

49 CFR 24 Subpart E – Replacement Housing Payments		
2005 Rule	2024 Rule	
	Text	Appendix
24.401 Replacement housing payment for 180 90-day homeowner-occupants.		
		Section 24.401 Replacement Housing Payment housing payment for 180 90-day Homeowner-Occupants. homeowner- <u>occupants.</u>
24.401(a) Eligibility.		
<p>A displaced person is eligible for the replacement housing payment for a 180-day homeowner-occupant if the person:</p> <p>(1) Has actually owned and occupied the displacement dwelling for not less than 180-days immediately prior to the initiation of negotiations; and</p> <p>(2) Purchases and occupies a decent, safe, and sanitary replacement dwelling within one-year after the later of the following dates (except that the Agency may extend such one-year period for good cause):</p> <p>(i) The date the displaced person receives final payment for the displacement dwelling or, in the case of condemnation, the date the full amount of the estimate of just compensation is deposited in the court; or</p> <p>(ii) The date the displacing Agency's obligation under § 24.204 is met.</p>	<p>A displaced person is eligible for the replacement housing payment for a <u>90</u>-day homeowner-occupant if the person:</p> <p>(1) Has actually owned and occupied the displacement dwelling for not less than <u>90</u> days immediately prior to the initiation of negotiations; and</p> <p>(2) Purchases and occupies a decent, safe, and sanitary replacement dwelling within <u>1</u> year after the later of the following dates (except that the <u>agency</u> may extend such <u>1</u> year period for good cause):</p> <p>(i) The date the displaced person receives final payment for the displacement dwelling or, in the case of condemnation, the date the full amount of the estimate of just compensation is deposited in the court; or</p> <p>(ii) The date the <u>agency's</u> obligation under § 24.204 is met.</p>	<p>Section 24.401(a)(2). An extension of eligibility may be granted if some event beyond the control of the displaced person such as acute or life threatening illness, bad weather preventing the completion of construction, or physical modifications required for reasonable accommodation of a replacement dwelling, or other like circumstances causes a delay in occupying a decent, safe, and sanitary replacement dwelling.</p>
24.401(b) Amount of payment.		
The replacement housing payment for an eligible 180 -day homeowner-occupant may	The replacement housing payment for an eligible <u>90</u> -day homeowner-occupant may not	

49 CFR 24 Subpart E – Replacement Housing Payments

2005 Rule	2024 Rule	
	Text	Appendix
<p>not exceed \$22,500 (See also § 24.404). The payment under this subpart is limited to the amount necessary to relocate to a comparable replacement dwelling within one year from the date the displaced homeowner-occupant is paid for the displacement dwelling, or the date a comparable replacement dwelling is made available to such person, whichever is later. The payment shall be the sum of:</p> <ul style="list-style-type: none"> (1) The amount by which the cost of a replacement dwelling exceeds the acquisition cost of the displacement dwelling, as determined in accordance with paragraph (c) of this section; (2) The increased interest costs and other debt service costs which are incurred in connection with the mortgage(s) on the replacement dwelling, as determined in accordance with paragraph (d) of this section; and (3) The reasonable expenses incidental to the purchase of the replacement dwelling, as determined in accordance with paragraph (e) of this section. 	<p>exceed <u>\$41,200</u> (<u>see</u> also § 24.404). The payment under this subpart is limited to the amount necessary to relocate to a comparable replacement dwelling within <u>1</u> year from the date the displaced homeowner-occupant is paid for the displacement dwelling, or the date a comparable replacement dwelling is made available to such person, whichever is later. The payment shall be the sum of:</p> <ul style="list-style-type: none"> (1) The amount by which the cost of a replacement dwelling exceeds the acquisition cost of the displacement dwelling, as determined in accordance with paragraph (c) of this section; (2) The increased interest costs and other debt service costs which are incurred in connection with the mortgage(s) on the replacement dwelling, as determined in accordance with paragraph (d) <u>or (e)</u> of this section, <u>as applicable</u>; and (3) The reasonable expenses incidental to the purchase of the replacement dwelling, as determined in accordance with paragraph <u>(f)</u> of this section. 	
24.401(c) Price differential.		
<p>(1) Basic computation. The price differential to be paid under paragraph (b)(1) of this section is the amount which must be added to the acquisition cost of the displacement dwelling and site (<u>see</u> § 24.2(a)(11)) to provide a total amount</p>	<p>(1) Basic computation. The price differential to be paid under paragraph (b)(1) of this section is the amount which must be added to the acquisition cost of the displacement dwelling and site (<u>see</u> § 24.2(a)) to provide a total amount equal</p>	

49 CFR 24 Subpart E – Replacement Housing Payments

2005 Rule	2024 Rule	
	Text	Appendix
<p>equal to the lesser of:</p> <ul style="list-style-type: none"> (i) The reasonable cost of a comparable replacement dwelling as determined in accordance with § 24.403(a); or (ii) The purchase price of the decent, safe, and sanitary replacement dwelling actually purchased and occupied by the displaced person. <p>(2) Owner retention of displacement dwelling. If the owner retains ownership of his or her dwelling, moves it from the displacement site, and reoccupies it on a replacement site, the purchase price of the replacement dwelling shall be the sum of:</p> <ul style="list-style-type: none"> (i) The cost of moving and restoring the dwelling to a condition comparable to that prior to the move; (ii) The cost of making the unit a decent, safe, and sanitary replacement dwelling (defined at § 24.2(a)(8)); and (iii) The current fair market value for residential use of the replacement dwelling site (see appendix A , § 24.401(c)(2)(iii)), unless the claimant rented the displacement site and there is a reasonable opportunity for the claimant to rent a suitable replacement site; and 	<p>to the lesser of:</p> <ul style="list-style-type: none"> (i) The reasonable cost of a comparable replacement dwelling as determined in accordance with § 24.403(a); or (ii) The purchase price of the <u>DSS</u> replacement dwelling actually purchased and occupied by the displaced person. <p>(2) Owner retention of displacement dwelling. If the owner retains ownership of his or her dwelling, moves it from the displacement site, and reoccupies it on a replacement site, the purchase price of the replacement dwelling shall be the sum of:</p> <ul style="list-style-type: none"> (i) The cost of moving and restoring the dwelling to a condition comparable to that prior to the move; (ii) The cost of making the unit a <u>DSS</u> replacement dwelling (<u>see</u> § 24.2(a)); (iii) The current fair market value for residential use of the replacement dwelling site (see appendix A <u>to this part, section</u> 24.401(c)(2)(iii)), unless the claimant rented the displacement site and there is a reasonable opportunity for the claimant to rent a suitable replacement site; and 	<p><i>Section 24.401(c)(2)(iii) Price differential.</i> The provision in § 24.401(c)(2)(iii) to use the current fair market value for residential use does not mean the Agency <u>agency</u> must have the property appraised. Any reasonable method for arriving at the fair market value may be used.</p>

49 CFR 24 Subpart E – Replacement Housing Payments

2005 Rule	2024 Rule	
	Text	Appendix
(iv) The retention value of the dwelling , if such retention value is reflected in the “acquisition cost” used when computing the replacement housing payment.	(iv) The retention value of the dwelling if such retention value is reflected in the “acquisition cost” used when computing the replacement housing payment.	
24.401(d) Increased mortgage interest costs.		
<p>The displacing Agency shall determine the factors to be used in computing the amount to be paid to a displaced person under paragraph (b)(2) of this section. The payment for increased mortgage interest cost shall be the amount which will reduce the mortgage balance on a new mortgage to an amount which could be amortized with the same monthly payment for principal and interest as that for the mortgage(s) on the displacement dwelling. In addition, payments shall include other debt service costs, if not paid as incidental costs, and shall be based only on bona fide mortgages that were valid liens on the displacement dwelling for at least 180 days prior to the initiation of negotiations. Paragraphs (d)(1) through (d)(5) of this section shall apply to the computation of the increased mortgage interest costs payment, which payment shall be contingent upon a mortgage being placed on the replacement dwelling.</p> <p>(1) The payment shall be based on the unpaid mortgage balance(s) on the</p>	<p>The <u>agency</u> shall determine the factors to be used in computing the amount to be paid to a displaced person under paragraph (b)(2) of this section. <u>Except as otherwise provided in paragraph (e) of this section, the</u> payment for increased mortgage interest cost shall be the amount which will reduce the mortgage balance on a new mortgage to an amount which could be amortized with the same monthly payment for principal and interest as that for the mortgage(s) on the displacement dwelling. In addition, payments shall include other debt service costs, if not paid as incidental costs, and shall be based only on bona fide mortgages that were valid liens on the displacement dwelling for at least 180 days prior to the initiation of negotiations. Paragraphs (d)(1) through (5) of this section shall apply to the computation of the increased mortgage interest costs payment, which payment shall be contingent upon a mortgage being placed on the replacement dwelling.</p> <p>(1) The payment shall be based on the unpaid mortgage balance(s) on the</p>	<p><i>Section 24.401(d) Increased mortgage interest costs.</i> The provision in § 24.401(d) sets forth the factors to be used in computing the payment that will be required to reduce a person's replacement mortgage (added to the downpayment <u>down payment</u>) to an amount which can be amortized at the same monthly payment for principal and interest over the same period of time as the remaining term on the displacement mortgages. This payment is commonly known as the “buydown.”</p> <p>The Agency <u>agency</u> must know the remaining principal balance, the interest rate, and monthly principal and interest payments for the old mortgage as well as the interest rate, points, and term for the new mortgage to compute the increased mortgage interest costs. If the combination of interest and points for the new mortgage exceeds the current prevailing fixed interest rate and points for conventional mortgages and there is no justification for the excessive rate, then the current prevailing fixed interest rate and points shall be used in the computations. Justification may be the unavailability of the</p>

49 CFR 24 Subpart E – Replacement Housing Payments

2005 Rule	2024 Rule																	
	Text	Appendix																
<p>displacement dwelling; however, in the event the displaced person obtains a smaller mortgage than the mortgage balance(s) computed in the buydown determination, the payment will be prorated and reduced accordingly. (See appendix A , §24.401(d).) In the case of a home equity loan the unpaid balance shall be that balance which existed 180 days prior to the initiation of negotiations or the balance on the date of acquisition, whichever is less.</p> <p>(2) The payment shall be based on the remaining term of the mortgage(s) on the displacement dwelling or the term of the new mortgage, whichever is shorter.</p> <p>(3) The interest rate on the new mortgage used in determining the amount of the payment shall not exceed the prevailing fixed interest rate for conventional mortgages currently charged by mortgage lending institutions in the area in which the replacement dwelling is located.</p> <p>(4) Purchaser's points and loan origination or assumption fees, but not seller's points, shall be paid to the extent:</p> <p style="padding-left: 20px;">(i) They are not paid as incidental expenses;</p>	<p>displacement dwelling; however, in the event the displaced person obtains a smaller mortgage than the mortgage balance(s) computed in the buydown determination, the payment will be prorated and reduced accordingly. (See appendix A to this part, section 24.401(d).) In the case of a home equity loan the unpaid balance shall be that balance which existed 180 days prior to the initiation of negotiations or the balance on the date of acquisition, whichever is less.</p> <p>(2) The payment shall be based on the remaining term of the mortgage(s) on the displacement dwelling or the term of the new mortgage, whichever is shorter.</p> <p>(3) The interest rate on the new mortgage used in determining the amount of the payment shall not exceed the prevailing fixed interest rate for conventional mortgages currently charged by mortgage lending institutions in the area in which the replacement dwelling is located.</p> <p>(4) Purchaser's points and loan origination or assumption fees, but not seller's points, shall be paid to the extent:</p> <p style="padding-left: 20px;">(i) They are not paid as incidental expenses;</p>	<p>current prevailing rate due to the amount of the new mortgage, credit difficulties, or other similar reasons.</p> <p>Sample Computation</p> <table><tr><td colspan="2">Old Mortgage:</td></tr><tr><td>Remaining Principal Balance</td><td>\$50,000</td></tr><tr><td>Monthly Payment (principal and interest)</td><td>\$458.22</td></tr><tr><td>Interest rate (percent)</td><td>7</td></tr><tr><td colspan="2">New Mortgage:</td></tr><tr><td>Interest rate (percent)</td><td>10</td></tr><tr><td>Points</td><td>3</td></tr><tr><td>Term (years)</td><td>15</td></tr></table> <p>Remaining term of the old mortgage is determined to be 174 months. Determining, or computing, the actual remaining term is</p>	Old Mortgage:		Remaining Principal Balance	\$50,000	Monthly Payment (principal and interest)	\$458.22	Interest rate (percent)	7	New Mortgage:		Interest rate (percent)	10	Points	3	Term (years)	15
Old Mortgage:																		
Remaining Principal Balance	\$50,000																	
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Term (years)	15																	

49 CFR 24 Subpart E – Replacement Housing Payments

2005 Rule	2024 Rule													
	Text	Appendix												
<p>(ii) They do not exceed rates normal to similar real estate transactions in the area;</p> <p>(iii) The Agency determines them to be necessary; and</p> <p>(iv) The computation of such points and fees shall be based on the unpaid mortgage balance on the displacement dwelling, less the amount determined for the reduction of the mortgage balance under this section.</p> <p>(5) The displaced person shall be advised of the approximate amount of this payment and the conditions that must be met to receive the payment as soon as the facts relative to the person's current mortgage(s) are known and the payment shall be made available at or near the time of closing on the replacement dwelling in order to reduce the new mortgage as intended.</p>	<p>(ii) They do not exceed rates normal to similar real estate transactions in the area;</p> <p>(iii) The <u>agency</u> determines them to be necessary; and</p> <p>(iv) The computation of such points and fees shall be based on the unpaid mortgage balance on the displacement dwelling, less the amount determined for the reduction of the mortgage balance under this section.</p> <p>(5) The displaced person shall be advised of the approximate amount of this payment and the conditions that must be met to receive the payment as soon as the facts relative to the person's current mortgage(s) are known and the payment shall be made available at or near the time of closing on the replacement dwelling in order to reduce the new mortgage as intended.</p>	<p>more reliable than using the data supplied by the mortgagee. However, if it is shorter, use the term of the new mortgage and compute the needed monthly payment.</p> <p>Amount to be financed to maintain monthly payments of \$458.22 at 10% = \$42,010.18.</p> <table><tr><th colspan="2">Calculation:</th></tr><tr><td>Remaining Principal Balance</td><td>\$50,000.00</td></tr><tr><td>Minus <u>Annual</u> Monthly Payment (principal and interest)</td><td>-42,010.18</td></tr><tr><td>Increased mortgage interest costs</td><td>7,989.82</td></tr><tr><td>3 points on \$42,010.18</td><td>1,260.31</td></tr><tr><td>Total buydown necessary to maintain payments at \$458.22/month</td><td>9,250.13</td></tr></table> <p>If the new mortgage actually obtained is less than the computed amount for a new mortgage (\$42,010.18), the buydown shall be prorated accordingly. If the actual mortgage obtained in our example were \$35,000, the</p>	Calculation:		Remaining Principal Balance	\$50,000.00	Minus <u>Annual</u> Monthly Payment (principal and interest)	-42,010.18	Increased mortgage interest costs	7,989.82	3 points on \$42,010.18	1,260.31	Total buydown necessary to maintain payments at \$458.22/month	9,250.13
Calculation:														
Remaining Principal Balance	\$50,000.00													
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Total buydown necessary to maintain payments at \$458.22/month	9,250.13													

49 CFR 24 Subpart E – Replacement Housing Payments

2005 Rule	2024 Rule	
	Text	Appendix
		<p>buydown payment would be \$7,706.57 (\$35,000 divided by $42,010.18 = .8331$; $9,250.13$ multiplied by $.83 = \\$7,706.57$).</p> <p>The Agency <u>agency</u> is obligated to inform the displaced person of the approximate amount of this payment and that the displaced person must obtain a mortgage of at least the same amount as the old mortgage and for at least the same term in order to receive the full amount of this payment. The Agency <u>to advise the displaced person of the interest rate and points used to calculate the payment.</u></p> <p><u>The FHWA has an online tool to calculate increased mortgage interest costs for fixed, and interest only loans at https://www.fhwa.dot.gov/real_estate/uniform_act/relocation/midpcalcs/.</u></p>
24.401(e) Reverse Mortgages.		
	<p><u>The payment for replacing a reverse mortgage shall be the difference between the existing reverse mortgage balance and the minimum dollar amount necessary to purchase a replacement reverse mortgage which will provide the same or similar terms as that for the reverse mortgage on the displacement dwelling. In addition, payments shall include other debt service costs, if not paid as incidental costs, and shall be based only on reverse mortgages that were valid liens on the displacement dwelling for at least 180 days prior to the initiation of negotiations.</u></p>	<p><u>Section 24.401(e) Reverse Mortgage. The provision in § 24.401(e) sets forth the factors to be considered to estimating an amount, after paying off the existing balance, sufficient to purchase a replacement reverse mortgage that provides a tenure or term payment, line of credit, or lump-sum disbursement. The Agency must know the value of the acquired dwelling, existing balance of displacement reverse mortgage, remaining equity, and price of the selected comparable or actual replacement dwelling, to compute the estimated reverse mortgage supplement</u></p>

49 CFR 24 Subpart E – Replacement Housing Payments

2005 Rule	2024 Rule	
	Text	Appendix
	<p><u>Paragraphs (e)(1) through (4) of this section shall apply to the computation of the mortgage interest differential payment required under paragraph (d) of this section, which payment shall be contingent upon a new reverse mortgage being purchased for the replacement dwelling.</u></p> <p><u>(1) The payment shall be based on the difference between the reverse mortgage balance and the minimum amount needed to qualify for a reverse mortgage with the similar terms as the reverse mortgage on the displacement dwelling; however, in the event the displaced person obtains a reverse mortgage with a smaller principal balance than the reverse mortgage balance(s) computed in the buydown determination, the payment will be prorated and reduced accordingly. (See appendix A to this part, section 24.401(e).) The reverse mortgage balance shall be that balance which existed 180 days prior to the initiation of negotiations or the reverse mortgage balance on the date of acquisition, whichever is less.</u></p> <p><u>(2) The interest rate on the new reverse mortgage used in determining the amount of the eligibility shall not exceed the prevailing rate for reverse mortgages</u></p>	<p><u>payment for a replacement reverse mortgage. In cases where there is a tenure or term payment additional information such as the age of the youngest borrower, amounts of the tenure payment, amount and remaining term of term payment and the current interest rate, is needed to calculate the payment and will require the assistance of a reverse mortgage broker.</u></p> <p><u>Below are four scenarios for relocation payment eligibilities. As you will note, the eligibility is the same in each case; however, benefit amounts will vary depending on the individual's circumstance and existing reverse mortgage terms. This Appendix also contains a list of other possible Agency options, should a displaced person elect to use them; however, they are not recommended by FHWA because they do not place the person into a replacement reverse mortgage.</u></p> <p><u>Situation 1 - Owner has sufficient remaining equity to obtain a replacement reverse mortgage for purchase.</u></p> <p><u>Situation 2 - Owner's existing reverse mortgage has a tenure disbursement payment and there is not sufficient remaining equity to obtain a replacement reverse mortgage.</u></p> <p><u>Situation 3 - Owner's existing reverse mortgage has a term disbursement payment and there is not sufficient remaining equity to obtain a replacement reverse mortgage.</u></p>

49 CFR 24 Subpart E – Replacement Housing Payments

2005 Rule	2024 Rule	
	Text	Appendix
	<p><u>currently charged by mortgage lending institutions for owners with similar amounts of equity in their units in the area in which the replacement dwelling is located.</u></p> <p><u>(3) Purchaser's points and loan origination, but not seller's points, shall be paid to the extent:</u></p> <p><u>(i) They are not paid as incidental expenses;</u></p> <p><u>(ii) They do not exceed rates normal to similar real estate transactions in the area;</u></p> <p><u>(iii) The agency determines them to be necessary; and</u></p> <p><u>(iv) The computation of such points and fees shall be based on the reverse mortgage balance on the displacement dwelling plus any amount necessary to purchase the new reverse mortgage.</u></p> <p><u>(4) The displaced person or their representative shall be advised of the approximate amount of this eligibility and the conditions that must be met to receive the reimbursement as soon as the facts relative to the person's current reverse mortgage are known; the payment shall be made available at or near the time of closing on the replacement dwelling in order to</u></p>	<p><u>Situation 4 - Owner's existing reverse mortgage is a line of credit and there is not sufficient remaining equity to obtain a replacement reverse mortgage.</u></p> <p><u>The displaced homeowner may be eligible for the following relocation payments:</u></p> <ul style="list-style-type: none"> • <u>A price differential payment in accordance with § 24.401(c).</u> <p><u>The owner would be eligible for a price differential payment (the difference between the comparable replacement dwelling and the acquisition cost of the displacement dwelling).</u></p> <ul style="list-style-type: none"> • <u>The administrative costs and incidental expenses necessary to establish the new reverse mortgage.</u> <p><u>Incidental costs incurred with a replacement reverse mortgage are reimbursable and fall into three categories - Mortgage insurance premium (MIP), loan origination fee, and closing costs.</u></p> <ul style="list-style-type: none"> • <u>A mortgage interest differential payment if the homeowner incurs a higher interest rate on the new reverse mortgage.</u> <p><u>The payment would be based on the difference between the displacement adjustable-rate mortgage (ARM) cap rate at the initiation of negotiations and the available ARM cap rate and those rates would be used as the components to</u></p>

49 CFR 24 Subpart E – Replacement Housing Payments

2005 Rule	2024 Rule	
	Text	Appendix
	<p><u>purchase the new reverse mortgage as intended.</u></p>	<p><u>calculate the MIDP in accordance with the sample calculation provided at <i>Section 24.401(d)</i> of this appendix. The Agency must advise the displaced person of the interest rate used to calculate the payment. Note that most reverse mortgages are monthly adjustable rate mortgages, so any interest differential payment would be minimal.</u></p> <ul style="list-style-type: none"> <u><i>If the displaced homeowner elects to relocate into rental housing rather than remain a homeowner, then the Agency will calculate relocation assistance payments in accordance with § 24.401(g).</i></u> <p><u>For example, the Agency computes a rental assistance payment of \$10,000 for the owners based on a comparable replacement rental dwelling. When the owners settle with the Agency, the owner will pay off the balance of the reverse mortgage and retain any remaining equity in the property. They are eligible for the rental assistance payment when they rent and occupy the DSS replacement dwelling.</u></p> <p><u>NOTE: In all situations, if the displaced homeowner elects to relocate into rental housing rather than remain homeowner, then the Agency will calculate relocation assistance payments in accordance with § 24.401(g).</u></p>

49 CFR 24 Subpart E – Replacement Housing Payments

2005 Rule	2024 Rule	
	Text	Appendix
		<p><u>NOTE:</u> <u>If the existing reverse mortgage was a lump-sum or line-of-credit which has been exhausted, then the Agency is not under obligation to replace those amounts, but only to replace the reverse mortgage with a reverse mortgage with terms and equity similar to the displacement reverse mortgage.</u> <u>Other Agency options (not recommended unless elected by the displaced person, since they do not place the person into the same situation as the displacement reverse mortgage provided):</u></p> <ul style="list-style-type: none"> • <u>A direct loan as set forth in § 24.404 under housing of last resort</u> • <u>A life estate interest in a comparable replacement dwelling under replacement housing of last resort</u> • <u>Agency purchases a comparable replacement dwelling and retains ownership and conveys a leasehold interest to the owner for his/her lifetime</u> • <u>Agency offers a comparable replacement rental dwelling to convert the homeowner-occupant to tenant status.</u>
24.401(f) Incidental expenses.		
The incidental expenses to be paid under paragraph (b)(3) of this section or § 24.402(c)(1) are those necessary and reasonable costs actually incurred by the	The incidental expenses to be paid under paragraph (b)(3) of this section or § 24.402(c)(1) are those necessary and reasonable costs actually incurred by the	

49 CFR 24 Subpart E – Replacement Housing Payments

2005 Rule	2024 Rule	
	Text	Appendix
<p>displaced person incident to the purchase of a replacement dwelling, and customarily paid by the buyer, including:</p> <ul style="list-style-type: none"> (1) Legal, closing, and related costs, including those for title search, preparing conveyance instruments, notary fees, preparing surveys and plats, and recording fees. (2) Lender, FHA, or VA application and appraisal fees. (3) Loan origination or assumption fees that do not represent prepaid interest. (4) Professional home inspection, certification of structural soundness, and termite inspection. (5) Credit report. (6) Owner's and mortgagee's evidence of title, <i>e.g.</i>, title insurance, not to exceed the costs for a comparable replacement dwelling. (7) Escrow agent's fee. (8) State revenue or documentary stamps, sales or transfer taxes (not to exceed the costs for a comparable replacement dwelling). (9) Such other costs as the Agency determine to be incidental to the purchase. 	<p>displaced person incident to the purchase of a replacement dwelling, and customarily paid by the buyer, including:</p> <ul style="list-style-type: none"> (1) Legal, closing, and related costs, including those for title search, preparing conveyance instruments, notary fees, preparing surveys and plats, and recording fees. (2) Lender, FHA, or VA application and appraisal fees. (3) Loan origination or assumption fees that do not represent prepaid interest. (4) Professional home inspection, certification of structural soundness, and termite inspection. (5) Credit report. (6) Owner's and mortgagee's evidence of title, <i>e.g.</i>, title insurance, not to exceed the costs for a comparable replacement dwelling. (7) Escrow agent's fee. (8) State revenue or documentary stamps, sales, or transfer taxes (not to exceed the costs for a comparable replacement dwelling). (9) Such other costs as the <u>agency determines</u> to be incidental to the purchase. 	
24.401(fg) Rental assistance payment for 180-90-day homeowner.		
A 180 -day homeowner-occupant, who could be eligible for a replacement housing payment	A <u>90</u> -day homeowner-occupant, who could be eligible for a replacement housing payment	

49 CFR 24 Subpart E – Replacement Housing Payments

2005 Rule	2024 Rule	
	Text	Appendix
<p>under paragraph (a) of this section but elects to rent a replacement dwelling, is eligible for a rental assistance payment. The amount of the rental assistance payment is based on a determination of market rent for the acquired dwelling compared to a comparable rental dwelling available on the market. The difference, if any, is computed in accordance with § 24.402(b)(1), except that the limit of \$5,250 does not apply, and disbursed in accordance with § 24.402(b)(3). Under no circumstances would the rental assistance payment exceed the amount that could have been received under § 24.401(b)(1) had the 180-day homeowner elected to purchase and occupy a comparable replacement dwelling.</p>	<p>under paragraph (a) of this section but elects to rent a replacement dwelling, is eligible for a rental assistance payment. The amount of the rental assistance payment is based on a determination of market rent for the acquired dwelling compared to a comparable rental dwelling available on the market. The difference, if any, is computed in accordance with § 24.402(b)(1), except that the limit of <u>\$9,570</u> does not apply, and <u>is</u> disbursed in accordance with § 24.402(b)(3). Under no circumstances would the rental assistance payment exceed the amount that could have been received under <u>paragraph (b)(1) of this section</u> had the <u>90</u>-day homeowner elected to purchase and occupy a comparable replacement dwelling. <u>Payments allowed under § 24.402(c) are not applicable.</u></p>	
24.402 Replacement housing payment for 90-day occupants tenants and certain others.		
		<p><i>Section 24.402 Replacement Housing Payment for 90-day Occupants <u>tenants and certain others.</u></i></p>
24.402(a) Eligibility.		
<p>A tenant or owner-occupant displaced from a dwelling is entitled to a payment not to exceed \$5,250 for rental assistance, as computed in accordance with paragraph (b) of this section, or downpayment assistance, as computed in accordance with paragraph (c) of this section, if such displaced person:</p>	<p>A tenant or <u>homeowner</u> displaced from a dwelling is entitled to a payment not to exceed <u>\$9,570</u> for rental assistance, as computed in accordance with paragraph (b) of this section, or <u>down payment</u> assistance, as computed in accordance with paragraph (c) of this section, if such displaced person:</p>	

49 CFR 24 Subpart E – Replacement Housing Payments

2005 Rule	2024 Rule	
	Text	Appendix
<p>(1) Has actually and lawfully occupied the displacement dwelling for at least 90 days immediately prior to the initiation of negotiations; and</p> <p>(2) Has rented or purchased and occupied a decent, safe, and sanitary replacement dwelling within 1 year (unless the Agency extends this period for good cause) after ÷</p> <p>(i) For a tenant, the date he or she moves from the displacement dwelling; or</p> <p>(ii) For an owner-occupant, the later of:</p> <p>(A) The date he or she receives final payment for the displacement dwelling, or in the case of condemnation, the date the full amount of the estimate of just compensation is deposited with the court; or</p> <p>(B) The date he or she moves from the displacement dwelling.</p>	<p>(1) Has actually and lawfully occupied the displacement dwelling for at least 90 days immediately prior to the initiation of negotiations; and</p> <p>(2) Has rented or purchased and occupied a <u>DSS</u> replacement dwelling within 1 year (unless the <u>agency</u> extends this period for good cause) after the date he or she moves from the displacement dwelling.</p>	
24.402(b) Rental assistance payment.		
<p>(1) Amount of payment. An eligible displaced person who rents a replacement dwelling is entitled to a payment not to exceed \$5,250 for rental assistance. (See § 24.404-) Such payment shall be 42 times the amount obtained by subtracting the base monthly rental for the displacement dwelling from the lesser of:</p>	<p>(1) Amount of payment. An eligible displaced person <u>under paragraph (a) of this section</u> who rents a replacement dwelling is entitled to a payment not to exceed <u>\$9,570</u> for rental assistance. (See § 24.404) Such payment shall be 42 times the amount obtained by subtracting the base monthly rental for the displacement dwelling from the</p>	

49 CFR 24 Subpart E – Replacement Housing Payments

2005 Rule	2024 Rule	
	Text	Appendix
<p>(i) The monthly rent and estimated average monthly cost of utilities for a comparable replacement dwelling; or</p> <p>(ii) The monthly rent and estimated average monthly cost of utilities for the decent, safe, and sanitary replacement dwelling actually occupied by the displaced person.</p> <p>(2) Base monthly rental for displacement dwelling. The base monthly rental for the displacement dwelling is the lesser of:</p> <p>(i) The average monthly cost for rent and utilities at the displacement dwelling for a reasonable period prior to displacement, as determined by the Agency (for an owner-occupant, use the fair market rent for the displacement dwelling. For a tenant who paid little or no rent for the displacement dwelling, use the fair market rent, unless its use would result in a hardship because of the person's income or other circumstances);</p> <p>(ii) Thirty (30) percent of the displaced person's average monthly gross household income if the amount is classified as "low income" by the U.S.</p>	<p>lesser of:</p> <p>(i) The monthly rent and estimated average monthly cost of utilities for a comparable replacement dwelling; or</p> <p>(ii) The monthly rent and estimated average monthly cost of utilities for the <u>DSS</u> replacement dwelling actually occupied by the displaced person.</p> <p>(2) Base monthly rental for displacement dwelling. The base monthly rental for the displacement dwelling is the lesser of:</p> <p>(i) The average monthly cost for rent and utilities at the displacement dwelling for a reasonable period prior to displacement, as determined by the <u>agency</u> (for an owner-occupant, use the fair market rent for the displacement dwelling; <u>for</u> a tenant who paid little or no rent for the displacement dwelling, use the fair market rent, unless its use would result in a hardship because of the person's income or other circumstances);</p> <p>(ii) Thirty (30) percent of the displaced person's average monthly gross household income if the amount is classified as "low income" by the U.S.</p>	<p><i>Section 24.402(b)(2) Low income calculation example.</i> The Uniform Act requires that an eligible displaced person who rents a replacement dwelling is entitled to a rental assistance payment calculated in accordance with § 24.402(b). One factor in this calculation is to determine if a displaced person is <u>classified as having</u> "low income," as defined by the U.S. Department of Housing and Urban Development's annual survey of income limits for the Public Housing and Section 8 Programs. To make such a determination, the Agency <u>agency</u> must:</p> <p>(1) Determine the total number of members in the household (including all adults and children);</p> <p>(2) locate the appropriate table for income limits applicable to the Uniform Act for the state <u>State</u> in which the displaced residence is located (found at: <u>https://www.fhwa.dot.gov/realstate/ua/</u></p>

49 CFR 24 Subpart E – Replacement Housing Payments

2005 Rule	2024 Rule	
	Text	Appendix
<p>Department of Housing and Urban Development's Annual Survey of Income Limits for the Public Housing and Section 8 Programs⁴⁴. The base monthly rental shall be established solely on the criteria in paragraph (b)(2)(i) of this section for persons with income exceeding the survey's "low income" limits, for persons refusing to provide appropriate evidence of income, and for persons who are dependents. A fulltime student or resident of an institution may be assumed to be a dependent, unless the person demonstrates otherwise; or,</p> <p>(iii) The total of the amounts designated for shelter and utilities if the displaced person is receiving a welfare assistance payment from a program that designates the amounts for shelter and utilities.</p> <p>(3) Manner of disbursement. A rental assistance payment may, at the Agency's</p>	<p>Department of Housing and Urban Development ⁴⁴<u>(HUD) in its most recently published Uniform Relocation Act Income Limits ("Survey")</u>. The base monthly rental shall be established solely on the criteria in paragraph (b)(2)(i) of this section for persons with income exceeding the <u>Survey's</u> "low income" limits, for persons refusing to provide appropriate evidence of income, and for persons who are dependents. A full-time student or resident of an institution may be assumed to be a dependent, unless the person demonstrates otherwise; or</p> <p>(iii) The total of the amounts designated for shelter and utilities if the displaced person is receiving a welfare assistance payment from a program that designates the amounts for shelter and utilities.</p> <p><u>Note 1 to paragraph (b)(2): The Survey's income limits are updated annually and are available on FHWA's website at https://www.fhwa.dot.gov/real_estate/low_income_calculations/index.cfm.</u></p> <p>(3) Manner of disbursement. A rental assistance payment may, at the <u>agency's</u></p>	<p>ualic.htm <u>real estate/policy_guidance/low income_calculations/index.cfm</u>);</p> <p>(3) from the list of local jurisdictions shown, identify the appropriate county, Metropolitan Statistical Area (MSA),* or Primary Metropolitan Statistical Area (PMSA)* in which the displacement property is located; and</p> <p>(4) locate the appropriate income limit in that jurisdiction for the size of this displaced person/family. The income limit must then be compared to the household income (<u>defined at § 24.2(a)(15)</u>) which is the gross annual income received by the displaced family, excluding income from any dependent children and full-time students under the age of 18. If the household income for the eligible displaced person/family is less than or equal to the income limit, the family is considered "low income." For example:</p> <p>Tom and Mary Smith and their three children are being displaced. The information obtained from the family and verified by the Agency <u>agency</u> is as follows:</p> <p>Tom Smith, employed, earns \$21,000/yr.</p> <p>Mary Smith, receives disability payments of \$6,000/yr.</p> <p>Tom Smith, Jr., 21, employed, earns \$10,000/yr.</p> <p>Mary Jane Smith, 17, student, has a paper route, earns \$3,000/yr. (Income is not</p>

49 CFR 24 Subpart E – Replacement Housing Payments

2005 Rule	2024 Rule	
	Text	Appendix
<p>discretion, be disbursed in either a lump sum or in installments. However, except as limited by § 24.403(f), the full amount vests immediately, whether or not there is any later change in the person's income or rent, or in the condition or location of the person's housing.</p>	<p>discretion, be disbursed in either a lump sum or in installments. However, except as limited by § 24.403(f), the full amount vests immediately, whether or not there is any later change in the person's income or rent, or in the condition or location of the person's <u>replacement</u> housing.</p>	<p>included because she is a dependent child and a full-time student under 18) Sammie Smith, 10, full-time student, no income. Total family income for 5<u>five</u> persons is: \$21,000<u>\$35,000</u> + \$6,000<u>12,000</u> + \$10,000<u>\$18,000</u> = \$37,000<u>\$65,000</u> The displacement residence is located in the State of Maryland, Caroline County. The low income limit for a 5<u>five</u> person household is: \$47,450<u>\$77,450</u>. (2004<u>2022</u> Income Limits) This household is considered “low income.” * A complete list of counties and towns included in the identified MSAs and PMSAs can be found under the bulleted item “Income Limit Area Definition” posted on the FHWA's Web site<u>website</u> at: http://www.fhwa.dot.gov/realstate/ua/ualic.htm<u>https://www.fhwa.dot.gov/realstate/ua/real_estate/</u>.</p>
24.402(c) Downpayment <u>Down payment</u> assistance payment.		
<p>(1) Amount of payment. An eligible displaced person who purchases a replacement dwelling is entitled to a downpayment assistance payment in the amount the person would receive under paragraph (b) of this section if the person rented a comparable replacement dwelling. At the Agency's discretion, a downpayment assistance payment that is less than \$5,250 may be</p>	<p>(1) Amount of payment. An eligible displaced person <u>under paragraph (a) of this section</u> who purchases a replacement dwelling is entitled to a <u>down payment</u> assistance payment in the amount the person would receive under paragraph (b) of this section if the person rented a comparable replacement dwelling. At the <u>agency's</u> discretion, a <u>down payment</u> assistance payment that is less than</p>	<p>Section 24.402(c) Downpayment <u>Down payment</u> assistance. The downpayment <u>down payment</u> assistance provisions in § 24.402(c) limit such assistance to the amount of the computed rental assistance payment for a tenant or an eligible homeowner. It does, however, provide the latitude for Agency <u>agency</u> discretion in offering downpayment <u>down payment</u> assistance that exceeds the computed rental assistance payment, up to</p>

49 CFR 24 Subpart E – Replacement Housing Payments

2005 Rule	2024 Rule	
	Text	Appendix
<p>increased to any amount not to exceed \$5,250. However, the payment to a displaced homeowner shall not exceed the amount the owner would receive under § 24.401(b) if he or she met the 180-day occupancy requirement. If the Agency elects to provide the maximum payment of \$5,250 as a downpayment, the Agency shall apply this discretion in a uniform and consistent manner, so that eligible displaced persons in like circumstances are treated equally. A displaced person eligible to receive a payment as a 180-day owner-occupant under § 24.401(a) is not eligible for this payment. (See appendix A , §-24.402(c) .)</p> <p>(2) Application of payment. The full amount of the replacement housing payment for downpayment-assistance must be applied to the purchase price of the replacement dwelling and related incidental expenses.</p> <p>Footnotes – 24.402</p> <p>⁽⁴⁾ The U.S. Department of Housing and Urban Development's Public Housing and Section 8 Program Income Limits are updated annually</p>	<p><u>\$9,570</u> may be increased to any amount not to exceed <u>\$9,570</u>. However, the payment to a displaced <u>person</u> shall not exceed the amount the <u>homeowner</u> would receive under § 24.401(b) if he or she met the <u>90</u>-day occupancy requirement. If the <u>agency</u> elects to provide the maximum payment of <u>\$9,570</u> as a <u>down payment</u>, the <u>agency</u> shall apply this discretion in a uniform and consistent manner, so that eligible displaced persons in like circumstances are treated equally. A displaced person eligible to receive a payment as a <u>90</u>-day owner-occupant under § 24.401(a) is not eligible for this payment. (See appendix A <u>to this part, section 24.402(c) for payments to less than 90-day occupants and for a discussion of those who fail to meet the 90-day occupancy requirements.</u>)</p> <p>(2) Application of payment. The full amount of the replacement housing payment for <u>down payment</u> assistance must be applied to the purchase price of the replacement dwelling and related incidental expenses.</p>	<p>the \$5,250 <u>\$9,570</u> statutory maximum. This does not mean, however, that such Agency <u>agency</u> discretion may be exercised in a selective or discriminatory fashion. The displacing Agency <u>agency</u> should develop a policy <u>or requirement</u> that affords equal treatment for displaced persons in like circumstances and this policy <u>or requirement</u> should be applied uniformly throughout the Agency <u>agency</u>'s programs or projects.</p> <p>For the purpose of this section, should the amount of the rental assistance payment exceed the purchase price of the replacement dwelling, the payment would be limited to the cost of the dwelling. Section 24.404 Replacement Housing of Last Resort <u>a displaced homeowner who elects to rent a replacement dwelling may not receive more than the eligibility the homeowner would have received as an eligible displaced homeowner purchasing a home.</u></p> <p><u>Section 24.404(c)(3) requires the agency to provide assistance to a displaced owner or tenant occupant who fails to meet the 90-day requirement for length of occupancy of the displacement dwelling, prior to the initiation of negotiations, which is required for eligibility to receive a replacement housing payment under §§ 24.401 and 24.402.</u></p>

49 CFR 24 Subpart E – Replacement Housing Payments

2005 Rule	2024 Rule	
	Text	Appendix
and are available on FHWA's Web site at http://www.fhwa.dot.gov/realstate/ua/ualic.htm .		
24.403 Additional rules governing replacement housing payments.		
24.403(a) Determining cost of comparable replacement dwelling.		
<p>The upper limit of a replacement housing payment shall be based on the cost of a comparable replacement dwelling (defined at § 24.2(a)(6)).</p> <p>(1) If available, at least three comparable replacement dwellings shall be examined and the payment computed on the basis of the dwelling most nearly representative of, and equal to, or better than, the displacement dwelling.</p> <p>(2) If the site of the comparable replacement dwelling lacks a major exterior attribute of the displacement dwelling site, (e.g., the site is significantly smaller or does not contain a swimming pool), the value of such attribute shall be subtracted from the acquisition cost of the displacement dwelling for purposes of computing the payment.</p> <p>(3) If the acquisition of a portion of a typical residential property causes the</p>	<p>The upper limit of a replacement housing payment shall be based on the cost of a comparable replacement dwelling. (See § 24.2(a).)</p> <p>(1) If available, at least three comparable replacement dwellings shall be <u>considered</u> and the payment computed on the basis of the dwelling most nearly representative of, and equal to or better than, the displacement dwelling. (See <u>appendix A to this part, section 24.403(a)(1).</u>)</p> <p>(2) If the site of the comparable replacement dwelling lacks a major exterior attribute of the displacement dwelling site, (e.g., the site is significantly smaller or does not contain a swimming pool), the <u>contributory</u> value of such attribute <u>as determined by the agency</u> shall be subtracted from the acquisition cost of the displacement dwelling for purposes of computing the payment. (See <u>appendix A to this part, section 24.403(a)(2).</u>)</p> <p>(3) If the acquisition of a portion of a typical residential property causes the</p>	<p><u>Section 24.403(a)(1) Determining cost of comparable replacement dwelling. The requirement that if available at least 3 comparable dwellings should be considered when selecting a comparable dwelling when determining and calculating a replacement housing payment eligibility. Consideration, examination, or the viewing of an MLS listing does not equate to the inspection of the comparable dwelling required by § 24.205(c)(2)(ii)(C), which requires that at a minimum, the comparable dwelling should be physically inspected. When an inspection is not feasible, the displaced person must be informed in writing that a physical inspection of the interior or exterior was not performed, the reason that the inspection was not performed, and that if the comparable is selected as a replacement dwelling a replacement housing payment may not be made unless the replacement dwelling is subsequently inspected and determined to be decent, safe, and sanitary. Should the selected comparable dwelling later be found to not be DSS then the agency's policies and procedures must ensure that the requirements of §</u></p>

49 CFR 24 Subpart E – Replacement Housing Payments

2005 Rule	2024 Rule	
	Text	Appendix
<p>displacement of the owner from the dwelling and the remainder is a buildable residential lot, the Agency may offer to purchase the entire property. If the owner refuses to sell the remainder to the Agency, the fair market value of the remainder may be added to the acquisition cost of the displacement dwelling for purposes of computing the replacement housing payment.</p> <p>(4) To the extent feasible, comparable replacement dwellings shall be selected from the neighborhood in which the displacement dwelling was located or, if that is not possible, in nearby or similar neighborhoods where housing costs are generally the same or higher.</p> <p>(5) Multiple occupants of one displacement dwelling – If two or more occupants of the displacement dwelling move to separate replacement dwellings, each occupant is entitled to a reasonable prorated share, as determined by the Agency, of any relocation payments that would have been made if the occupants moved together to a comparable replacement dwelling. However, if the Agency determines that two or more occupants maintained separate</p>	<p>displacement of the owner from the dwelling and the <u>agency determines that the remainder has economic value to the owner, the agency</u> may offer to purchase the entire property. If the owner refuses to sell the remainder to the <u>agency</u>, the fair market value of the remainder may be added to the acquisition cost of the displacement dwelling for purposes of computing the replacement housing payment. (<u>See appendix A to this part, section 24.403(a)(3).</u>)</p> <p>(4) To the extent feasible, comparable replacement dwellings shall be selected from the neighborhood in which the displacement dwelling was located or, if that is not possible, in nearby or similar neighborhoods where housing costs are generally the same or higher.</p> <p>(5) <u>When there are multiple</u> occupants of one displacement dwelling <u>and if</u> two or more occupants of the displacement dwelling move to separate replacement dwellings, each occupant is entitled to a reasonable prorated share, as determined by the <u>agency</u>, of any relocation payments that would have been made if the occupants moved together to a comparable replacement dwelling. However, if the <u>agency</u> determines that two or more occupants</p>	<p><u>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>Some Federal funding agency requirements, such as those of the Department of Housing and Urban Development, prohibit reliance on an exterior visual inspection when selecting a comparable replacement dwelling or as part of determining the cost of comparable replacement dwellings. This is because the physical condition standards for such governmental housing assistance programs could not be met without an in-person physical inspection.</u></p> <p><u>Section 24.403(a)(2) Carve Out of a Major Exterior Attribute. When determining the cost of a replacement dwelling, this section requires that the contributory value of a major exterior attribute, as determined in the real property valuation, be subtracted from the acquisition price of the displacement dwelling for purposes of computing the replacement housing payment if the comparable replacement dwelling lacks the major exterior attribute. The adjustment to the value of the displacement dwelling for the purpose of computing a replacement housing payment eligibility when a major exterior attribute is</u></p>

49 CFR 24 Subpart E – Replacement Housing Payments

2005 Rule	2024 Rule	
	Text	Appendix
households within the same dwelling, such occupants have separate entitlements to relocation payments.	maintained separate households within the same dwelling, such occupants have separate entitlements to relocation payments.	<u>not available in the comparable replacement housing on the open market is often referred to as a “carve out.” Examples of such major exterior attributes may include land in excess of that typical in size for the neighborhood, a swimming pool, shed, or garage. Use of a carve out allows agencies to ensure comparable dwellings are available to the displaced person. The displaced person has received just compensation for the carved out attribute and may decide to use that compensation to replace the attribute. However, it should be noted that some carved out attributes, acreage as one example, cannot always be replaced in the immediate market and a displaced person may then have to decide whether they want to expand their search area and reconsider their desired replacement home location. The following are examples of the calculation process.</u>
(6) Deductions from relocation payments. An Agency shall deduct the amount of any advance relocation payment from the relocation payment(s) to which a displaced person is otherwise entitled. The Agency shall not withhold any part of a relocation payment to a displaced person to satisfy an obligation to any other creditor.	(6)An <u>agency</u> shall deduct the amount of any advance relocation payment from the relocation payment(s) to which a displaced person is otherwise entitled. The <u>agency</u> shall not withhold any part of a relocation payment to a displaced person to satisfy an obligation to any other creditor.	<u>(Example A)</u> <u>RHP Computation for Carve Out of a Major Exterior Attribute of a Displacement Property's Land in Excess of a Typical Lot:</u>
(7) Mixed-use and multifamily properties. If the displacement dwelling was part of a property that contained another dwelling unit and/or space used for nonresidential purposes, and/or is located on a lot larger than typical for residential purposes, only that portion of the acquisition payment which is actually attributable to the displacement dwelling shall be considered the acquisition cost when computing the replacement housing payment.	(7) <u>For mixed</u> -use and multifamily properties, <u>if</u> the displacement dwelling was part of a property that contained another dwelling unit and/or space used for nonresidential purposes, and/or is located on a lot larger than typical for residential purposes, only that portion of the acquisition payment which is actually attributable to the displacement dwelling shall be considered the acquisition cost when computing the replacement housing payment.	<u>Value of residential displacement real property on a larger lot than typical site for the neighborhood</u>
		\$200,000

49 CFR 24 Subpart E – Replacement Housing Payments

2005 Rule	2024 Rule		
	Text	Appendix	
		<u>Minus the value of displacement property's land in excess of a typical site & not in comparable housing</u>	<u>15,000</u>
		<u>Adjusted value of the displacement real property less carve out of the excess land</u>	<u>185,000</u>
		<u>List Price of the Selected Comparable Housing</u>	<u>210,000</u>
		<u>Minus the adjusted value of the displacement real property resulting from carve out of the excess land</u>	<u>185,000</u>
		<u>Replacement Housing Payment Price Differential Payment Eligibility</u>	<u>25,000</u>
		<u>(Example B)</u>	
		<u>RHP Computation for Carve Out of a Major Exterior Attribute of Displacement Property's Inground Swimming Pool:</u>	
		<u>Value of residential displacement real property with an inground swimming pool</u>	<u>\$250,000</u>
		<u>Minus the contributory value of displacement property's inground swimming pool not in the comparable</u>	<u>14,000</u>
		<u>Adjusted value of the displacement real property less carve out of the inground swimming pool</u>	<u>236,000</u>

49 CFR 24 Subpart E – Replacement Housing Payments

2005 Rule	2024 Rule		
	Text	Appendix	
		<u>List Price of the Selected Comparable Housing</u>	<u>245,000</u>
		<u>Minus the adjusted value of the displacement real property less the inground swimming pool carve out</u>	<u>236,000</u>
		<u>Replacement Housing Payment Price Differential Payment Eligibility</u>	<u>11,000</u>
		<u>Section 24.403(a)(3) Additional rules governing replacement housing payments. The economic value to the owner of a remainder may be as an actual buildable lot for sale to an adjoining property owner, or for some other purpose for which the agency attributes an economic value to the owner. When allowed for under applicable law, a single offer that includes the value of the remainder property should be made. The purpose of making an offer to purchase the remainder is to allow for an RHP calculation and benefit determination that includes the value of the remainder as part of the compensation offered to the owner for acquisition, whether the property owner sells the remainder or choses to retain it. Should a property owner decide to retain a remainder then he would be responsible for the value of the remainder when he purchases his replacement property. Example B of this section shows the effect that a property owner's decision to retain a remainder or a State's inability to, or election not to, make an</u>	

49 CFR 24 Subpart E – Replacement Housing Payments

2005 Rule	2024 Rule																
	Text	Appendix															
		<p><u>offer to purchase the remainder would have on the calculation of benefits.</u></p> <p><u>The price differential portion of the replacement housing payment would be the difference between the comparable replacement dwelling and the agency's highest written acquisition offer. In the following examples, the before value of the typical residential dwelling and lot is \$180,000; the remnant is valued at \$15,000, and the part needed for the project (including the dwelling) is valued at \$165,000, the comparable replacement dwelling is valued at \$200,000. The price differential would be calculated as follows in the two scenarios:</u></p> <p align="center"><u>(Example A) Agency Offers To Acquire Remainder</u></p> <table border="1"> <tr> <td><u>Comparable Replacement Dwelling</u></td><td></td><td><u>\$200,000</u></td></tr> <tr> <td><u>Before value of parcel</u></td><td><u>180,000</u></td><td></td></tr> <tr> <td><u>Minus: Remainder Value</u></td><td><u>15,000</u></td><td></td></tr> <tr> <td><u>Acquisition of Part Needed</u></td><td><u>165,000</u></td><td></td></tr> <tr> <td><u>Agency's highest written offer</u></td><td></td><td><u>180,000</u></td></tr> </table>	<u>Comparable Replacement Dwelling</u>		<u>\$200,000</u>	<u>Before value of parcel</u>	<u>180,000</u>		<u>Minus: Remainder Value</u>	<u>15,000</u>		<u>Acquisition of Part Needed</u>	<u>165,000</u>		<u>Agency's highest written offer</u>		<u>180,000</u>
<u>Comparable Replacement Dwelling</u>		<u>\$200,000</u>															
<u>Before value of parcel</u>	<u>180,000</u>																
<u>Minus: Remainder Value</u>	<u>15,000</u>																
<u>Acquisition of Part Needed</u>	<u>165,000</u>																
<u>Agency's highest written offer</u>		<u>180,000</u>															

49 CFR 24 Subpart E – Replacement Housing Payments

2005 Rule	2024 Rule		
	Text	Appendix	
		<u>Price Differential Payment Eligibility</u>	<u>20,000</u>
		<u>(Example B) Agency Does Not Offer To Acquire Remainder</u>	
		<u>Comparable Replacement Dwelling</u>	<u>\$200,000</u>
		<u>Before value of parcel</u>	<u>180,000</u>
		<u>Minus: Remainder Value (owner retains)</u>	<u>15,000</u>
		<u>Acquisition of Part Needed</u>	<u>165,000</u>
		<u>Agency's highest written offer for part needed</u>	<u>165,000</u>
		<u>Price Differential Payment Eligibility</u>	<u>35,000</u>
		24.403(b) Inspection of replacement dwelling.	
Before making a replacement housing payment or releasing the initial payment from escrow, the Agency or its designated	Before making a replacement housing payment or releasing the initial payment from escrow, the <u>agency</u> or its designated		

49 CFR 24 Subpart E – Replacement Housing Payments

2005 Rule	2024 Rule	
	Text	Appendix
representative shall inspect the replacement dwelling and determine whether it is a decent, safe, and sanitary dwelling as defined at § 24.2(a)(8).	representative shall inspect the replacement dwelling and determine whether it is a <u>DSS</u> dwelling as defined at § 24.2(a).	
24.403(c) Purchase of replacement dwelling.		
<p>A displaced person is considered to have met the requirement to purchase a replacement dwelling, if the person:</p> <ul style="list-style-type: none"> (1) Purchases a dwelling; (2) Purchases and rehabilitates a substandard dwelling; (3) Relocates a dwelling which he or she owns or purchases; (4) Constructs a dwelling on a site he or she owns or purchases; (5) Contracts for the purchase or construction of a dwelling on a site provided by a builder or on a site the person owns or purchases; or (6) Currently owns a previously purchased dwelling and site, valuation of which shall be on the basis of current fair market value. 	<p>A displaced person is considered to have met the requirement to purchase a replacement dwelling, if the person:</p> <ul style="list-style-type: none"> (1) Purchases a dwelling; (2) Purchases and rehabilitates a substandard dwelling; (3) Relocates a dwelling which he or she owns or purchases; (4) Constructs a dwelling on a site he or she owns or purchases; (5) Contracts for the purchase or construction of a dwelling on a site provided by a builder or on a site the person owns or purchases; or (6) Currently owns a previously purchased dwelling and site, valuation of which shall be on the basis of current fair market value. 	
24.403(d) Occupancy requirements for displacement or replacement dwelling.		
<p>No person shall be denied eligibility for a replacement housing payment solely because the person is unable to meet the occupancy requirements set forth in these regulations for a reason beyond his or her control, including:</p> <ul style="list-style-type: none"> (1) A disaster, an emergency, or an imminent threat to the public health or welfare, as 	<p>No person shall be denied eligibility for a replacement housing payment solely because the person is unable to meet the occupancy requirements set forth in <u>this part</u> for a reason beyond his or her control, including:</p> <ul style="list-style-type: none"> (1) A disaster, an emergency, or an imminent threat to the public health or welfare, as 	

49 CFR 24 Subpart E – Replacement Housing Payments

49 CFR 24 Subpart E – Replacement Housing Payments		
2005 Rule	2024 Rule	
	Text	Appendix
<p>determined by the President, the Federal Agency funding the project, or the displacing Agency; or</p> <p>(2) Another reason, such as a delay in the construction of the replacement dwelling, military duty, or hospital stay, as determined by the Agency.</p>	<p>determined by the President, the Federal <u>agency</u> funding the project, or the <u>agency</u>; or</p> <p>(2) Another reason, such as a delay in the construction of the replacement dwelling, military duty, or hospital stay, as determined by the <u>agency</u>.</p>	
24.403(e) Conversion of payment.		
<p>A displaced person who initially rents a replacement dwelling and receives a rental assistance payment under § 24.402(b) is eligible to receive a payment under § 24.401 or § 24.402(c) if he or she meets the eligibility criteria for such payments, including purchase and occupancy within the prescribed 1-year period. Any portion of the rental assistance payment that has been disbursed shall be deducted from the payment computed under § 24.401 or § 24.402(c).</p>	<p>A displaced person who initially rents a replacement dwelling and receives a rental assistance payment under § 24.402(b) is eligible to receive a payment under § 24.401 or § 24.402(c) if he or she meets the eligibility criteria for such payments, including purchase and occupancy within the prescribed 1-year period. Any portion of the rental assistance payment that has been disbursed shall be deducted from the payment computed under § 24.401 or § 24.402(c).</p>	
24.403(f) Payment after death.		
<p>A replacement housing payment is personal to the displaced person and upon his or her death the undisbursed portion of any such payment shall not be paid to the heirs or assigns, except that:</p> <p>(1) The amount attributable to the displaced person's period of actual occupancy of the replacement housing shall be paid.</p> <p>(2) Any remaining payment shall be disbursed to the remaining family members of the displaced household in</p>	<p>A replacement housing payment is personal to the displaced person and upon his or her death the undisbursed portion of any such payment shall not be paid to the heirs or assigns, except that:</p> <p>(1) The amount attributable to the displaced person's period of actual occupancy of the replacement housing shall be paid.</p> <p>(2) Any remaining payment shall be disbursed to the remaining family members of the displaced household in</p>	

49 CFR 24 Subpart E – Replacement Housing Payments

49 CFR 24 Subpart E – Replacement Housing Payments		
2005 Rule	2024 Rule	
	Text	Appendix
any case in which a member of a displaced family dies. (3) Any portion of a replacement housing payment necessary to satisfy the legal obligation of an estate in connection with the selection of a replacement dwelling by or on behalf of a deceased person shall be disbursed to the estate.	any case in which a member of a displaced family dies. (3) Any portion of a replacement housing payment necessary to satisfy the legal obligation of an estate in connection with the selection of a replacement dwelling by or on behalf of a deceased person shall be disbursed to the estate.	
24.403(g) Insurance proceeds.		
To the extent necessary to avoid duplicate compensation, the amount of any insurance proceeds received by a person in connection with a loss to the displacement dwelling due to a catastrophic occurrence (fire, flood, etc.) shall be included in the acquisition cost of the displacement dwelling when computing the price differential. (See § 24.3.)	To the extent necessary to avoid duplicate compensation, the amount of any insurance proceeds received by a person in connection with a loss to the displacement dwelling due to a catastrophic occurrence (fire, flood, etc.) shall be included in the acquisition cost of the displacement dwelling when computing the price differential. (See § 24.3.)	
24.404 Replacement housing of last resort.		
24.404(a) Determination to provide replacement housing of last resort.		
Whenever a program or project cannot proceed on a timely basis because comparable replacement dwellings are not available within the monetary limits for owners or tenants, as specified in § 24.401 or § 24.402, as appropriate, the Agency shall provide additional or alternative assistance under the provisions of this subpart. Any decision to provide last resort housing assistance must be adequately justified either:	Whenever a program or project cannot proceed on a timely basis because comparable replacement dwellings are not available within the monetary limits for owners or tenants, as specified in § 24.401 or § 24.402, as appropriate, the <u>agency</u> shall provide additional or alternative assistance under the provisions of this subpart. Any decision to provide last resort housing assistance must be adequately justified either:	

49 CFR 24 Subpart E – Replacement Housing Payments

2005 Rule	2024 Rule	
	Text	Appendix
<p>(1) On a case-by-case basis, for good cause, which means that appropriate consideration has been given to:</p> <ul style="list-style-type: none"> (i) The availability of comparable replacement housing in the program or project area; (ii) The resources available to provide comparable replacement housing; and (iii) The individual circumstances of the displaced person; or <p>(2) By a determination that:</p> <ul style="list-style-type: none"> (i) There is little, if any, comparable replacement housing available to displaced persons within an entire program or project area; and, therefore, last resort housing assistance is necessary for the area as a whole; (ii) A program or project cannot be advanced to completion in a timely manner without last resort housing assistance; and (iii) The method selected for providing last resort housing assistance is cost effective, considering all elements, which contribute to total program or project costs. 	<p>(1) On a case-by-case basis, for good cause, which means that appropriate consideration has been given to:</p> <ul style="list-style-type: none"> (i) The availability of comparable replacement housing in the program or project area; (ii) The resources available to provide comparable replacement housing; and (iii) The individual circumstances of the displaced person; or <p>(2) By a determination that:</p> <ul style="list-style-type: none"> (i) There is little, if any, comparable replacement housing available to displaced persons within an entire program or project area; and, therefore, last resort housing assistance is necessary for the area as a whole; (ii) A program or project cannot be advanced to completion in a timely manner without last resort housing assistance; and (iii) The method selected for providing last resort housing assistance is cost effective, considering all elements, which contribute to total program or project costs. 	
24.404(b) Basic rights of persons to be displaced.		

49 CFR 24 Subpart E – Replacement Housing Payments

2005 Rule	2024 Rule	
	Text	Appendix
<p>Notwithstanding any provision of this subpart, no person shall be required to move from a displacement dwelling unless comparable replacement housing is available to such person. No person may be deprived of any rights the person may have under the Uniform Act or this part. The Agency shall not require any displaced person to accept a dwelling provided by the Agency under these procedures (unless the Agency and the displaced person have entered into a contract to do so) in lieu of any acquisition payment or any relocation payment for which the person may otherwise be eligible.</p>	<p>Notwithstanding any provision of this subpart, no person shall be required to move from a displacement dwelling unless comparable replacement housing is available to such person. No person may be deprived of any rights the person may have under the Uniform Act or this part. The <u>agency</u> shall not require any displaced person to accept a dwelling provided by the <u>agency</u> under <u>the procedures in this part</u> (unless the <u>agency</u> and the displaced person have entered into a contract to do so) in lieu of any acquisition payment or any relocation payment for which the person may otherwise be eligible.</p>	<p><i>Section 24.404(b) Basic rights of persons to be displaced.</i> This paragraph <u>Section 24.404(b)</u> affirms the right of a 180<u>90</u>-day homeowner-occupant, who is eligible for a replacement housing payment under § 24.401, to a reasonable opportunity to purchase a comparable replacement dwelling. However, it should be read in conjunction with the definition of “owner of a dwelling” at § 24.2(a)(20). The Agency <u>agency</u> is not required to provide persons owning only a fractional interest in the displacement dwelling a greater level of assistance to purchase a replacement dwelling than the Agency <u>agency</u> would be required to provide such persons if they owned fee simple title to the displacement dwelling. If such assistance is not sufficient to buy a replacement dwelling, the Agency <u>agency</u> may provide additional purchase assistance or rental assistance.</p>
24.404(c) Methods of providing comparable replacement housing.		
<p>Agencies shall have broad latitude in implementing this subpart, but implementation shall be for reasonable cost, on a case-by-case basis unless an exception to case-by-case analysis is justified for an entire project.</p> <p>(1) The methods of providing replacement housing of last resort include, but are not limited to:</p>	<p>Agencies shall have broad latitude in implementing this subpart, but implementation shall be for reasonable cost, on a case-by-case basis unless an exception to case-by-case analysis is justified for an entire project.</p> <p>(1) The methods of providing replacement housing of last resort include, but are not limited to:</p>	<p>This Section <u>24.404(c)</u> emphasizes the use of cost effective means of providing comparable replacement housing. The term “reasonable cost” is used to highlight the fact that while innovative means to provide housing are encouraged, they should be cost-effective. Section 24.404(c)(2) permits the use of last resort housing, in special cases, which may involve variations from the usual methods of obtaining comparability. However, such</p>

49 CFR 24 Subpart E – Replacement Housing Payments

2005 Rule	2024 Rule	
	Text	Appendix
<p>(i) A replacement housing payment in excess of the limits set forth in § 24.401 or § 24.402. A replacement housing payment under this section may be provided in installments or in a lump sum at the Agency's discretion.</p> <p>(ii) Rehabilitation of and/or additions to an existing replacement dwelling.</p> <p>(iii) The construction of a new replacement dwelling.</p> <p>(iv) The provision of a direct loan, which requires regular amortization or deferred repayment. The loan may be unsecured or secured by the real property. The loan may bear interest or be interest-free.</p> <p>(v) The relocation and, if necessary, rehabilitation of a dwelling.</p> <p>(vi) The purchase of land and/or a replacement dwelling by the displacing Agency and subsequent sale or lease to, or exchange with a displaced person.</p> <p>(vii) The removal of barriers for persons with disabilities.</p> <p>(2) Under special circumstances, consistent with the definition of a comparable replacement dwelling, modified methods of providing replacement housing of last resort permit</p>	<p>(i) A replacement housing payment in excess of the limits set forth in § 24.401 or § 24.402. A replacement housing payment under this section may be provided in installments or in a lump sum at the <u>agency's</u> discretion.</p> <p>(ii) Rehabilitation of and/or additions to an existing replacement dwelling.</p> <p>(iii) The construction of a new replacement dwelling.</p> <p>(iv) The provision of a direct loan, which requires regular amortization or deferred repayment. The loan may be unsecured or secured by the real property. The loan may bear interest or be interest-free.</p> <p>(v) The relocation and, if necessary, rehabilitation of a dwelling.</p> <p>(vi) The purchase of land and/or a replacement dwelling by the <u>agency</u> and subsequent sale or lease to, or exchange with a displaced person.</p> <p>(vii) The removal of barriers for persons with disabilities.</p> <p>(2) Under special circumstances, consistent with the definition of a comparable replacement dwelling <u>in § 24.2(a)</u>, modified methods of providing replacement housing of last resort</p>	<p>variation should never result in a lowering of housing standards, <u>nor</u> should it ever result in a lower quality of living style for the displaced person. The physical characteristics of the comparable replacement dwelling may be dissimilar to those of the displacement dwelling, <u>but</u> they may never be inferior.</p> <p>One example might be the use of a new mobile home to replace a very substandard conventional dwelling in an area where comparable conventional dwellings are not available.</p> <p>Another example could be the use of a superior, but smaller, decent, safe, <u>and</u> sanitary dwelling to replace a large, old substandard dwelling, only a portion of which is being used as living quarters by the occupants and no other large comparable dwellings are available in the area.</p> <p><u>Footnotes - Appendix A to Part 24</u></p> <p>^[1]http://www.fhwa.dot.gov/realestate/.</p> <p>^[2]http://www.amea.org/.</p> <p>^[3]http://www.appraisers.org/Disciplines/Machinery-Technical-Specialties.</p>

49 CFR 24 Subpart E – Replacement Housing Payments

2005 Rule	2024 Rule	
	Text	Appendix
<p>consideration of replacement housing based on space and physical characteristics different from those in the displacement dwelling (see appendix A , §-24.404(c)), including upgraded, but smaller replacement housing that is decent, safe, and sanitary and adequate to accommodate individuals or families displaced from marginal or substandard housing with probable functional obsolescence. In no event, however, shall a displaced person be required to move into a dwelling that is not functionally equivalent in accordance with § 24.2(a)(6)(ii) of this part.</p> <p>(3) The Agency shall provide assistance under this subpart to a displaced person who is not eligible to receive a replacement housing payment under §§ 24.401 and 24.402 because of failure to meet the length of occupancy requirement when comparable replacement rental housing is not available at rental rates within the displaced person's financial means. (See § 24.2(a)(6)(viii)(C).) Such assistance shall cover a period of 42 months.</p>	<p>permit consideration of replacement housing based on space and physical characteristics different from those in the displacement dwelling (see appendix A <u>to this part, section</u> 24.404(c)), including upgraded, but smaller replacement housing that is <u>DSS and</u> adequate to accommodate individuals or families displaced from marginal or substandard housing with probable functional obsolescence. In no event, however, shall a displaced person be required to move into a dwelling that is not functionally equivalent in accordance with § 24.2(a), <u>comparable replacement housing</u>.</p> <p>(3) The <u>agency</u> shall provide assistance under this subpart to a displaced person who is not eligible to receive a replacement housing payment under §§ 24.401 and 24.402 because of failure to meet the length of occupancy requirement when comparable replacement rental housing is not available at rental rates within the displaced person's financial means. (See § 24.2(a).) Such assistance shall cover a period of 42 months.</p>	