







would reduce the regulatory burden  
imposed on such businesses as well as  
on State and local governments  
implementing the regulation. Therefore Proposed Rule July 2, 21992 (57 FR 33164), wel



process and product when § 24.102(c)(2) appraisal waiver provisions are implemented.

*Section 24.9 Recordkeeping and Reports*

In accordance with the Presidential Memorandum dated February 27, 1985, United States Department of Transportation is required to report annually to the President's Council on Management Improvement, a part of the Office of Management and Budget, on implementation of the Uniform Act. Under the current reporting requirement, the Lead Agency has received very little statistical information, and thus has little or no knowledge of the extent and impact of other Federal funding Agencies acquisition and displacement activities. Therefore, in § 24.9(c), we propose to require Federal Agencies to submit an annual report summarizing of their real property acquisition and displacement activities to the Lead Agency. This proposed change would enable us to prepare and submit a more comprehensive and useful report, in addition to facilitating a more active monitoring role in our duty as Lead Agency.

We propose to redesign Appendix B to be less burdensome and to enable the information to be reported electronically. Appendix B is the statistical support form of which Agencies are required to submit reports of real property acquisition and displacement activities, if required by the Federal Agency funding the project. Additionally, we propose to remove the requirement that the Agency submit this report no more frequently than every three years, since this report is issued each year.

The Department of Housing and Urban Development and most other Federal funding Agencies support this proposed change.

**Subpart B—Real Property Acquisition**

We propose to make a minor change by replacing the term "fair market value" with "market value" throughout the subpart to better reflect current appraisal terminology.

*Section 24.101 Applicability of Acquisition Requirements*

We propose to restructure § 24.101(a) to clarify

We also propose adding a new provision that any person functioning as a negotiator shall not supervise or

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<sup>2</sup> Uniform Standards of Professional Appraisal Practice (USPAP). Published by the Appraisal Foundation, a non-profit educational organization. Copies may be ordered from the Foundation at the following URL: <http://www.appraisalfoundation.org/html/USPAP2003/toc.htm>.



We do not believe that an otherwise eligible person may relieve a governmental body of its statutory obligation to provide Uniform Act assistance by agreeing to waive such assistance. The primary purpose of the Uniform Act is to impose requirements upon Agencies that acquire property and displace persons for Federal or federally-funded projects. The Uniform Act does not grant rights or benefits directly to individuals, rather it imposes duties and obligations upon Federal, State, and local governments.

A statement or agreement by a displaced person who does not wish to receive certain assistance does not free a government Agency from the obligations or requirements imposed by Federal law. In such a case where a displaced person indicates in writing he/she does not want assistance, the Federal or State Agencies must still fully inform the displaced person of all the assistance he/she is entitled to receive.

*Section 24.207(g) Entitlement to Payments*

We propose to add new paragraph (g) to § 24.207 to clarify that, since relocation payments are considered a form of compensation, they do not constitute Federal financial-assistance, and accordingly, the expenditure of such relocation payments by a displaced person would not trigger further application of the Uniform Act or similarly applicable Federal requirements.

*Section 24.208(f)(1) Aliens Not Lawfully Present in the United States*

We propose that the references to the Immigration and Naturalization Service (INS) in § 24.208(f)(1) be revised to reflect the fact that the INS has become part of the Department of Homeland Security, and renamed the Bureau of Citizenship and Immigration Services (BCIS).

**Subpart D—Payments for Moving and Related Expenses**

We propose to substantially reorganize Subpart D. With few exceptions, the basic content would remain the same; however, based upon the comments from our 5 national public listening sessions and comments from other Agencies, this subpart needs to be reorganized for clarity and ease of use. Accordingly, we propose to realign the different moving costs allowance provisions.

We propose to divide Subpart D into six sections. We would transfer a number of criteria from not

c0.9828 0 TD0 Tw(§)Tj/F7 1 Tf0.7226 0 TD(24.304, )Tj-11.7054 -1.1111 TD-0.0045 Tw(Reestablishment Expense, with its )Tj19.6667 74.66  
 c0.5972 0 TD0 Tw(§)Tj/F7 1 Tf0.7226 0 TD-0.0045 Tw(24.303 into )Tj-11.3199 -1.1222 TD0 Tw(proposed )Tj  
 4.5514 0 TD(§)Tj/F7 1 Tf0.7226 0 TD-0.0045 Tw(24.301 with specific criteria )Tj-5.274 -1.1222 TD(clearly spelled out for each type of )TjT  
 c1.6443 0 TD0 Tw(§)Tj/F7 1 Tf0.7226 0 TD-0.0045 Tw(24.303 we )Tj-12.3669 -1.1222 TD(propose that payment would be )TjT\*(provided  
 c.4921 0 TD0 Tc0 Tw(“)Tj/F7 1 Tf0.556 0 TD-0.0045 Tw(a finding.)Tj

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<sup>4</sup>The Fixed Residential Moving Cost Schedule is available for public inspection at the following URL:



mobile home for the reasons described in § 24.502(a)(3).

*Section 24.502(c) Rental Assistance Payment for a 180-Day Owner-Occupant Displaced From Acquired Leased or Rented Site*

We propose to allow the displaced person to claim the computed rental



DISTRIBUTION TABLE—Continued

Old section	New section
24.202 .....	24.202 Revised.
24.203 (a) and (a)(1) .....	24.203(a) and (a)(1) Text unchanged
24.203(a)(2) through (5) .....	24.203(a)(2)–(5) Revised.

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DISTRIBUTION









**Subpart A—General**

**§ 24.1 Purpose.**

The purpose of this part is to promulgate rules to implement the

the 2 taxable years prior to the taxable

(10) *Dwelling*. The term *dwelling* means the place of permanent or customary and usual residence of a person, according to local custom or



cognizant Federal Agency shall assure



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<sup>1</sup> The "Uniform Appraisal Standards for Federal Land Acquisitions" Land0 Tw Acquisitions ofral cquistatute, regula





(2) An estimate of the number of comparable replacement dwellings in the area (including price ranges and



lawfully present in the United States is  
invalid, the displacing Agency shall  
obtain verification of the alien's status







(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



that is not possible, in nearby or similar neighborhoods where housing costs are generally the same or higher.

(5) Multiple occupants of one displacement dwelling. If two or more occupants of the displacement dwelling

case analysis is justified for an entire project.

(1) The methods of providing replacement housing of last resort include, but are not limited to:

(i) A replacement housing payment in excess of the limits set forth in §



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<sup>1</sup>The U.S. Department of Housing & Urban

valuations are not appraisals, there is no requirement for an appraisal review. However, the Agency must have a reasonable basis for the waiver valuation and an Agency official must still establish an amount believed to be just compensation to offer the property owner(s).

The term "review appraiser" is used rather than "reviewing appraiser," to emphasize that "review appraiser" is a separate specialty and not just an appraiser who happens to be reviewing an appraisal. Federal Agencies have long held the

administrative expenses. The monetary receipts and expense amounts may be verified with certified financial statements or financial documents required by public Agencies.

*Section 24.305(e) Average annual net earnings.* If the average annual net earnings of the displaced business, farm, or non-profit organization are determined to be less than \$1,000, even \$0 or a negative amount, the minimum payment of \$1,000 shall be provided.

*Section 24.306 Discretionary Utility Relocation Payments.*

Section 24.306(c) describes the issues that the Agency and the utility facility owner must agree to in determining the amount of the relocation payment. To facilitate and aid in reaching such agreement, the practices in the Federal Highway Administration regulation, 23 CFR partate

One example might be the use of a new mobile home to replace a very substandard conventional dwelling in an area where

