

Coastal Impact Assistance Program

Land Acquisitions Under CIAP

Coastal Impact Assistance Program

The purpose of this briefing is to help you become aware of CIAP and Federal requirements associated with land acquisitions

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OVERVIEW

1. Government-wide requirements for land acquisitions under Federally Assisted Programs.
2. Uniform Appraisal Standards for Federal Land Acquisitions (Yellow Book)
3. Other requirements

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GOVERNMENT-WIDE REGULATIONS :

49 CFR Part 24, Uniform Relocation Assistance and Real Property Acquisition Regulations for Federal and Federally-Assisted Programs.

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Purpose of 49 CFR 24

Implement the Uniform Relocation Assistance and Real Property Acquisition Policies Act

- 1. Ensure owners are treated consistently and fairly.**
- 2. Ensure displaced persons are treated fairly and do not suffer disproportionate injuries.**

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- Applicability of 49 CFR 24:
 - **Applicable to any acquisition of real property where there is Federal financial assistance for any of the project costs.**
 - **Applicable to greatest extent possible under state law.**

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Outline of 49 CFR 24

- **Subpart A – General**
- **Subpart B – Real Property Acquisition**
- **Subpart C – General Relocation Requirements**

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- **Subpart D – Payments for Moving and General Expenses**
- **Subpart E – Replacement Housing Payments**
- **Subpart F – Mobile Homes**
- **Subpart G - Certification**

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- **A good introduction to Land Acquisition is at**
- **<http://www.fhwa.dot.gov/realestate/realprop/index.html>**
- **A good introduction to Relocation Assistance is at**
- **<http://www.fhwa.dot.gov/realestate/rights/index.html>**

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Normal acquisitions under CIAP:

- 1. No displaced persons, businesses or farm operations**
- 2. Willing sellers (private landowners)**
- 3. May qualify for exemptions from 49 CFR 24.**

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Exemption 1 (49 CFR 24.101 (b)(1))

Must meet all 4 of the following conditions:

- **(i) No specific site or property needs to be acquired, although the Agency may limit its search for alternative sites to a general geographic area.**

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- **(ii) Not part of a planned project area where all the land has to be acquired**
- **(iii) The Agency will not acquire the property if negotiations fail to result in an amicable agreement, and the owner is so informed in writing.**

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- **iv) The Agency will inform the owner in writing of what it believes to be the market value of the property.**

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Exemption 2: (49 CFR 24.101 (b)(2))

Acquiring agency does not have authority to acquire property by eminent domain, provided that such Agency or person shall:

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- **(i) Prior to making an offer for the property, clearly advise the owner that it is unable to acquire the property if negotiations fail to result in an agreement; and**
- **(ii) Inform the owner in writing of what it believes to be the market value of the property.**

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**For more information on 49 CFR 24, the
CFR can be accessed at:**

<http://www.gpoaccess.gov/cfr/index.html>

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CIAP requires that all appraisals be conducted in accordance with the Uniform Appraisal Standards for Federal Land Acquisitions (UASFLA).

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UASFLA Link:

<http://www.usdoj.gov/enrd/land-ack/>

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Other Requirements:

Property improved or acquired with Federal grant funds must be used for the originally authorized purpose as long as needed for those projects. When no longer needed - contact the Federal Agency for disposal instructions.

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In addition: CIAP Requirement

Real Property improved or acquired with CIAP funds must continue, in perpetuity, to serve the purpose for which it was improved or acquired

AND

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Deed must state property is subject to CIAP restrictions. (Specific deed language will appear in the grant award.)

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THE END