

49 CFR 24 Subpart A - General

Old Rule	Updated (New) Rule	
	Text	Appendix A
24.1 Purpose		
<p>The purpose of this part is to promulgate rules to implement the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 U.S.C. 4601 et seq.), in accordance with the following objectives:</p>	<p>The purpose of this part is to promulgate rules to implement the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 U.S.C. 4601 et seq.) (Uniform Act), in accordance with the following objectives:</p>	
24.1(a)		
<p>(a) To ensure that owners of real property to be acquired for Federal and federally-assisted projects are treated fairly and consistently, to encourage and expedite acquisition by agreements with such owners, to minimize litigation and relieve congestion in the courts, and to promote public confidence in Federal and federally-assisted land acquisition programs;</p>	<p>(a) To ensure that owners of real property to be acquired for Federal and federally-assisted projects are treated fairly and consistently, to encourage and expedite acquisition by agreements with such owners, to minimize litigation and relieve congestion in the courts, and to promote public confidence in Federal and federally-assisted land acquisition programs;</p>	
24.1(b)		
<p>(b) To ensure that persons displaced as a direct result of Federal or federally-assisted projects are treated fairly, consistently, and equitably so that such persons will not suffer disproportionate injuries as a result of projects designed for the benefit of the public as a whole; and</p>	<p>(b) To ensure that persons displaced as a direct result of Federal or federally-assisted projects are treated fairly, consistently, and equitably so that such displaced persons will not suffer disproportionate injuries as a result of projects designed for the benefit of the public as a whole; and</p>	
24.1(c)		
<p>(c) To ensure that Agencies implement these regulations in a manner that is efficient and cost effective.</p>	<p>(c) To ensure that Agencies implement these regulations in a manner that is efficient and cost effective.</p>	
24.2 Definitions and acronyms.		
24.2(a) Definitions		
	<p>Unless otherwise noted, the following terms used in this part shall be understood as defined in this section:</p>	
<p>Agency. The term Agency means the Federal agency, State, State agency, or person that acquires real property or displaces a person. (4) Acquiring agency. The term acquiring agency means a State agency, as defined in paragraph (a)(4) of this section, which has the authority to acquire property by eminent domain under State law, and a State agency or person which does not have such authority. Any Agency or person solely acquiring property pursuant to the provisions of § 24.101(a) (1), (2), (3), or (4) need not provide the assurances required by § 24.4(a)(1) or (2). (2) Displacing agency. The term displacing agency</p>	<p>(1) Agency. The term <i>Agency</i> means the Federal Agency, State, State Agency, or person that acquires real property or displaces a person. (i) Acquiring Agency. The term <i>acquiring Agency</i> means a State Agency, as defined in paragraph (a)(1)(iv) of this section, which has the authority to acquire property by eminent domain under State law, and a State Agency or person which does not have such authority. (ii) Displacing Agency. The term <i>displacing Agency</i></p>	

49 CFR 24 Subpart A - General

Old Rule	Updated (New) Rule	
	Text	Appendix A
<p>means any Federal agency carrying out a program or project, and any State, State agency, or person carrying out a program or project with Federal financial assistance, which causes a person to be a displaced person.</p> <p>(3) Federal agency. The term Federal agency means any department, Agency, or instrumentality in the executive branch of the Government, any wholly owned Government corporation, the Architect of the Capitol, the Federal Reserve Banks and branches thereof, and any person who has the authority to acquire property by eminent domain under Federal law.</p> <p>(4) State agency. The term State agency means any department, Agency or instrumentality of a State or of a political subdivision of a State, any department, Agency, or instrumentality of two or more States or of two or more political subdivisions of a State or States, and any person who has the authority to acquire property by eminent domain under State law.</p>	<p>means any Federal Agency carrying out a program or project, and any State, State Agency, or person carrying out a program or project with Federal financial assistance, which causes a person to be a displaced person.</p> <p>(iii) <i>Federal Agency</i>. The term <i>Federal Agency</i> means any department, Agency, or instrumentality in the executive branch of the government, any wholly owned government corporation, the Architect of the Capitol, the Federal Reserve Banks and branches thereof, and any person who has the authority to acquire property by eminent domain under Federal law.</p> <p>(iv) <i>State Agency</i>. The term <i>State Agency</i> means any department, Agency or instrumentality of a State or of a political subdivision of a State, any department, Agency, or instrumentality of two or more States or of two or more political subdivisions of a State or States, and any person who has the authority to acquire property by eminent domain under State law.</p>	
<p>Alien not lawfully present in the United States. The phrase “alien not lawfully present in the United States” means an alien who is not “lawfully present” in the United States as defined in 8 CFR 103.12 and includes:</p> <p>(1) An alien present in the United States who has not been admitted or paroled into the United States pursuant to the Immigration and Nationality Act and whose stay in the United States has not been authorized by the United States Attorney General; and</p> <p>(2) An alien who is present in the United States after the expiration of the period of stay authorized by the United States Attorney General or who otherwise violates the terms and conditions of admission, parole or authorization to stay in the United States.</p>	<p>(2) <i>Alien not lawfully present in the United States</i>. The phrase “alien not lawfully present in the United States” means an alien who is not “lawfully present” in the United States as defined in 8 CFR 103.12 and includes:</p> <p>(i) An alien present in the United States who has not been admitted or paroled into the United States pursuant to the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) and whose stay in the United States has not been authorized by the United States Attorney General; and,</p> <p>(ii) An alien who is present in the United States after the expiration of the period of stay authorized by the United States Attorney General or who otherwise violates the terms and conditions of admission, parole or authorization to stay in the United States.</p>	
<p>Appraisal. The term appraisal means a written statement independently and impartially prepared by a qualified appraiser setting forth an opinion of defined value of an adequately described property as of a specific date, supported by the presentation and analysis of relevant market information.</p>	<p>(3) <i>Appraisal</i>. The term <i>appraisal</i> means a written statement independently and impartially prepared by a qualified appraiser setting forth an opinion of defined value of an adequately described property as of a specific date, supported by the presentation and analysis of relevant market information.</p>	
<p>Business. The term business means any lawful activity, except a farm operation, that is conducted:</p> <p>(1) Primarily for the purchase, sale, lease and/or rental</p>	<p>(4) <i>Business</i>. The term <i>business</i> means any lawful activity, except a farm operation, that is conducted:</p> <p>(i) Primarily for the purchase, sale, lease and/or rental of</p>	

49 CFR 24 Subpart A - General

Old Rule	Updated (New) Rule	
	Text	Appendix A
<p>of personal and/or real property, and/or for the manufacture, processing, and/or marketing of products, commodities, and/or any other personal property; or</p> <ul style="list-style-type: none"> (2) Primarily for the sale of services to the public; or (3) Primarily for outdoor advertising display purposes, when the display must be moved as a result of the project; or (4) By a nonprofit organization that has established its nonprofit status under applicable Federal or State law. 	<p>personal and/or real property, and/or for the manufacture, processing, and/or marketing of products, commodities, and/or any other personal property;</p> <ul style="list-style-type: none"> (ii) Primarily for the sale of services to the public; (iii) Primarily for outdoor advertising display purposes, when the display must be moved as a result of the project; or (iv) By a nonprofit organization that has established its nonprofit status under applicable Federal or State law. 	
<p>Citizen. The term "citizen," for purposes of this part, includes both citizens of the United States and noncitizen nationals.</p>	<p>(5) <i>Citizen</i>. The term <i>citizen</i> for purposes of this part includes both citizens of the United States and noncitizen nationals.</p>	
<p>Comparable replacement dwelling. The term comparable replacement dwelling means a dwelling which is:</p> <ul style="list-style-type: none"> (1) Decent, safe and sanitary as described in paragraph (f) of this section; (2) Functionally equivalent to the displacement dwelling. The term functionally equivalent means that it performs the same function, provides the same utility, and is capable of contributing to a comparable style of living. While a comparable replacement dwelling need not possess every feature of the displacement dwelling, the principal features must be present. Generally, functional equivalency is an objective standard, reflecting the range of purposes for which the various physical features of a dwelling may be used. However, in determining whether a replacement dwelling is functionally equivalent to the displacement dwelling, the Agency may consider reasonable trade-offs for specific features when the replacement unit is equal to or better than the displacement dwelling. (See appendix A of this part); (3) Adequate in size to accommodate the occupants; (4) In an area not subject to unreasonable adverse environmental conditions; (5) In a location generally not less desirable than the location of the displaced person's dwelling with respect to public utilities and commercial and public facilities, and reasonably accessible to the person's place of employment; (6) On a site that is typical in size for residential 	<p>(6) <i>Comparable replacement dwelling</i>. The term <i>comparable replacement dwelling</i> means a dwelling which is:</p> <ul style="list-style-type: none"> (i) Decent, safe and sanitary as described in paragraph 24.2(a)(8) of this section; (ii) Functionally equivalent to the displacement dwelling. The term <i>functionally equivalent</i> means that it performs the same function, and provides the same utility. While a comparable replacement dwelling need not possess every feature of the displacement dwelling, the principal features must be present. Generally, functional equivalency is an objective standard, reflecting the range of purposes for which the various physical features of a dwelling may be used. However, in determining whether a replacement dwelling is functionally equivalent to the displacement dwelling, the Agency may consider reasonable trade-offs for specific features when the replacement unit is equal to or better than the displacement dwelling (<i>See appendix A, § 24.2(a)(6)</i>); (iii) Adequate in size to accommodate the occupants; (iv) In an area not subject to unreasonable adverse environmental conditions; (v) In a location generally not less desirable than the location of the displaced person's dwelling with respect to public utilities and commercial and public facilities, and reasonably accessible to the person's place of employment; (vi) On a site that is typical in size for residential 	<p>Section 24.2(a)(6) Definition of comparable replacement dwelling. The requirement in § 24.2(a)(6)(ii) that a comparable replacement dwelling be "functionally equivalent" to the displacement dwelling means that it must perform the same function, and provide the same utility. While it need not possess every feature of the displacement dwelling, the principal features must be present.</p> <p>For example, if the displacement dwelling contains a pantry and a similar dwelling is not available, a replacement dwelling with ample kitchen cupboards may be acceptable. Insulated and heated space in a garage might prove an adequate substitute for basement workshop space. A dining area may substitute for a separate dining room. Under some circumstances, attic space could substitute for basement space for storage purposes, and vice versa.</p> <p>Only in unusual circumstances may a comparable replacement dwelling contain fewer rooms or, consequentially, less living space than the displacement dwelling. Such may be the case when a decent, safe, and sanitary replacement dwelling (which by definition is "adequate to accommodate" the displaced person) may be found to be "functionally equivalent" to a larger but very run-down substandard displacement dwelling.</p>

49 CFR 24 Subpart A - General

Old Rule	Updated (New) Rule	
	Text	Appendix A
<p>development with normal site improvements, including customary landscaping. The site need not include special improvements such as outbuildings, swimming pools, or greenhouses. (See also § 24.403(a)(2).);</p> <p>(7) Currently available to the displaced person on the private market. However, a comparable replacement dwelling for a person receiving government housing assistance before displacement may reflect similar government housing assistance. (See appendix A of this part.); and</p> <p>(8) Within the financial means of the displaced person.</p> <p>(i) A replacement dwelling purchased by a homeowner in occupancy at the displacement dwelling for at least 180 days prior to initiation of negotiations (180-day homeowner) is considered to be within the homeowner's financial means if the homeowner will receive the full price differential as described in § 24.401(c), all increased mortgage interest costs as described at § 24.401(d) and all incidental expenses as described at § 24.401(e), plus any additional amount required to be paid under § 24.404, Replacement housing of last resort.</p> <p>(ii) A replacement dwelling rented by an eligible displaced person is considered to be within his or her financial means if, after receiving rental assistance under this part, the person's monthly rent and estimated average monthly utility costs for the replacement dwelling do not exceed the person's base monthly rental for the displacement dwelling as described at § 24.402(b)(2).</p> <p>(iii) For a displaced person who is not eligible to receive a replacement housing payment because of the person's failure to meet length-of-occupancy requirements, comparable replacement rental housing is considered to be within the person's financial means if an Agency pays that portion of the monthly housing costs of a replacement dwelling which exceeds 30 percent of such person's gross monthly household income or, if receiving a welfare assistance payment from a program that designates amounts for shelter and utilities, the total of</p>	<p>development with normal site improvements, including customary landscaping. The site need not include special improvements such as outbuildings, swimming pools, or greenhouses. (See also § 24.403(a)(2));</p> <p>(vii) Currently available to the displaced person on the private market except as provided in paragraph (a)(6)(ix) of this section (See appendix A, § 24.2(a)(6)(vii)); and</p> <p>(viii) Within the financial means of the displaced person:</p> <p>(A) A replacement dwelling purchased by a homeowner in occupancy at the displacement dwelling for at least 180 days prior to initiation of negotiations (180-day homeowner) is considered to be within the homeowner's financial means if the homeowner will receive the full price differential as described in § 24.401(c), all increased mortgage interest costs as described at § 24.401(d) and all incidental expenses as described at § 24.401(e), plus any additional amount required to be paid under § 24.404, Replacement housing of last resort.</p> <p>(B) A replacement dwelling rented by an eligible displaced person is considered to be within his or her financial means if, after receiving rental assistance under this part, the person's monthly rent and estimated average monthly utility costs for the replacement dwelling do not exceed the person's base monthly rental for the displacement dwelling as described at § 24.402(b)(2).</p> <p>(C) For a displaced person who is not eligible to receive a replacement housing payment because of the person's failure to meet length-of-occupancy requirements, comparable replacement rental housing is considered to be within the person's financial means if an Agency pays that portion of the monthly housing costs of a replacement dwelling which exceeds the person's base monthly rent for the displacement dwelling as described in § 24.402(b)(2). Such rental assistance must be paid under § 24.404, Replacement housing of last</p>	<p>Another example is when a displaced person accepts an offer of government housing assistance and the applicable requirements of such housing assistance program require that the displaced person occupy a dwelling that has fewer rooms or less living space than the displacement dwelling.</p> <p>Section 24.2(a)(6)(vii). The definition of comparable replacement dwelling requires that a comparable replacement dwelling for a person who is not receiving assistance under any government housing program before displacement must be currently available on the private market without any subsidy under a government housing program.</p>

49 CFR 24 Subpart A - General

Old Rule	Updated (New) Rule	
	Text	Appendix A
<p>the amounts designated for shelter and utilities. Such rental assistance must be paid under § 24.404, Replacement housing of last resort.</p>	<p>resort.</p> <p>(ix) For a person receiving government housing assistance before displacement, a dwelling that may reflect similar government housing assistance. In such cases any requirements of the government housing assistance program relating to the size of the replacement dwelling shall apply. (See appendix A, § 24.2(a)(6)(ix).)</p>	<p>Section 24.2(a)(6)(ix). A public housing unit may qualify as a comparable replacement dwelling only for a person displaced from a public housing unit. A privately owned dwelling with a housing program subsidy tied to the unit may qualify as a comparable replacement dwelling only for a person displaced from a similarly subsidized unit or public housing. A housing program subsidy that is paid to a person (not tied to the building), such as a HUD Section 8 Housing Voucher Program, may be reflected in an offer of a comparable replacement dwelling to a person receiving a similar subsidy or occupying a privately owned subsidized unit or public housing unit before displacement.</p> <p>However, nothing in this part prohibits an Agency from offering, or precludes a person from accepting, assistance under a government housing program, even if the person did not receive similar assistance before displacement. However, the Agency is obligated to inform the person of his or her options under this part. (If a person accepts assistance under a government housing assistance program, the rules of that program governing the size of the dwelling apply, and the rental assistance payment under § 24.402 would be computed on the basis of the person’s actual out-of-pocket cost for the replacement housing.)</p>
<p>Contribute materially. The term contribute materially means that during the 2 taxable years prior to the taxable year in which displacement occurs, or during such other period as the Agency determines to be more equitable, a business or farm operation:</p> <ul style="list-style-type: none"> (1) Had average annual gross receipts of at least \$5000; or (2) Had average annual net earnings of at least \$1000; or (3) Contributed at least 33^{1/3} percent of the owner’s or operator’s average annual gross income from all sources. (4) If the application of the above criteria creates an inequity or hardship in any given case, the Agency may approve the use of other criteria as determined 	<p>(7) Contribute materially. The term <i>contribute materially</i> means that during the 2 taxable years prior to the taxable year in which displacement occurs, or during such other period as the Agency determines to be more equitable, a business or farm operation:</p> <ul style="list-style-type: none"> (i) Had average annual gross receipts of at least \$5,000; or (ii) Had average annual net earnings of at least \$1,000; or (iii) Contributed at least 33^{1/3} percent of the owner’s or operator’s average annual gross income from all sources. (iv) If the application of the above criteria creates an inequity or hardship in any given case, the Agency may approve the use of other criteria as determined 	

49 CFR 24 Subpart A - General

Old Rule	Updated (New) Rule	
	Text	Appendix A
<p>appropriate.</p> <p>Decent, safe, and sanitary dwelling. The term decent, safe, and sanitary dwelling means a dwelling which meets applicable housing and occupancy codes. However, any of the following standards which are not met by an applicable code shall apply unless waived for good cause by the Federal agency funding the project. The dwelling shall:</p> <p>(1) Be structurally sound, weathertight, and in good repair.</p> <p>(2) Contain a safe electrical wiring system adequate for lighting and other devices.</p> <p>(3) Contain a heating system capable of sustaining a healthful temperature (of approximately 70 degrees) for a displaced person, except in those areas where local climatic conditions do not require such a system.</p> <p>(4) Be adequate in size with respect to the number of rooms and area of living space needed to accommodate the displaced person.</p> <p>There shall be a separate, well lighted and ventilated bathroom that provides privacy to the user and contains a sink, bathtub or shower stall, and a toilet, all in good working order and properly connected to appropriate sources of water and to a sewage drainage system. In the case of a housekeeping dwelling, there shall be a kitchen area that contains a fully usable sink, properly connected to potable hot and cold water and to a sewage drainage system, and adequate space and utility service connections for a stove and refrigerator.</p> <p>(5) Contains unobstructed egress to safe, open space at ground level. If the replacement dwelling unit is on the second story or above, with access directly from or</p>	<p>appropriate.</p> <p>(8) <i>Decent, safe, and sanitary dwelling.</i> The term <i>decent, safe, and sanitary dwelling</i> means a dwelling which meets local housing and occupancy codes. However, any of the following standards which are not met by the local code shall apply unless waived for good cause by the Federal Agency funding the project. The dwelling shall:</p> <p>(i) Be structurally sound, weather tight, and in good repair;</p> <p>(ii) Contain a safe electrical wiring system adequate for lighting and other devices;</p> <p>(iii) Contain a heating system capable of sustaining a healthful temperature (of approximately 70 degrees) for a displaced person, except in those areas where local climatic conditions do not require such a system;</p> <p>(iv) Be adequate in size with respect to the number of rooms and area of living space needed to accommodate the displaced person. The number of persons occupying each habitable room used for sleeping purposes shall not exceed that permitted by local housing codes or, in the absence of local codes, the policies of the displacing Agency. In addition, the displacing Agency shall follow the requirements for separate bedrooms for children of the opposite gender included in local housing codes or in the absence of local codes, the policies of such Agencies;</p> <p>(v) There shall be a separate, well lighted and ventilated bathroom that provides privacy to the user and contains a sink, bathtub or shower stall, and a toilet, all in good working order and properly connected to appropriate sources of water and to a sewage drainage system. In the case of a housekeeping dwelling, there shall be a kitchen area that contains a fully usable sink, properly connected to potable hot and cold water and to a sewage drainage system, and adequate space and utility service connections for a stove and refrigerator;</p> <p>(vi) Contains unobstructed egress to safe, open space at ground level; and</p>	<p><i>Section 24.2(a)(8)(ii) Decent, Safe and Sanitary. Many local housing and occupancy codes require the abatement of deteriorating paint, including lead-based paint and lead based paint dust, in protecting the public health and safety. Where such standards exist, they must be honored. Even where local law does not mandate adherence to such standards, it is strongly recommended that they be considered as a matter of public policy.</i></p>

49 CFR 24 Subpart A - General

Old Rule	Updated (New) Rule	
	Text	Appendix A
<p>through a common corridor, the common corridor must have at least two means of egress.</p> <p>(6) For a displaced person who is handicapped, be free of any barriers which would preclude reasonable ingress, egress, or use of the dwelling by such displaced person.</p>	<p>(vii) For a displaced person with a disability, be free of any barriers which would preclude reasonable ingress, egress, or use of the dwelling by such displaced person. (See appendix A, § 24.2(a)(8)(vii).)</p>	<p>Section 24.2(a)(8)(vii) Persons with a disability. Reasonable accommodation of a displaced person with a disability at the replacement dwelling means the Agency is required to address persons with a physical impairment that substantially limits one or more of the major life activities. In these situations, reasonable accommodation should include the following at a minimum: Doors of adequate width; ramps or other assistance devices to traverse stairs and access bathtubs, shower stalls, toilets and sinks; storage cabinets, vanities, sink and mirrors at appropriate heights. Kitchen accommodations will include sinks and storage cabinets built at appropriate heights for access. The Agency shall also consider other items that may be necessary, such as physical modification to a unit, based on the displaced person’s needs.</p>
<p>Displaced person—</p> <p>(1) General. The term “displaced person” means, except as provided in paragraph (2) of this definition, any person who moves from the real property or moves his or her personal property from the real property: (This includes a person who occupies the real property prior to its acquisition, but who does not meet the length of occupancy requirements of the Uniform Act as described at §-§ 24.401(a) and 24.402(a)):</p> <p>(i) As a direct result of a written notice of intent to acquire, the initiation of negotiations for, or the acquisition of, such real property in whole or in part for a project;</p> <p>(ii) As a direct result of rehabilitation or demolition for a project; or</p> <p>(iii) As a direct result of a written notice of intent to acquire, or the acquisition, rehabilitation or demolition of, in whole or in part, other real property on which the person conducts a business or farm operation, for a project. However, eligibility for such person under this paragraph applies only for purposes of obtaining relocation assistance advisory services under § 24.205(c), and moving expenses under § 24.301, § 24.302 or §</p>	<p>(9) Displaced person.</p> <p>(i) General. The term <i>displaced person</i> means, except as provided in paragraph (a)(9)(ii) of this section, any person who moves from the real property or moves his or her personal property from the real property. (This includes a person who occupies the real property prior to its acquisition, but who does not meet the length of occupancy requirements of the Uniform Act as described at § 24.401(a) and § 24.402(a)):</p> <p>(A) As a direct result of a written notice of intent to acquire (see § 24.203(d)), the initiation of negotiations for, or the acquisition of, such real property in whole or in part for a project;</p> <p>(B) As a direct result of rehabilitation or demolition for a project; or</p> <p>(C) As a direct result of a written notice of intent to acquire, or the acquisition, rehabilitation or demolition of, in whole or in part, other real property on which the person conducts a business or farm operation, for a project. However, eligibility for such person under this paragraph applies only for purposes of obtaining relocation assistance advisory services under § 24.205(c), and moving expenses under § 24.301, § 24.302 or §</p>	

49 CFR 24 Subpart A - General

Old Rule	Updated (New) Rule	
	Text	Appendix A
<p>24.303.</p> <p>(2) Persons not displaced. The following is a nonexclusive listing of persons who do not qualify as displaced persons under this part:</p> <p>(i) A person who moves before the initiation of negotiations (see also § 24.403(d)), unless the Agency determines that the person was displaced as a direct result of the program or project; or</p> <p>(ii) A person who initially enters into occupancy of the property after the date of its acquisition for the project; or</p> <p>(iii) A person who has occupied the property for the purpose of obtaining assistance under the Uniform Act;</p> <p>(iv) A person who is not required to relocate permanently as a direct result of a project. Such determination shall be made by the Agency in accordance with any guidelines established by the Federal agency funding the project (see also appendix A of this part); or</p> <p>(v) An owner-occupant who moves as a result of an acquisition as described at §§ 24.101(a) (1) and (2), or as a result of the rehabilitation or demolition of the real property. (However, the displacement of a tenant as a direct result of any acquisition, rehabilitation or demolition for a Federal or federally-assisted project is subject to this part.); or</p> <p>(vi) A person whom the Agency determines is not displaced as a direct result of a partial acquisition; or</p> <p>(vii) A person who, after receiving a notice of relocation eligibility (described at § 24.203(b)), is notified in writing that he or she will not be displaced for a project. Such notice shall not be issued unless the person has not moved and the Agency agrees to reimburse the person for any expenses incurred to satisfy any binding contractual relocation obligations entered into after the effective date of the notice of relocation eligibility; or</p> <p>(viii) An owner-occupant who voluntarily conveys his or her property, as described at § 24.101(a) (4) and (2), after being informed in writing that if a mutually satisfactory agreement on terms of the conveyance</p>	<p>24.303.</p> <p>(ii) Persons not displaced. The following is a nonexclusive listing of persons who do not qualify as displaced persons under this part:</p> <p>(A) A person who moves before the initiation of negotiations (see § 24.403(d)), unless the Agency determines that the person was displaced as a direct result of the program or project;</p> <p>(B) A person who initially enters into occupancy of the property after the date of its acquisition for the project;</p> <p>(C) A person who has occupied the property for the purpose of obtaining assistance under the Uniform Act;</p> <p>(D) A person who is not required to relocate permanently as a direct result of a project. Such determination shall be made by the Agency in accordance with any guidelines established by the Federal Agency funding the project. (See appendix A, § 24.2(a)(9)(ii)(D));</p> <p>(E) An owner-occupant who moves as a result of an acquisition of real property as described in §§ 24.101(a)(2) or 24.101(b)(1) or (2), or as a result of the rehabilitation or demolition of the real property. (However, the displacement of a tenant as a direct result of any acquisition, rehabilitation or demolition for a Federal or federally-assisted project is subject to this part.);</p> <p>(F) A person whom the Agency determines is not displaced as a direct result of a partial acquisition;</p> <p>(G) A person who, after receiving a notice of relocation eligibility (described at § 24.203(b)), is notified in writing that he or she will not be displaced for a project. Such written notification shall not be issued unless the person has not moved and the Agency agrees to reimburse the person for any expenses incurred to satisfy any binding contractual relocation obligations entered into after the effective date of the notice of relocation eligibility;</p> <p>(H) An owner-occupant who conveys his or her property, as described in §§ 24.101(a)(2) or 24.101(b)(1) or (2), after being informed in writing that if a mutually satisfactory agreement on terms of the conveyance</p>	<p>Section 24.2(a)(9)(ii)(D) Persons not displaced.</p> <p>Paragraph (a)(9)(ii)(D) of this section recognizes that there are circumstances where the acquisition, rehabilitation or demolition of real property takes place without the intent or necessity that an occupant of the property be permanently displaced. Because such occupants are not considered “displaced persons” under this part, great care must be exercised to ensure that they are treated fairly and equitably. For example, if the tenant-occupant of a dwelling will not be displaced, but is required to relocate temporarily in connection with the project, the temporarily occupied housing must be decent, safe, and sanitary and the tenant must be reimbursed for all reasonable out-of-pocket expenses incurred in connection with the temporary relocation. These expenses may include moving expenses and increased housing costs during the temporary relocation. Temporary relocation should not extend beyond one year before the person is returned to his or her previous unit or location. The Agency must contact any residential tenant who has been temporarily relocated for a period beyond one year and offer all permanent relocation assistance. This assistance would be in addition to any assistance the person has already received for temporary relocation, and may not be reduced by the amount of any temporary relocation assistance. Similarly, if a business will be shut-down for any length of time due to rehabilitation of a site, it may be</p>

49 CFR 24 Subpart A - General

Old Rule	Updated (New) Rule	
	Text	Appendix A
<p>cannot be reached, the Agency will not acquire the property. In such cases, however, any resulting displacement of a tenant is subject to the regulations in this part; or</p> <p>(ix) A person who retains the right of use and occupancy of the real property for life following its acquisition by the Agency; or</p> <p>(x) An owner who retains the right of use and occupancy of the real property for a fixed term after its acquisition by the Department of the Interior under Public Law 93-477 or Public Law 93-303, except that such owner remains a displaced person for purposes of subpart D of this part; or</p> <p>(xi) A person who is determined to be in unlawful occupancy prior to the initiation of negotiations (see paragraph (y) of this section), or a person who has been evicted for cause, under applicable law, as provided for in § 24.206.</p> <p>(xii) A person who is not lawfully present in the United States and who has been determined to be ineligible for relocation benefits in accordance with § 24.208.</p>	<p>cannot be reached, the Agency will not acquire the property. In such cases, however, any resulting displacement of a tenant is subject to the regulations in this part;</p> <p>(I) A person who retains the right of use and occupancy of the real property for life following its acquisition by the Agency;</p> <p>(J) An owner who retains the right of use and occupancy of the real property for a fixed term after its acquisition by the Department of the Interior under Pub. L. 93-477, Appropriations for National Park System, or Pub. L. 93- 303, Land and Water Conservation Fund, except that such owner remains a displaced person for purposes of subpart D of this part;</p> <p>(K) A person who is determined to be in unlawful occupancy prior to or after the initiation of negotiations, or a person who has been evicted for cause, under applicable law, as provided for in § 24.206. However, advisory assistance may be provided to unlawful occupants at the option of the Agency in order to facilitate the project;</p> <p>(L) A person who is not lawfully present in the United States and who has been determined to be ineligible for relocation assistance in accordance with § 24.208; or</p> <p>(M) Tenants required to move as a result of the sale of their dwelling to a person using downpayment assistance provided under the American Dream Downpayment Initiative (ADDI) authorized by section 102 of the American Dream Downpayment Act (Pub. L. 108-186; codified at 42 U.S.C. 12821).</p>	<p>temporarily relocated and reimbursed for all reasonable out of pocket expenses or must be determined to be displaced at the Agency’s option. Any person who disagrees with the Agency’s determination that he or she is not a displaced person under this part may file an appeal in accordance with 49 CFR part 24.10 of this regulation.</p>
<p>Dwelling. The term dwelling means the place of permanent or customary and usual residence of a person, according to local custom or law, including a single family house; a single family unit in a two-family, multi-family, or multi-purpose property; a unit of a condominium or cooperative housing project; a non-housekeeping unit; a mobile home; or any other residential unit.</p>	<p>(10) <i>Dwelling</i>. The term <i>dwelling</i> means the place of permanent or customary and usual residence of a person, according to local custom or law, including a single family house; a single family unit in a two-family, multi-family, or multi-purpose property; a unit of a condominium or cooperative housing project; a non-housekeeping unit; a mobile home; or any other residential unit.</p>	
	<p>(11) <i>Dwelling site</i>. The term <i>dwelling site</i> means a land area that is typical in size for similar dwellings located in the same neighborhood or rural area. (See</p>	<p>Section 24.2(a)(11) <i>Dwelling Site</i>. This definition ensures that the computation of replacement housing payments are accurate and realistic (a) when the</p>

49 CFR 24 Subpart A - General

Old Rule	Updated (New) Rule	
	Text	Appendix A
	appendix A, § 24.2(a)(11).	dwelling is located on a larger than normal site, (b) when mixed use properties are acquired, (c) when more than one dwelling is located on the acquired property, or (d) when the replacement dwelling is retained by an owner and moved to another site.
Farm operation. The term farm operation means any activity conducted solely or primarily for the production of one or more agricultural products or commodities, including timber, for sale or home use, and customarily producing such products or commodities in sufficient quantity to be capable of contributing materially to the operator's support	(12) Farm operation. The term <i>farm operation</i> means any activity conducted solely or primarily for the production of one or more agricultural products or commodities, including timber, for sale or home use, and customarily producing such products or commodities in sufficient quantity to be capable of contributing materially to the operator's support.	
Federal financial assistance. The term Federal financial assistance means a grant, loan, or contribution provided by the United States, except any Federal guarantee or insurance and any interest reduction payment to an individual in connection with the purchase and occupancy of a residence by that individual.	(13) Federal financial assistance. The term <i>Federal financial assistance</i> means a grant, loan, or contribution provided by the United States, except any Federal guarantee or insurance and any interest reduction payment to an individual in connection with the purchase and occupancy of a residence by that individual.	
	(14) Household income. The term <i>household income</i> means total gross income received for a 12 month period from all sources (earned and unearned) including, but not limited to wages, salary, child support, alimony, unemployment benefits, workers compensation, social security, or the net income from a business. It does not include income received or earned by dependent children and full time students under 18 years of age. (See appendix A, § 24.2(a)(14) for examples of exclusions to income.)	Section 24.2(a)(14) Household income (exclusions). Household income for purposes of this regulation does not include program benefits that are not considered income by Federal law such as food stamps and the Women Infants and Children (WIC) program. For a more detailed list of income exclusions see Federal Highway Administration, Office of Real Estate Services Web site: http://www.fhwa.dot.gov/realestate/ . (FR 4644-N- 16 page 20319 Updated.) If there is a question on whether or not to include income from a specific program contact the Federal Agency administering the program.
Initiation of negotiations. Unless a different action is specified in applicable Federal program regulations, the term initiation of negotiations means the following: - (4) Whenever the displacement results from the acquisition of the real property by a Federal agency or State agency, the initiation of negotiations means the delivery of the initial written offer of just compensation by the Agency to the owner or the owner's representative to purchase the real property for the project. However, if the Federal agency or State agency issues a notice of its intent to acquire the real property, and a person moves	(15) Initiation of negotiations. Unless a different action is specified in applicable Federal program regulations, the term <i>initiation of negotiations</i> means the following: (i) Whenever the displacement results from the acquisition of the real property by a Federal Agency or State Agency, the <i>initiation of negotiations</i> means the delivery of the initial written offer of just compensation by the Agency to the owner or the owner's representative to purchase the real property for the project. However, if the Federal Agency or State Agency issues a notice of its intent to acquire the real property, and a person moves	Section 24(a)(15) Initiation of negotiations. This section provides a special definition for acquisition and displacements under Pub. L. 96-510 or Superfund. The order of activities under Superfund may differ slightly in that temporary relocation may precede acquisition. Superfund is a program designed to clean up hazardous waste sites. When such a site is discovered, it may be necessary, in certain limited circumstances, to alert individual owners and tenants to potential health or safety threats and to offer to temporarily relocate them while additional information is gathered. If a decision is

49 CFR 24 Subpart A - General

Old Rule	Updated (New) Rule	
	Text	Appendix A
<p>after that notice, but before delivery to the initial written purchase offer, the initiation of negotiations means the actual move of the person from the property.</p> <p>(2) Whenever the displacement is caused by rehabilitation, demolition or privately undertaken acquisition of the real property (and there is no related acquisition by a Federal agency or a State agency), the initiation of negotiations means the notice to the person that he or she will be displaced by the project or, if there is no notice, the actual move of the person from the property.</p> <p>(3) In the case of a permanent relocation to protect the public health and welfare, under the Comprehensive Environmental Response Compensation and Liability Act of 1980 (Pub. L. 96-510, or Superfund) the initiation of negotiations means the formal announcement of such relocation or the Federal or federally-coordinated health advisory where the Federal Government later decides to conduct a permanent relocation.</p>	<p>after that notice, but before delivery of the initial written purchase offer, the <i>initiation of negotiations</i> means the actual move of the person from the property.</p> <p>(ii) Whenever the displacement is caused by rehabilitation, demolition or privately undertaken acquisition of the real property (and there is no related acquisition by a Federal Agency or a State Agency), the <i>initiation of negotiations</i> means the notice to the person that he or she will be displaced by the project or, if there is no notice, the actual move of the person from the property.</p> <p>(iii) In the case of a permanent relocation to protect the public health and welfare, under the Comprehensive Environmental Response Compensation and Liability Act of 1980 (Pub. L. 96- 510, or Superfund) (CERCLA) the <i>initiation of negotiations</i> means the formal announcement of such relocation or the Federal or federally-coordinated health advisory where the Federal Government later decides to conduct a permanent relocation.</p> <p>(iv) In the case of permanent relocation of a tenant as a result of an acquisition of real property described in § 24.101(b)(1) through (5), the initiation of negotiations means the actions described in § 24.2(a)(15)(i) and (ii), except that such initiation of negotiations does not become effective, for purposes of establishing eligibility for relocation assistance for such tenants under this part, until there is a written agreement between the Agency and the owner to purchase the real property. (See appendix A, § 24.2(a)(15)(iv)).</p>	<p>later made to permanently relocate such persons, those who had been temporarily relocated under Superfund authority would no longer be on site when a formal, written offer to acquire the property was made, and thus would lose their eligibility for a replacement housing payment. In order to prevent this unfair outcome, we have provided a definition of initiation of negotiation, which is based on the date the Federal Government offers to temporarily relocate an owner or tenant from the subject property.</p> <p>Section 24.2(a)(15)(iv) Initiation of negotiations (Tenants.) Tenants who occupy property that may be acquired amicably, without recourse to the use of the power of eminent domain, must be fully informed as to their eligibility for relocation assistance. This includes notifying such tenants of their potential eligibility when negotiations are initiated, notifying them if they become fully eligible, and, in the event the purchase of the property will not occur, notifying them that they are no longer eligible for relocation benefits. If a tenant is not readily accessible, as the result of a disaster or emergency, the Agency must make a good faith effort to provide these notifications and document its efforts in writing.</p>
<p>Lead agency. The term lead agency means the Department of Transportation acting through the Federal Highway Administration.</p>	<p>(16) Lead Agency. The term <i>Lead Agency</i> means the Department of Transportation acting through the Federal Highway Administration.</p>	
	<p>(17) Mobile home. The term <i>mobile home</i> includes manufactured homes and recreational vehicles used as residences. (See appendix A, § 24.2(a)(17)).</p>	<p>Section 24.2(a)(17) Mobile home. The following examples provide additional guidance on the types of mobile homes and manufactured housing that can be found acceptable as comparable replacement dwellings for persons displaced from mobile homes. A</p>

49 CFR 24 Subpart A - General

Old Rule	Updated (New) Rule	
	Text	Appendix A
		<p>recreational vehicle that is capable of providing living accommodations may be considered a replacement dwelling if the following criteria are met: the recreational vehicle is purchased and occupied as the “primary” place of residence; it is located on a purchased or leased site and connected to or have available all necessary utilities for functioning as a housing unit on the date of the displacing Agency’s inspection; and, the dwelling, as sited, meets all local, State, and Federal requirements for a decent, safe and sanitary dwelling. (The regulations of some local jurisdictions will not permit the consideration of these vehicles as decent, safe and sanitary dwellings. In those cases, the recreational vehicle will not qualify as a replacement dwelling.) For HUD programs, mobile home is defined as “a structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or forty body feet or more in length, or, when erected on site, is three hundred or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air-conditioning, and electrical systems contained therein; except that such terms shall include any structure which meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of HUD and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act, provided by Congress in the original 1974 Manufactured Housing Act.” In 1979 the term “mobile home” was changed to “manufactured home.” For purposes of this regulation, the terms mobile home and manufactured home are synonymous. When assembled, manufactured homes built after 1976 contain no less than 320 square feet. They may be single or multisectioned units when installed. Their designation as personalty or realty will be determined by State law. When determined to</p>

49 CFR 24 Subpart A - General

Old Rule	Updated (New) Rule	
	Text	Appendix A
		<p>be realty, most are eligible for conventional mortgage financing. The 1976 HUD standards distinguish manufactured homes from factory-built “modular homes” as well as conventional or “stick-built” homes. Both of these types of housing are required to meet State and local construction codes.</p>
<p>Mortgage. The term mortgage means such classes of liens as are commonly given to secure advances on, or the unpaid purchase price of, real property, under the laws of the State in which the real property is located, together with the credit instruments, if any, secured thereby.</p>	<p>(18) Mortgage. The term <i>mortgage</i> means such classes of liens as are commonly given to secure advances on, or the unpaid purchase price of, real property, under the laws of the State in which the real property is located, together with the credit instruments, if any, secured thereby.</p>	
<p>Nonprofit organization. The term nonprofit organization means an organization that is incorporated under the applicable laws of a State as a non-profit organization, and exempt from paying Federal income taxes under section 501 of the Internal Revenue Code (26 U.S.C. 501).</p>	<p>(19) Nonprofit organization. The term <i>nonprofit organization</i> means an organization that is incorporated under the applicable laws of a State as a nonprofit organization, and exempt from paying Federal income taxes under section 501 of the Internal Revenue Code (26 U.S.C. 501).</p>	
<p>Notice of intent to acquire or notice of eligibility for relocation assistance. Written notice furnished 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, that establishes eligibility for relocation benefits prior to the initiation of negotiation and/or prior to the commitment of Federal financial assistance.</p>		
<p>Owner of a dwelling. A person is considered to have met the requirement to own a dwelling if the person purchases or holds any of the following interests in real property;</p> <ul style="list-style-type: none"> (1) Fee title, a life estate, a land contract, a 99-year lease, or a lease including any options for extension with at least 50 years to run from the date of acquisition; or (2) An interest in a cooperative housing project which includes the right to occupy a dwelling; or (3) A contract to purchase any of the interests or estates described in paragraphs (p) (1) or (2) of this section; or (4) Any other interest, including a partial interest, which in the judgment of the Agency warrants 	<p>(20) Owner of a dwelling. The term <i>owner of a dwelling</i> means a person who is considered to have met the requirement to own a dwelling if the person purchases or holds any of the following interests in real property:</p> <ul style="list-style-type: none"> (i) Fee title, a life estate, a land contract, a 99 year lease, or a lease including any options for extension with at least 50 years to run from the date of acquisition; or (ii) An interest in a cooperative housing project which includes the right to occupy a dwelling; or (iii) A contract to purchase any of the interests or estates described in § 24.2(a)(1)(i) or (ii) of this section; or (iv) Any other interest, including a partial interest, which in the judgment of the Agency warrants consideration as 	

49 CFR 24 Subpart A - General

Old Rule	Updated (New) Rule	
	Text	Appendix A
consideration as ownership.	ownership.	
Person. The term person means any individual, family, partnership, corporation, or association.	(21) <i>Person</i> . The term <i>person</i> means any individual, family, partnership, corporation, or association.	
Program or project. The phrase program or project means any activity or series of activities undertaken by a Federal agency or with Federal financial assistance received or anticipated in any phase of an undertaking in accordance with the Federal funding agency guidelines.	(22) <i>Program or project</i> . The phrase <i>program or project</i> means any activity or series of activities undertaken by a Federal Agency or with Federal financial assistance received or anticipated in any phase of an undertaking in accordance with the Federal funding Agency guidelines.	
Salvage value. The term salvage value means the probable sale price of an item, if offered for sale on the condition that it will be removed from the property at the buyer's expense, allowing a reasonable period of time to find a person buying with knowledge of the uses and purposes for which it is adaptable and capable of being used, including separate use of serviceable components and scrap when there is no reasonable prospect of sale except on that basis.	(23) <i>Salvage value</i> . The term <i>salvage value</i> means the probable sale price of an item offered for sale to knowledgeable buyers with the requirement that it be removed from the property at a buyer's expense (i.e., not eligible for relocation assistance). This includes items for re-use as well as items with components that can be reused or recycled when there is no reasonable prospect for sale except on this basis.	
Small business. A business having not more than 500 employees working at the site being acquired or displaced by a program or project, which site is the location of economic activity. Sites occupied solely by outdoor advertising signs, displays, or devices do not qualify as a business for purposes of § 24.304.	(24) <i>Small business</i> . A small business is a business having not more than 500 employees working at the site being acquired or displaced by a program or project, which site is the location of economic activity. Sites occupied solely by outdoor advertising signs, displays, or devices do not qualify as a business for purposes of § 24.304.	
State. Any of the several States of the United States or the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, or a political subdivision of any of these jurisdictions.	(25) <i>State</i> . Any of the several States of the United States or the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, or a political subdivision of any of these jurisdictions.	
Tenant. The term tenant means a person who has the temporary use and occupancy of real property owned by another.	(26) <i>Tenant</i> . The term <i>tenant</i> means a person who has the temporary use and occupancy of real property owned by another.	
Uneconomic remnant. The term uneconomic remnant means a parcel of real property in which the owner is left with an interest after the partial acquisition of the owner's property, and which the acquiring agency has determined has little or no value or utility to the owner.	(27) <i>Uneconomic remnant</i> . The term <i>uneconomic remnant</i> means a parcel of real property in which the owner is left with an interest after the partial acquisition of the owner's property, and which the Agency has determined has little or no value or utility to the owner.	
Uniform Act. The term Uniform Act means the Uniform Relocation Assistance and Real Property Acquisition Policy Act of 1970 (84 Stat. 1894; 42 U.S.C. 4601 et seq.; Pub. L. 91-646), and amendments thereto.	(28) <i>Uniform Act</i> . The term <i>Uniform Act</i> means the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Pub. L. 91-646, 84 Stat. 1894; 42 U.S.C. 4601 et seq.), and amendments	

49 CFR 24 Subpart A - General

Old Rule	Updated (New) Rule	
	Text	Appendix A
<p>Unlawful occupancy. A person is considered to be in unlawful occupancy if the person has been ordered to move by a court of competent jurisdiction prior to the initiation of negotiations or is determined by the Agency to be a squatter who is occupying the real property without the permission of the owner and otherwise has no legal right to occupy the property under State law. A displacing agency may, at its discretion, consider such a squatter to be in lawful occupancy.</p>	<p>thereto.</p> <p>(29) Unlawful occupant. A person who occupies without property right, title or payment of rent or a person legally evicted, with no legal rights to occupy a property under State law. An Agency, at its discretion, may consider such person to be in lawful occupancy.</p>	
<p>Utility costs. The term utility costs means expenses for heat, lights, water and sewer.</p>	<p>(30) Utility costs. The term <i>utility costs</i> means expenses for electricity, gas, other heating and cooking fuels, water and sewer.</p>	
<p>Utility facility. The term utility facility means any electric, gas, water, steampower, or materials transmission or distribution system; any transportation system; any communications system, including cable television; and any fixtures, equipment, or other property associated with the operation, maintenance, or repair of any such system. A utility facility may be publicly, privately, or cooperatively owned.</p>	<p>(31) Utility facility. The term <i>utility facility</i> means any electric, gas, water, steam power, or materials transmission or distribution system; any transportation system; any communications system, including cable television; and any fixtures, equipment, or other property associated with the operation, maintenance, or repair of any such system. A utility facility may be publicly, privately, or cooperatively owned.</p>	
<p>Utility relocation. The term utility relocation means the adjustment of a utility facility required by the program or project undertaken by the displacing agency. It includes removing and reinstalling the facility, including necessary temporary facilities; acquiring necessary right-of-way on new location; moving, rearranging or changing the type of existing facilities; and taking any necessary safety and protective measures. It shall also mean constructing a replacement facility that has the functional equivalency of the existing facility and is necessary for the continued operation of the utility service, the project economy, or sequence of project construction.</p> <p><small>[54 FR 8928, Mar. 2, 1989; 54 FR 24712, June 9, 1989; 58 FR 26072, Apr. 30, 1993; 64 FR 7131, Feb. 12, 1999]</small></p>	<p>(32) Utility relocation. The term <i>utility relocation</i> means the adjustment of a utility facility required by the program or project undertaken by the displacing Agency. It includes removing and reinstalling the facility, including necessary temporary facilities; acquiring necessary right-of-way on a new location; moving, rearranging or changing the type of existing facilities; and taking any necessary safety and protective measures. It shall also mean constructing a replacement facility that has the functional equivalency of the existing facility and is necessary for the continued operation of the utility service, the project economy, or sequence of project construction.</p>	
	<p>(33) Waiver valuation. The term <i>waiver valuation</i> means the valuation process used and the product produced when the Agency determines that an appraisal is not required, pursuant to § 24.102(c)(2) appraisal waiver provisions.</p>	

49 CFR 24 Subpart A - General

Old Rule	Updated (New) Rule	
	Text	Appendix A
24.2(b) Acronyms		
	<p>(b) The following acronyms are commonly used in the implementation of programs subject to this regulation:</p>	
	<p>(1) BCIS. Bureau of Citizenship and Immigration Service. (2) FEMA. Federal Emergency Management Agency. (3) FHA. Federal Housing Administration. (4) FHWA. Federal Highway Administration. (5) FIRREA. Financial Institutions Reform, Recovery, and Enforcement Act of 1989. (6) HLR. Housing of last resort. (7) HUD. U.S. Department of Housing and Urban Development. (8) MIDP. Mortgage interest differential payment. (9) RHP. Replacement housing payment. (10) STURAA. Surface Transportation and Uniform Relocation Act Amendments of 1987. (11) URA. Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970. (12) USDOT. U.S. Department of Transportation. (13) USPAP. Uniform Standards of Professional Appraisal Practice.</p>	
24.3 No duplication of payments.		
<p>No person shall receive any payment under this part if that person receives a payment under Federal, State, or local law which is determined by the Agency to have the same purpose and effect as such payment under this part. (See appendix A of this part, § 24.3.)</p>	<p>No person shall receive any payment under this part if that person receives a payment under Federal, State, local law, or insurance proceeds which is determined by the Agency to have the same purpose and effect as such payment under this part. (See appendix A, § 24.3).</p>	<p><i>Section 24.3 No Duplication of Payments.</i> This section prohibits an Agency from making a payment to a person under these regulations that would duplicate another payment the person receives under Federal, State, or local law. The Agency is not required to conduct an exhaustive search for such other payments; it is only required to avoid creating a duplication based on the Agency's knowledge at the time a payment is computed.</p>
24.4 Assurances, monitoring and corrective action		
24.4(a) Assurances		
<p>(1) Before a Federal agency may approve any grant to, or contract, or agreement with, a State agency under which Federal financial assistance will be made available for a project which results in real property acquisition or displacement that is subject to the Uniform Act, the State agency must provide appropriate assurances that it will comply with the Uniform Act and this part. A displacing</p>	<p>(1) Before a Federal Agency may approve any grant to, or contract, or agreement with, a State Agency under which Federal financial assistance will be made available for a project which results in real property acquisition or displacement that is subject to the Uniform Act, the State Agency must provide appropriate assurances that it will comply with the Uniform Act and this part. A displacing</p>	

49 CFR 24 Subpart A - General

Old Rule	Updated (New) Rule	
	Text	Appendix A
<p>agency's assurances shall be in accordance with section 210 of the Uniform Act. An acquiring agency's assurances shall be in accordance with section 305 of the Uniform Act and must contain specific reference to any State law which the Agency believes provides an exception to section 301 or 302 of the Uniform Act. If, in the judgment of the federal agency, Uniform Act compliance will be served, a State agency may provide these assurances at one time to cover all subsequent federally-assisted programs or projects. An Agency which both acquires real property and displaces persons may combine its section 210 and section 305 assurances in one document.</p> <p>(2) If a Federal agency or State agency provides Federal financial assistance to a "person" causing displacement, such Federal or State agency is responsible for ensuring compliance with the requirements of this part, notwithstanding the person's contractual obligation to the grantee to comply.</p> <p>(3) As an alternative to the assurance requirement described in paragraph (a)(1) of this section, a Federal agency may provide Federal financial assistance to a State agency after it has accepted a certification by such State agency in accordance with the requirements in subpart G of this part.</p>	<p>Agency's assurances shall be in accordance with section 210 of the Uniform Act. An acquiring Agency's assurances shall be in accordance with section 305 of the Uniform Act and must contain specific reference to any State law which the Agency believes provides an exception to §§ 301 or 302 of the Uniform Act. If, in the judgment of the Federal Agency, Uniform Act compliance will be served, a State Agency may provide these assurances at one time to cover all subsequent federally-assisted programs or projects. An Agency, which both acquires real property and displaces persons, may combine its section 210 and section 305 assurances in one document.</p> <p>(2) If a Federal Agency or State Agency provides Federal financial assistance to a "person" causing displacement, such Federal or State Agency is responsible for ensuring compliance with the requirements of this part, notwithstanding the person's contractual obligation to the grantee to comply.</p> <p>(3) As an alternative to the assurance requirement described in paragraph (a)(1) of this section, a Federal Agency may provide Federal financial assistance to a State Agency after it has accepted a certification by such State Agency in accordance with the requirements in subpart G of this part.</p>	
24.4(b) Monitoring and corrective action.		
<p>(b) Monitoring and corrective action. The Federal agency will monitor compliance with this part, and the State agency shall take whatever corrective action is necessary to comply with the Uniform Act and this part. The Federal agency may also apply sanctions in accordance with applicable program regulations. (Also see § 24.603, subpart G.)</p>	<p>(b) <i>Monitoring and corrective action.</i> The Federal Agency will monitor compliance with this part, and the State Agency shall take whatever corrective action is necessary to comply with the Uniform Act and this part. The Federal Agency may also apply sanctions in accordance with applicable program regulations. (Also see § 24.603, of this part).</p>	
24.4(c) Prevention of fraud, waste, and mismanagement.		
<p>(c) Prevention of fraud, waste, and mismanagement. The Agency shall take appropriate measures to carry out this part in a manner that minimizes fraud, waste, and mismanagement.</p>	<p>(c) <i>Prevention of fraud, waste, and mismanagement.</i> The Agency shall take appropriate measures to carry out this part in a manner that minimizes fraud, waste, and mismanagement.</p>	
24.5 Manner of notices.		
<p>Each notice which the Agency is required to provide to a property owner or occupant under this part, except the</p>	<p>Each notice which the Agency is required to provide to a property owner or occupant under this part, except the</p>	

49 CFR 24 Subpart A - General

Old Rule	Updated (New) Rule	
	Text	Appendix A
<p>notice described at § 24.102(b), shall be personally served or sent by certified or registered first-class mail, return receipt requested, and documented in Agency files. Each notice shall be written in plain, understandable language. Persons who are unable to read and understand the notice must be provided with appropriate translation and counseling. Each notice shall indicate the name and telephone number of a person who may be contacted for answers to questions or other needed help.</p>	<p>notice described at § 24.102(b), shall be personally served or sent by certified or registered first-class mail, return receipt requested, and documented in Agency files. Each notice shall be written in plain, understandable language. Persons who are unable to read and understand the notice must be provided with appropriate translation and counseling. Each notice shall indicate the name and telephone number of a person who may be contacted for answers to questions or other needed help.</p>	
24.6 Administration of jointly funded projects.		
<p>Whenever two or more Federal agencies provide financial assistance to an Agency or Agencies, other than a Federal-agency, to carry out functionally or geographically related activities which will result in the acquisition of property or the displacement of a person, the Federal agencies may by agreement designate one such agency as the cognizant Federal agency. In the unlikely event that agreement among the Agencies cannot be reached as to which agency shall be the cognizant Federal agency, then the lead agency shall designate one of such agencies to assume the cognizant role. At a minimum, the agreement shall set forth the federally assisted activities which are subject to its terms and cite any policies and procedures, in addition to this part, that are applicable to the activities under the agreement. Under the agreement, the cognizant Federal agency shall assure that the project is in compliance with the provisions of the Uniform Act and this part. All federally assisted activities under the agreement shall be deemed a project for the purposes of this part.</p>	<p>Whenever two or more Federal Agencies provide financial assistance to an Agency or Agencies, other than a Federal Agency, to carry out functionally or geographically related activities, which will result in the acquisition of property or the displacement of a person, the Federal Agencies may by agreement designate one such Agency as the cognizant Federal Agency. In the unlikely event that agreement among the Agencies cannot be reached as to which Agency shall be the cognizant Federal Agency, then the Lead Agency shall designate one of such Agencies to assume the cognizant role. At a minimum, the agreement shall set forth the federally assisted activities which are subject to its terms and cite any policies and procedures, in addition to this part, that are applicable to the activities under the agreement. Under the agreement, the cognizant Federal Agency shall assure that the project is in compliance with the provisions of the Uniform Act and this part. All federally-assisted activities under the agreement shall be deemed a project for the purposes of this part.</p>	
24.7 Federal Agency waiver of regulations.		
<p>The Federal agency funding the project may waive any requirement in this part not required by law if it determines that the waiver does not reduce any assistance or protection provided to an owner or displaced person under this part. Any request for a waiver shall be justified on a case-by-case basis.</p>	<p>The Federal Agency funding the project may waive any requirement in this part not required by law if it determines that the waiver does not reduce any assistance or protection provided to an owner or displaced person under this part. Any request for a waiver shall be justified on a case-by-case basis.</p>	
24.8 Compliance with other laws and regulations.		
<p>The implementation of this part must be in compliance with other applicable Federal laws and implementing</p>	<p>The implementation of this part must be in compliance with other applicable Federal laws and implementing</p>	

49 CFR 24 Subpart A - General

Old Rule	Updated (New) Rule	
	Text	Appendix A
<p>regulations, including, but not limited to, the following:</p> <p>(a) Section I of the Civil Rights Act of 1866 (42 U.S.C. 1982 <i>et seq.</i>).</p> <p>(b) Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d <i>et seq.</i>).</p> <p>(c) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. 3601 <i>et seq.</i>), as amended.</p> <p>(d) The National Environmental Policy Act of 1969 (42 U.S.C. 4321 <i>et seq.</i>).</p> <p>(e) Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 790 <i>et seq.</i>).</p> <p>(f) The Flood Disaster Protection Act of 1973 (Pub. L. 93-234).</p> <p>(g) The Age Discrimination Act of 1975 (42 U.S.C. 6101 <i>et seq.</i>).</p> <p>(h) Executive Order 11063--Equal Opportunity and Housing, as amended by Executive Order 12259.</p> <p>(i) Executive Order 11246--Equal Employment Opportunity.</p> <p>(j) Executive Order 11625--Minority Business Enterprise.</p> <p>(k) Executive Orders 11988, Floodplain Management, and 11990, Protection of Wetlands.</p> <p>(l) Executive Order 12250--Leadership and Coordination of Non-Discrimination Laws.</p> <p>(m) Executive Order 12259--Leadership and Coordination of Fair Housing in Federal Programs.</p> <p>(n) Executive Order 12630--Governmental Actions and Interference with Constitutionally Protected Property Rights.</p>	<p>regulations, including, but not limited to, the following:</p> <p>(a) Section I of the Civil Rights Act of 1866 (42 U.S.C. 1982 <i>et seq.</i>).</p> <p>(b) Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d <i>et seq.</i>).</p> <p>(c) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. 3601 <i>et seq.</i>), as amended.</p> <p>(d) The National Environmental Policy Act of 1969 (42 U.S.C. 4321 <i>et seq.</i>).</p> <p>(e) Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 790 <i>et seq.</i>).</p> <p>(f) The Flood Disaster Protection Act of 1973 (Pub. L. 93-234).</p> <p>(g) The Age Discrimination Act of 1975 (42 U.S.C. 6101 <i>et seq.</i>).</p> <p>(h) Executive Order 11063—Equal Opportunity and Housing, as amended by Executive Order 12892.</p> <p>(i) Executive Order 11246—Equal Employment Opportunity, as amended.</p> <p>(j) Executive Order 11625—Minority Business Enterprise.</p> <p>(k) Executive Orders 11988— Floodplain Management, and 11990— Protection of Wetlands.</p> <p>(l) Executive Order 12250— Leadership and Coordination of Non- Discrimination Laws.</p> <p> </p> <p>(m) Executive Order 12630— Governmental Actions and Interference with Constitutionally Protected Property Rights.</p> <p>(n) Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended (42 U.S.C. 5121 <i>et seq.</i>).</p> <p>(o) Executive Order 12892— Leadership and Coordination of Fair Housing in Federal Programs: Affirmatively Furthering Fair Housing (January 17, 1994).</p>	
24.9 Recordkeeping and reports.		
<p>(a) Records. The Agency shall maintain adequate records of its acquisition and displacement activities in sufficient detail to demonstrate compliance with this part. These records shall be retained for at least 3 years after each owner of a property and each person displaced from</p>	<p>(a) <i>Records.</i> The Agency shall maintain adequate records of its acquisition and displacement activities in sufficient detail to demonstrate compliance with this part. These records shall be retained for at least 3 years after each owner of a property and each person displaced from the</p>	

49 CFR 24 Subpart A - General

Old Rule	Updated (New) Rule	
	Text	Appendix A
the property receives the final payment to which he or she is entitled under this part, or in accordance with the applicable regulations of the Federal funding agency, whichever is later.	property receives the final payment to which he or she is entitled under this part, or in accordance with the applicable regulations of the Federal funding Agency, whichever is later.	
(b) Confidentiality of records. Records maintained by an Agency in accordance with this part are confidential regarding their use as public information, unless applicable law provides otherwise.	(b) <i>Confidentiality of records.</i> Records maintained by an Agency in accordance with this part are confidential regarding their use as public information, unless applicable law provides otherwise.	
(c) Reports. The Agency shall submit a report of its real property acquisition and displacement activities under this part if required by the Federal agency funding the project. A report will not be required more frequently than every 3 years, or as the Uniform Act provides, unless the Federal funding agency shows good cause. The report shall be prepared and submitted in the format contained in appendix B of this part.	(c) <i>Reports.</i> The Agency shall submit a report of its real property acquisition and displacement activities under this part if required by the Federal Agency funding the project. A report will not be required more frequently than every 3 years, or as the Uniform Act provides, unless the Federal funding Agency shows good cause. The report shall be prepared and submitted using the format contained in appendix B of this part.	
24.10 Appeals.		
(a) General. The Agency shall promptly review appeals in accordance with the requirements of applicable law and this part.	(a) <i>General.</i> The Agency shall promptly review appeals in accordance with the requirements of applicable law and this part.	
(b) Actions which may be appealed. Any aggrieved person may file a written appeal with the Agency in any case in which the person believes that the Agency has failed to properly consider the person's application for assistance under this part. Such assistance may include, but is not limited to, the person's eligibility for, or the amount of, a payment required under § 24.106 or § 24.107, or a relocation payment required under this part. The Agency shall consider a written appeal regardless of form.	(b) <i>Actions which may be appealed.</i> Any aggrieved person may file a written appeal with the Agency in any case in which the person believes that the Agency has failed to properly consider the person's application for assistance under this part. Such assistance may include, but is not limited to, the person's eligibility for, or the amount of, a payment required under § 24.106 or § 24.107, or a relocation payment required under this part. The Agency shall consider a written appeal regardless of form.	
(c) Time limit for initiating appeal. The Agency may set a reasonable time limit for a person to file an appeal. The time limit shall not be less than 60 days after the person receives written notification of the Agency's determination on the person's claim.	(c) <i>Time limit for initiating appeal.</i> The Agency may set a reasonable time limit for a person to file an appeal. The time limit shall not be less than 60 days after the person receives written notification of the Agency's determination on the person's claim.	
(d) Right to representation. A person has a right to be represented by legal counsel or other representative in connection with his or her appeal, but solely at the person's own expense.	(d) <i>Right to representation.</i> A person has a right to be represented by legal counsel or other representative in connection with his or her appeal, but solely at the person's own expense.	
(e) Review of files by person making appeal. The Agency shall permit a person to inspect and copy all	(e) <i>Review of files by person making appeal.</i> The Agency shall permit a person to inspect and copy all materials	

49 CFR 24 Subpart A - General

Old Rule	Updated (New) Rule	
	Text	Appendix A
materials pertinent to his or her appeal, except materials which are classified as confidential by the Agency. The Agency may, however, impose reasonable conditions on the person's right to inspect, consistent with applicable laws.	pertinent to his or her appeal, except materials which are classified as confidential by the Agency. The Agency may, however, impose reasonable conditions on the person's right to inspect, consistent with applicable laws.	
(f) Scope of review of appeal. In deciding an appeal, the Agency shall consider all pertinent justification and other material submitted by the person, and all other available information that is needed to ensure a fair and full review of the appeal.	(f) <i>Scope of review of appeal.</i> In deciding an appeal, the Agency shall consider all pertinent justification and other material submitted by the person, and all other available information that is needed to ensure a fair and full review of the appeal.	
(g) Determination and notification after appeal. Promptly after receipt of all information submitted by a person in support of an appeal, the Agency shall make a written determination on the appeal, including an explanation of the basis on which the decision was made, and furnish the person a copy. If the full relief requested is not granted, the Agency shall advise the person of his or her right to seek judicial review.	(g) <i>Determination and notification after appeal.</i> Promptly after receipt of all information submitted by a person in support of an appeal, the Agency shall make a written determination on the appeal, including an explanation of the basis on which the decision was made, and furnish the person a copy. If the full relief requested is not granted, the Agency shall advise the person of his or her right to seek judicial review of the Agency decision.	
(h) Agency official to review appeal. The Agency official conducting the review of the appeal shall be either the head of the Agency or his or her authorized designee. However, the official shall not have been directly involved in the action appealed.	(h) <i>Agency official to review appeal.</i> The Agency official conducting the review of the appeal shall be either the head of the Agency or his or her authorized designee. However, the official shall not have been directly involved in the action appealed.	