if the <u>agency</u> determines that a 90-day notice is impracticable, such as when the person's continued occupancy of the property would constitute a substantial danger to health or safety. A copy of the <u>agency's</u> determination shall be included in the applicable case file.</p>	
24.203(d) Notice of intent to acquire, <u>rehabilitate, and/or demolish</u>.		
<p>A notice of intent to acquire is a displacing Agency's written communication that is provided to a person to be displaced, including those to be displaced by rehabilitation or demolition activities from property acquired prior to the commitment of Federal financial assistance to the activity, which clearly sets forth that the Agency intends to acquire the property. A notice of intent to acquire establishes eligibility for relocation assistance prior to the initiation of negotiations and/or prior to the commitment of Federal financial assistance. (See § 24.2 (a)(9)(i)(A).)</p>	<p>A notice of intent to acquire, <u>rehabilitate, and/or demolish is an agency's</u> written communication that is provided to a person to be displaced, including <u>persons required to temporarily move</u>, which clearly sets forth that the <u>agency</u> intends to acquire, <u>rehabilitate, and/or demolish</u> the property. A notice of intent to acquire, <u>rehabilitate, and/or demolish</u> establishes eligibility for relocation assistance prior to the initiation of negotiations and/or prior to the commitment of Federal financial assistance <u>to the activity</u>. (See § 24.2 (a).)</p>	
24.204 Availability of comparable replacement dwelling before displacement.		
24.204(a) General.		
<p>No person to be displaced shall be required to move from his or her dwelling unless at least one comparable replacement dwelling (defined at §</p>	<p>No person to be <u>permanently</u> displaced shall be required to move from his or her dwelling unless at least one comparable replacement dwelling</p>	<p><i>Section 24.204(a) General.</i> This provision <u>Section 24.204(a)</u> requires that no one may be required to move</p>

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<p>24.2(a)(6) has been made available to the person. When possible, three or more comparable replacement dwellings shall be made available. A comparable replacement dwelling will be considered to have been made available to a person, if:</p> <ul style="list-style-type: none"> (1) The person is informed of its location; (2) The person has sufficient time to negotiate and enter into a purchase agreement or lease for the property; and (3) Subject to reasonable safeguards, the person is assured of receiving the relocation assistance and acquisition payment to which the person is entitled in sufficient time to complete the purchase or lease of the property. 	<p>(defined at § 24.2(a)) has been made available to the person. <u>Information on comparable replacement dwellings that were used in the determination process must be provided to permanently displaced persons.</u> When possible, three or more comparable replacement dwellings shall be made available. A comparable replacement dwelling will be considered to have been made available to a person, if:</p> <ul style="list-style-type: none"> (1) The person is informed <u>in writing</u> of its location; (2) The person has sufficient time to negotiate and enter into a purchase or lease <u>agreement</u> for the property; and (3) Subject to reasonable safeguards, the person is assured of receiving the relocation assistance and acquisition payment to which the person is entitled in sufficient time to complete the purchase or lease of the property. 	<p>from a dwelling without a comparable replacement dwelling having been made available. In addition, § 24.204(a) requires that, “where <u>where</u> possible, three or more comparable replacement dwellings shall be made available.” Thus, the basic standard for the number of referrals required under this section is three. Only in situations where three comparable replacement dwellings are not available (e.g., when the local housing market does not contain three comparable dwellings) may the Agency <u>agency</u> make fewer than three referrals.</p>
24.204(b) Circumstances permitting waiver.		
<p>The Federal Agency funding the project may grant a waiver of the policy in paragraph (a) of this section in any case where it is demonstrated that a person must move because of:</p> <ul style="list-style-type: none"> (1) A major disaster as defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended (42 U.S.C. 5122); (2) A presidentially declared national emergency; or 	<p>The Federal <u>agency</u> funding the project may grant a waiver of the <u>requirement</u> in paragraph (a) of this section in any case where it is demonstrated that a person must move because of:</p> <ul style="list-style-type: none"> (1) A major disaster as defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended (42 U.S.C. 5122); (2) A presidentially declared national emergency; or 	

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(3) Another emergency which requires immediate vacation of the real property, such as when continued occupancy of the displacement dwelling constitutes a substantial danger to the health or safety of the occupants or the public.	(3) Another emergency which requires immediate vacation of the real property, such as when continued occupancy of the displacement dwelling constitutes a substantial danger to the health or safety of the occupants or the public.	
24.204(c) Basic conditions of emergency move.		
<p>Whenever a person to be displaced is required to relocate from the displacement dwelling for a temporary period because of an emergency as described in paragraph (b) of this section, the Agency shall:</p> <ol style="list-style-type: none"> (1) Take whatever steps are necessary to assure that the person is temporarily relocated to a decent, safe, and sanitary dwelling; (2) Pay the actual reasonable out-of-pocket moving expenses and any reasonable increase in rent and utility costs incurred in connection with the temporary relocation; and (3) Make available to the displaced person as soon as feasible, at least one comparable replacement dwelling. (For purposes of filing a claim and meeting the eligibility requirements for a relocation payment, the date of displacement is the date the person moves from the temporarily occupied dwelling.) 	<p>Whenever a person to be displaced is required to <u>move</u> from the displacement dwelling for a temporary period because of an emergency as described in paragraph (b) of this section, the <u>agency</u> shall:</p> <ol style="list-style-type: none"> (1) Take whatever steps are necessary to assure that the person <u>who is required to move from their dwelling is</u> relocated to a <u>DSS</u> dwelling; (2) Pay the actual reasonable out-of-pocket moving expenses and any reasonable increase in rent and utility costs incurred in connection with the <u>emergency move</u>; and (3) Make available to the displaced person as soon as feasible, at least one comparable replacement dwelling. (For purposes of filing a claim and meeting the eligibility requirements for a relocation payment, the date of displacement is the date the person moves from <u>their dwelling due to the emergency</u>.) 	
24.205 Relocation planning, advisory services, and coordination.		
24.205(a) Relocation planning.		

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<p>During the early stages of development, an Agency shall plan Federal and federally assisted programs or projects in such a manner that recognizes the problems associated with the displacement of individuals, families, businesses, farms, and nonprofit organizations and develop solutions to minimize the adverse impacts of displacement. Such planning, where appropriate, shall precede any action by an Agency which will cause displacement, and should be scoped to the complexity and nature of the anticipated displacing activity including an evaluation of program resources available to carry out timely and orderly relocations. Planning may involve a relocation survey or study, which may include the following:</p> <ol style="list-style-type: none"> (1) An estimate of the number of households to be displaced including information such as owner/tenant status, estimated value and rental rates of properties to be acquired, family characteristics, and special consideration of the impacts on minorities, the elderly, large families, and persons with disabilities when applicable. (2) An estimate of the number of comparable replacement dwellings in the area (including price ranges and rental rates) that are expected to be available to fulfill the needs of those households displaced. When an adequate supply of comparable housing is not expected to be available, the Agency 	<p>During the early stages of development, an <u>agency</u> shall plan Federal and federally assisted programs or projects in such a manner that recognizes the problems associated with the displacement of individuals, families, businesses, farms, and nonprofit organizations and develop solutions to minimize the adverse impacts of displacement. Such planning, where appropriate, shall precede any action by an <u>agency</u> which will cause displacement, and should be scoped to the complexity and nature of the anticipated displacing activity including an evaluation of program resources available to carry out timely and orderly relocations. Planning may involve a relocation survey or study, which may include the following:</p> <ol style="list-style-type: none"> (1) An estimate of the number of households to be displaced including information such as owner/tenant status, estimated value and rental rates of properties to be acquired, family characteristics, and special consideration of the impacts on minorities, the elderly, large families, and persons with disabilities when applicable. (2) An estimate of the number of comparable replacement dwellings in the area (including price ranges and rental rates) that are expected to be available to fulfill the needs of those households <u>permanently or temporarily</u> displaced. When an adequate supply of comparable housing is not 	<p><i>Section 24.205 Relocation assistance advisory services.</i></p> <p><u>Section 24.205(a). As part of the relocation planning process agencies should, to the extent practical, identify relocations that may require additional time for advisory services and coordination for their relocations. Such relocations may include the elderly, those with medical needs, and those in public housing or other federally subsidized housing. In each of these examples, the nature of the relocation means that the unique needs of the relocated person should be determined early and that the relocation agent should make full use of available social services and other program support (examples include local transportation services that may be available in certain areas, financial support available from local, Federal, and State agencies, and community support services that may be available) in considering and developing a relocation plan.</u></p>

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

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

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

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

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

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

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

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24.205(d) Coordination of relocation activities.		
Relocation activities shall be coordinated with project work and other displacement-causing activities to ensure that, to the extent feasible, persons displaced receive consistent treatment and the duplication of functions is minimized. (See § 24.6.)	Relocation activities shall be coordinated with project work and other displacement-causing activities to ensure that, to the extent feasible, persons displaced receive consistent treatment and the duplication of functions is minimized. (See § 24.6.)	
24.205(e) <u>Subsequent occupants.</u>		
Any person who occupies property acquired by an <u>Agency</u> , when such occupancy began subsequent to the acquisition of the property, and the occupancy is permitted by a short term rental agreement or an agreement subject to termination when the property is needed for a program or project, shall be eligible for advisory services, as determined by the <u>Agency</u> .	Any person who occupies property acquired by an <u>agency</u> , when such occupancy began subsequent to the acquisition of the property, and the occupancy is permitted by a short-term rental agreement or an agreement subject to termination when the property is needed for a program or project, shall be eligible for advisory services, as determined by the <u>agency</u> .	
24.206 Eviction for cause.		
24.206(a)		
Eviction for cause must conform to applicable State and local law. Any person who occupies the real property and is not in unlawful occupancy on the date of the initiation of negotiations, is presumed to be entitled to relocation payments and other assistance set forth in this part unless the <u>Agency</u> determines that: (1) The person received an eviction notice prior to the initiation of negotiations and as a result of that notice is later evicted; or (2) The person is evicted after the initiation of negotiations for serious or repeated	Eviction for cause must conform to applicable <u>Federal</u> , State, and local law. Any person who occupies the real property and is in <u>lawful</u> occupancy on the date of the initiation of negotiations is presumed to be entitled to relocation payments and other assistance set forth in this part unless the <u>agency</u> determines that: (1) The person received an eviction notice prior to the initiation of negotiations and as a result of that notice is later evicted; or (2) The person is evicted after the initiation of negotiations for serious or repeated	<i>Section 24.206 Eviction for cause.</i> An eviction <u>necessitated by project</u> related to non-compliance with a requirement related to carrying out a project (e.g., failure to move or relocate when instructed, or to cooperate in the relocation process) shall <u>does</u> not negate a person's entitlement to relocation payments and other assistance set forth in this part.

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<p>violation of material terms of the lease or occupancy agreement; and (3) In either case the eviction was not undertaken for the purpose of evading the obligation to make available the payments and other assistance set forth in this part.</p>	<p>violation of material terms of the lease or occupancy agreement; and (3) In either case the eviction was not undertaken for the purpose of evading the obligation to make available the payments and other assistance set forth in this part.</p>	
24.206(b)		
<p>For purposes of determining eligibility for relocation payments, the date of displacement is the date the person moves, or if later, the date a comparable replacement dwelling is made available. This section applies only to persons who would otherwise have been displaced by the project. (See appendix A , §-24.206.)</p>	<p>For purposes of determining eligibility for relocation payments, the date of displacement is the date the person moves, or if later, the date a comparable replacement dwelling is made available. This section applies only to persons who would otherwise have been displaced by the project. (See appendix A to this part, section 24.206.)</p>	
24.207 General requirements—claims for relocation payments.		
		<p>Section 24.207(a) allows an Agencyagency 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).</p> <p>While § 24.207(f) prohibits an Agencyagency from proposing or requesting that a displaced person waive his or her rights or entitlements to relocation assistance and payments, an Agencyagency</p>

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		<p>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 <u>agency</u>.</p>
24.207(a) Documentation.		
<p>Any claim for a relocation payment shall be supported by such documentation as may be reasonably required to support expenses incurred, such as bills, certified prices, appraisals, or other evidence of such expenses. A displaced person must be provided reasonable assistance necessary to complete and file any required claim for payment.</p>	<p>Any claim for a relocation payment shall be supported by such documentation as may be reasonably required to support expenses incurred, such as bills, certified prices, appraisals, or other evidence of such expenses. A displaced person <u>or person required to move temporarily</u> must be provided reasonable assistance necessary to complete and file any required claim for payment.</p>	
24.207(b) Expeditious payments.		
<p>The Agency shall review claims in an expeditious manner. The claimant shall be promptly notified as to any additional</p>	<p>The <u>agency</u> shall review claims in an expeditious manner. The claimant shall be promptly notified as to any additional</p>	

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

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

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

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<p>In computing relocation payments under the Uniform Act, if any member(s) of a household or owner(s) of an unincorporated business, farm, or nonprofit organization is (are) determined to be ineligible because of a failure to be legally present in the United States, no relocation payments may be made to him or her. Any payment(s) for which such household, unincorporated business, farm, or nonprofit organization would otherwise be eligible shall be computed for the household, based on the number of eligible household members and for the unincorporated business, farm, or nonprofit organization, based on the ratio of ownership between eligible and ineligible owners.</p>	<p>In computing relocation payments under the Uniform Act, if any member(s) of a household or owner(s) of an unincorporated business, farm, or nonprofit organization is (are) determined to be ineligible because of a failure to be <u>lawfully</u> present in the United States, no relocation payments may be made to him or her. Any payment(s) for which such household, unincorporated business, farm, or nonprofit organization would otherwise be eligible shall be computed for the household, based on the number of eligible household members and for the unincorporated business, farm, or nonprofit organization, based on the ratio of ownership between eligible and ineligible owners. (<u>See appendix A to this part, section 24.208(c).</u>)</p>	<p><u><i>Section 24.208(c) Aliens not lawfully present in the United States—computing relocation payments if some members of a displaced family are present lawfully but others are present unlawfully.</i></u></p> <p><u><i>If a person who is a member of a family being displaced is not eligible for and does not receive Uniform Act benefits because he or she is not lawfully in the United States, that person's income shall not be excluded from the computation of family income. The person's income is counted unless the agency is 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.</i></u></p> <p><u><i>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</i></u></p>

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		<p><u>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.</u></p> <p><u>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</u></p>

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		<p><u>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:</u></p> <p><u>Household of seven (including one alien not lawfully present individually occupying one bedroom.)</u></p> <p><u>Displacement dwelling—4 BR unit, with rent/utilities of \$1,200/month</u></p> <p><u>Housing requirements for all lawful occupants (six) is a 3 BR unit</u></p> <p><u>Comparable dwelling</u></p> <p><u>3 BR unit with rent/utilities of \$1,300/month</u></p> <p><u>Calculation of RHP under § 24.208(c) (alien not lawfully present excluded)</u></p> <p><u>\$1,300 (comparable)–\$1,200 (displacement unit) = \$100 RHP × 42 months = \$4,200 RHP</u></p>
24.208(d)		
<p>The displacing Agency shall consider the certification provided pursuant to paragraph (a) of this section to be valid, unless the displacing Agency determines in accordance with paragraph</p>	<p>The <u>agency</u> shall consider the certification provided pursuant to paragraph (a) of this section to be valid, unless the <u>agency</u> determines in accordance with paragraph (f) of this section that</p>	

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

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<p>lphaa.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.)</p> <p>(2) If the Agency has reason to believe that the certification of a person who has certified that he or she is a citizen or national is invalid, the displacing Agency shall request evidence of United States citizenship or nationality from such person and, if considered necessary, verify the accuracy of such evidence with the issuer.</p>	<p>(2) For a person who has certified that <u>they are</u> a citizen or national, <u>if the agency has reason to believe that the certification</u> is invalid, the <u>agency</u> shall request evidence of United States citizenship or nationality and, if considered necessary, verify the accuracy of such evidence with the issuer <u>or other appropriate source</u>.</p>	
24.208(g)		
<p>No relocation payments or relocation advisory assistance shall be provided to a person who has not provided the certification described in this section or who has been determined to be not lawfully present in the United States, unless such person can demonstrate to the displacing Agency Agency's satisfaction that the denial of relocation assistance will result in an exceptional and extremely unusual hardship to such person's spouse, parent, or child who is a citizen of the United States or is an alien lawfully admitted for permanent residence in the United States.</p>	<p>No relocation payments or relocation advisory assistance shall be provided to a person who has not provided the certification described in this section or who has been determined to be not lawfully present in the United States, unless such person can demonstrate to the <u>agency's</u> satisfaction that the denial of relocation assistance will result in an exceptional and extremely unusual hardship to such person's spouse, parent, or child who is a citizen of the United States or an alien lawfully admitted for permanent residence in the United States.</p>	
24.208(h)		

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<p>For purposes of paragraph (g) of this section, “exceptional and extremely unusual hardship” to such spouse, parent, or child of the person not lawfully present in the United States means that the denial of relocation payments and advisory assistance to such person will directly result in:</p> <ul style="list-style-type: none"> (1) A significant and demonstrable adverse impact on the health or safety of such spouse, parent, or child; (2) A significant and demonstrable adverse impact on the continued existence of the family unit of which such spouse, parent, or child is a member; or (3) Any other impact that the displacing Agency determines will have a significant and demonstrable adverse impact on such spouse, parent, or child. 	<p>For purposes of paragraph (g) of this section, “exceptional and extremely unusual hardship” to such spouse, parent, or child of the person not lawfully present in the United States means that the denial of relocation payments and advisory assistance to such person will directly result in <u>(see appendix A to this part, section 24.208(h))</u>:</p> <ul style="list-style-type: none"> (1) A significant and demonstrable adverse impact on the health or safety of such spouse, parent, or child; (2) A significant and demonstrable adverse impact on the continued existence of the family unit of which such spouse, parent, or child is a member; or (3) Any other impact that the <u>agency</u> determines will have a significant and demonstrable adverse impact on such spouse, parent, or child. 	<p><u>Section 24.208(h) The meaning of the term “exceptional and extremely unusual hardship” focuses on significant and demonstrable impacts on health, safety, or family cohesion. This phrase is intended to allow judgment on the part of the agency and does not lend itself to an absolute standard applicable in all situations.</u></p> <p><u>When considering whether a hardship exemption is appropriate, an agency may examine only the impact on an alien's spouse, parent, or child who is a citizen, or an alien lawfully admitted for permanent residence in the United States. In determining who is a spouse, agencies should use the definition of that term under State or other applicable law.</u></p> <p><u>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</u></p>

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		<u>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.</u>
24.208(i)		
<p>The certification referred to in paragraph (a) of this section may be included as part of the claim for relocation payments described in § 24.207 of this part.</p> <p>(Approved by the Office of Management and Budget under control number 2105-0508)</p>	<p>The certification referred to in paragraph (a) of this section may be included as part of the claim for relocation payments described in § 24.207.</p> <p>(Approved by the Office of Management and Budget under control number 2105-0508.)</p>	
<p>No relocation payment received by a displaced person under this part shall be considered as income for the purpose of the Internal Revenue Code of 1954, which has been redesignated as the Internal Revenue Code of 1986 (Title 26, U.S. Code), or for the purpose of determining the eligibility or the extent of eligibility of any person for assistance under the Social Security Act (42 U.S. Code 301 <i>et seq.</i>) or any other Federal law, except for any Federal law providing low-income housing assistance.</p>	<p>No relocation payment received by a displaced person <u>or person required to move temporarily</u> under this part shall be considered as income for the purpose of the Internal Revenue Code of 1954, which has been redesignated as the Internal Revenue Code of 1986 (<u>title 26, U.S.C.</u>), or for the purpose of determining the eligibility or the extent of eligibility of any person for assistance under the Social Security Act (42 U.S. <u>C.</u> 301 <i>et seq.</i>) or any other Federal law, except for any Federal law providing low-income housing assistance.</p>	