

**49 CFR 24 Subpart C  
General Relocation Requirements**

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| <b>24.201 Purpose.</b>  |  |  |
| This subpart prescribes general requirements governing the provision of relocation payments and other relocation assistance in this part.   | This subpart prescribes general requirements governing the provision of relocation payments and other relocation assistance in this part.  |  |
| <b>24.202 Applicability.</b>  |  |  |
| These requirements apply to the relocation of any displaced person as defined at § 24.2.<br><del>{54 FR 8928, Mar. 2, 1989, as amended at 64 FR 7132, Feb. 12, 1999}</del>  | These requirements apply to the relocation of any displaced person as defined at § 24.2(a)(9). <b>Any person who qualifies as a displaced person must be fully informed of his or her rights and entitlements to relocation assistance and payments provided by the Uniform Act and this regulation. (See appendix A, § 24.202.)</b>   | <b>Section 24.202 Applicability and Section 205(c) Services to be provided. In extraordinary circumstances, when a displaced person is not readily accessible, the Agency must make a good faith effort to comply with these sections and document its efforts in writing.</b> |
| <b>24.203 Relocation Notices.</b>   |  |  |
| <b>24.203(a) General information notice.</b>  |  |  |
| (a) <i>General information notice.</i> As soon as feasible, a person scheduled to be displaced shall be furnished with a general written description of the displacing agency's relocation program which does at least the following:<br>(1) Informs the person that he or she may be displaced for the project and generally describes the relocation payment(s) for which the person may be eligible, the basic conditions of eligibility, and the procedures for obtaining the payment(s)-<br>(2) Informs the person that he or she will be given reasonable relocation advisory services, including referrals to replacement properties, help in filing payment claims, and other necessary assistance to help the person successfully relocate-<br>(3) Informs the person that he or she will not be required to move without at least 90 days' advance written notice (see paragraph (c) of this section), and informs any person to be displaced from a dwelling that he or she cannot be required to move permanently unless at least one comparable replacement dwelling has been made available-<br>(4) Informs the person that any person who is an alien not lawfully present in the United States is ineligible for relocation advisory services and relocation payments, unless such ineligibility would result in exceptional and extremely unusual hardship to a qualifying spouse, | (a) <i>General information notice.</i> As soon as feasible, a person scheduled to be displaced shall be furnished with a general written description of the displacing Agency's relocation program which does at least the following:<br>(1) Informs the person that he or she may be displaced for the project and generally describes the relocation payment(s) for which the person may be eligible, the basic conditions of eligibility, and the procedures for obtaining the payment(s);<br>(2) Informs the <b>displaced</b> person that he or she will be given reasonable relocation advisory services, including referrals to replacement properties, help in filing payment claims, and other necessary assistance to help the displaced person successfully relocate;<br>(3) Informs the <b>displaced</b> person that he or she will not be required to move without at least 90 days advance written notice (see paragraph (c) of this section), and informs any person to be displaced from a dwelling that he or she cannot be required to move permanently unless at least one comparable replacement dwelling has been made available;<br>(4) Informs the <b>displaced</b> person that any person who is an alien not lawfully present in the United States is ineligible for relocation advisory services and relocation payments, unless such ineligibility would result in exceptional and extremely unusual hardship to a |  |

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| <p>parent, or child, as defined in § 24.208(i).</p> <p>(5) Describes the person’s right to appeal the Agency’s determination as to a person’s application for assistance for which a person may be eligible under this part.</p>   | <p>qualifying spouse, parent, or child, as defined in § 24.208(h); and</p> <p>(5) Describes the <b>displaced</b> person’s right to appeal the Agency’s determination as to a person’s application for assistance for which a person may be eligible under this part.</p>   |                     |
| <b>24.203(b) Notice of relocation eligibility.</b>   |  |                     |
| <p>(b) <i>Notice of relocation eligibility.</i> Eligibility for relocation assistance shall begin on the date of initiation of negotiations (defined in § 24.2) for the occupied property. When this occurs, the Agency shall promptly notify all occupants in writing of their eligibility for applicable relocation assistance.</p>  | <p>(b) <i>Notice of relocation eligibility.</i> Eligibility for relocation assistance shall begin on the date of <b>a notice of intent to acquire (described in § 24.203(d)), the initiation of negotiations (defined in § 24.2(a)(15)), or actual acquisition, whichever occurs first.</b> When this occurs, the Agency shall promptly notify all occupants in writing of their eligibility for applicable relocation assistance.</p>   |                     |
| <b>24.203(c) Ninety-day notice.</b>  |  |                     |
| <p>(c) <i>Ninety-day notice</i>—(1) <i>General.</i> No lawful occupant shall be required to move unless he or she has received at least 90 days advance written notice of the earliest date by which he or she may be required to move.</p> <p>(2) <i>Timing of notice.</i> The displacing agency may issue the notice 90 days before it expects the person to be displaced <del>or earlier.</del></p> <p>(3) <i>Content of notice.</i> The 90-day notice shall either state a specific date as the earliest date by which the occupant may be required to move, or state that the occupant will receive a further notice indicating, at least 30 days in advance, the specific date by which he or she must move. If the 90-day notice is issued before a comparable replacement dwelling is made available, the notice must state clearly that the occupant will not have to move earlier than 90 days after such a dwelling is made available. (See § 24.204(a).)</p> <p>(4) <i>Urgent need.</i> In unusual circumstances, an occupant may be required to vacate the property on less than 90 days advance written notice if the displacing agency determines that a 90-day notice is impracticable, such as when the person’s continued occupancy of the property would constitute a substantial danger to health or safety. A copy of the Agency’s determination shall be included in the applicable case file.</p> | <p>(c) <i>Ninety-day notice.</i> (1) <i>General.</i> No lawful occupant shall be required to move unless he or she has received at least 90 days advance written notice of the earliest date by which he or she may be required to move.</p> <p>(2) <i>Timing of notice.</i> The displacing Agency may issue the notice 90 days or earlier before it expects the person to be displaced.</p> <p>(3) <i>Content of notice.</i> The 90-day notice shall either state a specific date as the earliest date by which the occupant may be required to move, or state that the occupant will receive a further notice indicating, at least 30 days in advance, the specific date by which he or she must move. If the 90-day notice is issued before a comparable replacement dwelling is made available, the notice must state clearly that the occupant will not have to move earlier than 90 days after such a dwelling is made available. (See § 24.204(a).)</p> <p>(4) <i>Urgent need.</i> In unusual circumstances, an occupant may be required to vacate the property on less than 90 days advance written notice if the displacing Agency determines that a 90-day notice is impracticable, such as when the person’s continued occupancy of the property would constitute a substantial danger to health or safety. A copy of the Agency’s determination shall be included in the applicable case file.</p> |                     |

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| <p>[54 FR 8928, Mar. 2, 1989, as amended at 64 FR 7132, Feb. 12, 1999]</p>  |   |   |
| <b>24.203(d) Notice of intent to acquire.</b>   |   |   |
|   | <p><b>(d) Notice of intent to acquire. A notice of intent to acquire is a displacing Agency’s written communication that is provided to a person to be displaced, including those to be displaced by rehabilitation or demolition activities from property acquired prior to the commitment of Federal financial assistance to the activity, which clearly sets forth that the Agency intends to acquire the property. A notice of intent to acquire establishes eligibility for relocation assistance prior to the initiation of negotiations and/or prior to the commitment of Federal financial assistance. (See § 24.2(a)(9)(i)(A).)</b></p>  |   |
| <b>24.204 Availability of comparable replacement dwelling before displacement.</b>  |   |   |
| <b>24.204(a) General.</b>   |   |   |
| <p>(a) <i>General.</i> No person to be displaced shall be required to move from his or her dwelling unless at least one comparable replacement dwelling (defined at § 24.2) has been made available to the person. Where possible, three or more comparable replacement dwellings shall be made available. A comparable replacement dwelling will be considered to have been made available to a person, if:</p> <ul style="list-style-type: none"> <li>(1) The person is informed of its location; <del>and</del></li> <li>(2) The person has sufficient time to negotiate and enter into a purchase agreement or lease for the property; and</li> <li>(3) Subject to reasonable safeguards, the person is assured of receiving the relocation assistance and acquisition payment to which the person is entitled in sufficient time to complete the purchase or lease of the property.</li> </ul> | <p>(a) <i>General.</i> No person to be displaced shall be required to move from his or her dwelling unless at least one comparable replacement dwelling (defined at § 24.2 <b>(a)(6)</b>) has been made available to the person. When possible, three or more comparable replacement dwellings shall be made available. A comparable replacement dwelling will be considered to have been made available to a person, if:</p> <ul style="list-style-type: none"> <li>(1) The person is informed of its location;</li> <li>(2) The person has sufficient time to negotiate and enter into a purchase agreement or lease for the property; and</li> <li>(3) Subject to reasonable safeguards, the person is assured of receiving the relocation assistance and acquisition payment to which the person is entitled in sufficient time to complete the purchase or lease of the property.</li> </ul> | <p><i>Section 24.204(a) General.</i> This provision requires that no one may be required to move from a dwelling without a comparable replacement dwelling having been made available. In addition, § 24.204(a) requires that, “where possible, three or more comparable replacement dwellings shall be made available.” Thus, the basic standard for the number of referrals required under this section is three. Only in situations where three comparable replacement dwellings are not available (e.g., when the local housing market does not contain three comparable dwellings) may the Agency make fewer than three referrals.</p> |
| <b>24.204(b) Circumstances permitting waiver.</b>   |   |   |
| <p>(b) <i>Circumstances permitting waiver.</i> The Federal agency funding the project may grant a waiver of the policy in paragraph (a) of this section in any case where it is demonstrated that a person must move because of:</p> <ul style="list-style-type: none"> <li>(1) A major disaster as defined in section 102(e) of the</li> </ul>   | <p>(b) <i>Circumstances permitting waiver.</i> The Federal Agency funding the project may grant a waiver of the policy in paragraph (a) of this section in any case where it is demonstrated that a person must move because of:</p> <ul style="list-style-type: none"> <li>(1) A major disaster as defined in section 102 of the</li> </ul>  |   |

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| <p>Disaster Relief Act of 1974 (42 U.S.C. 5124); <del>or</del></p> <p>(2) A presidentially declared national emergency; or<br/>(3) Another emergency which requires immediate vacation of the real property, such as when continued occupancy of the displacement dwelling constitutes a substantial danger to the health or safety of the occupants or the public.</p>   | <p><b>Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended</b> (42 U.S.C. 5122);</p> <p>(2) A presidentially declared national emergency; or<br/>(3) Another emergency which requires immediate vacation of the real property, such as when continued occupancy of the displacement dwelling constitutes a substantial danger to the health or safety of the occupants or the public.</p>   |                     |
| <b>24.204(c) Basic conditions of emergency move.</b>  |  |                     |
| <p>(c) <i>Basic conditions of emergency move.</i> Whenever a person is required to relocate for a temporary period because of an emergency as described in paragraph (b) of this section, the Agency shall:</p> <p>(1) Take whatever steps are necessary to assure that the person is temporarily relocated to a decent, safe, and sanitary dwelling; <del>and</del></p> <p>(2) Pay the actual reasonable out-of-pocket moving expenses and any reasonable increase in rent and utility costs incurred in connection with the temporary relocation; and</p> <p>(3) Make available to the displaced person as soon as feasible, at least one comparable replacement dwelling. (For purposes of filing a claim and meeting the eligibility requirements for a relocation payment, the date of displacement is the date the person moves from the temporarily-occupied dwelling.)</p> <p>[54 FR 8928, Mar. 2, 1989, as amended at 64 FR 7132, Feb. 12, 1999]</p> | <p>(c) <i>Basic conditions of emergency move.</i> Whenever a person <b>to be displaced</b> is required to relocate <b>from the displacement dwelling</b> for a temporary period because of an emergency as described in paragraph (b) of this section, the Agency shall:</p> <p>(1) Take whatever steps are necessary to assure that the person is temporarily relocated to a decent, safe, and sanitary dwelling;</p> <p>(2) Pay the actual reasonable out-of-pocket moving expenses and any reasonable increase in rent and utility costs incurred in connection with the temporary relocation; and</p> <p>(3) Make available to the displaced person as soon as feasible, at least one comparable replacement dwelling. (For purposes of filing a claim and meeting the eligibility requirements for a relocation payment, the date of displacement is the date the person moves from the temporarily occupied dwelling.)</p> |                     |
| <b>24.205 Relocation planning, advisory services, and coordination.</b>   |  |                     |
| <b>24.205(a) Relocation planning.</b>   |  |                     |
| <p>(a) <i>Relocation planning.</i> During the early stages of development, Federal and <del>Federal aid</del> programs or projects <del>shall be planned</del> in such a manner that the problems associated with the displacement of individuals, families, businesses, farms, and nonprofit organizations are recognized and solutions <del>are developed</del> to minimize the adverse impacts of displacement. Such planning, where appropriate, shall precede any action by an Agency which will cause displacement, and should be</p>   | <p>(a) <i>Relocation planning.</i> During the early stages of development, <b>an Agency shall plan</b> Federal and <b>federally-assisted</b> programs or projects in such a manner that <b>recognizes</b> the problems associated with the displacement of individuals, families, businesses, farms, and nonprofit organizations and <b>develop</b> solutions to minimize the adverse impacts of displacement. Such planning, where appropriate, shall precede any action by an Agency which will cause displacement, and should be</p>  |                     |

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| <p>scoped to the complexity and nature of the anticipated displacing activity including an evaluation of program resources available to carry out timely and orderly relocations. Planning may involve a relocation survey or study which may include the following:</p> <p>(1) An estimate of the number of households to be displaced including information such as owner/tenant status, estimated value and rental rates of properties to be acquired, family characteristics, and special consideration of the impacts on minorities, the elderly, large families, and the handicapped when applicable.</p> <p>(2) An estimate of the number of comparable replacement dwellings in the area (including price ranges and rental rates) that are expected to be available to fulfill the needs of those households displaced. When an adequate supply of comparable housing is not expected to be available, <del>consideration</del> of housing of last resort actions <del>should be instituted</del>.</p> <p>(3) An estimate of the number, type and size of the businesses, farms, and nonprofit organizations to be displaced and the approximate number of employees that may be affected.</p> <p><del>(4) Consideration of any special relocation advisory services that may be necessary from the displacing agency and other cooperating agencies.</del></p> | <p>scoped to the complexity and nature of the anticipated displacing activity including an evaluation of program resources available to carry out timely and orderly relocations. Planning may involve a relocation survey or study, which may include the following:</p> <p>(1) An estimate of the number of households to be displaced including information such as owner/tenant status, estimated value and rental rates of properties to be acquired, family characteristics, and special consideration of the impacts on minorities, the elderly, large families, and persons with disabilities when applicable.</p> <p>(2) An estimate of the number of comparable replacement dwellings in the area (including price ranges and rental rates) that are expected to be available to fulfill the needs of those households displaced. When an adequate supply of comparable housing is not expected to be available, <b>the Agency should consider</b> housing of last resort actions.</p> <p>(3) An estimate of the number, type and size of the businesses, farms, and nonprofit organizations to be displaced and the approximate number of employees that may be affected.</p> <p><b>(4) An estimate of the availability of replacement business sites. When an adequate supply of replacement business sites is not expected to be available, the impacts of displacing the businesses should be considered and addressed. Planning for displaced businesses which are reasonably expected to involve complex or lengthy moving processes or small businesses with limited financial resources and/or few alternative relocation sites should include an analysis of business moving problems.</b></p> <p>(5) Consideration of any special relocation advisory services that may be necessary from the displacing Agency and other cooperating Agencies.</p> |                     |
| <b>24.205(b) Loans for planning and preliminary expenses.</b>  |   |                     |
| <p>(b) <i>Loans for planning and preliminary expenses.</i> In the event that an Agency elects to consider using the duplicative provision in section 215 of the Uniform Act which permits the use of project funds for loans to cover</p>  | <p>(b) <i>Loans for planning and preliminary expenses.</i> In the event that an Agency elects to consider using the duplicative provision in section 215 of the Uniform Act which permits the use of project funds for loans to cover</p>   |                     |



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| <p>planning and other preliminary expenses for the development of additional housing, the lead agency will establish criteria and procedures for such use upon the request of the Federal agency funding the program or project.</p>  | <p>planning and other preliminary expenses for the development of additional housing, the Lead Agency will establish criteria and procedures for such use upon the request of the Federal Agency funding the program or project.</p>   |                     |
| <b>24.205(c) Relocation assistance advisory services.</b>   |  |                     |
| <p>(c) <i>Relocation assistance advisory services</i>—(1) <i>General.</i> The Agency shall carry out a relocation assistance advisory program which satisfies the requirements of title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d <i>et seq.</i>), title VIII of the Civil Rights Act of 1968 (42 U.S.C. 3601 <i>et seq.</i>), and Executive Order 11063 (27 FR 11527, November 24, 1962), and offers the services described in paragraph (c)(2) of this section. If the Agency determines that a person occupying property adjacent to the real property acquired for the project is caused substantial economic injury because of such acquisition, it may offer advisory services to such person.</p> <p>(2) <i>Services to be provided.</i> The advisory program shall include such measures, facilities, and services as may be necessary or appropriate in order to:</p> <p>(i) Determine the relocation needs and preferences of each <del>person</del> to be displaced and explain the relocation payments and other assistance for which the <del>person</del> may be eligible, the related eligibility requirements, and the procedures for obtaining such assistance. This shall include a personal interview with each <del>person</del>.</p> | <p>(c) <i>Relocation assistance advisory services.</i> (1) <i>General.</i> The Agency shall carry out a relocation assistance advisory program which satisfies the requirements of Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d <i>et seq.</i>), Title VIII of the Civil Rights Act of 1968 (42 U.S.C. 3601 <i>et seq.</i>), and Executive Order 11063 (27 FR 11527, November 24, 1962), and offer the services described in paragraph (c)(2) of this section. If the Agency determines that a person occupying property adjacent to the real property acquired for the project is caused substantial economic injury because of such acquisition, it may offer advisory services to such person.</p> <p>(2) <i>Services to be provided.</i> The advisory program shall include such measures, facilities, and services as may be necessary or appropriate in order to:</p> <p>(i) Determine, <b>for nonresidential (businesses, farm and nonprofit organizations) displacements</b>, the relocation needs and preferences of each <b>business (farm and nonprofit organization)</b> to be displaced and explain the relocation payments and other assistance for which the <b>business</b> may be eligible, the related eligibility requirements, and the procedures for obtaining such assistance. This shall include a personal interview with each <b>business</b>. <b>At a minimum, interviews with displaced business owners and operators should include the following items:</b></p> <p style="padding-left: 40px;"><b>(A) The business’s replacement site requirements, current lease terms and other contractual obligations and the financial capacity of the business to accomplish the move.</b></p> <p style="padding-left: 40px;"><b>(B) Determination of the need for outside specialists in accordance with § 24.301(g)(12) that will be required to assist in planning the move, assistance in the actual</b></p> |                     |

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| <p>—(ii) Provide current and continuing information on the availability, purchase prices, and rental costs of comparable replacement dwellings, and explain that the person cannot be required to move unless at least one comparable replacement dwelling is made available as set forth in § 24.204(a).</p> <p>—(A) As soon as feasible, the Agency shall inform the person in writing of the specific comparable replacement dwelling and the price or rent used for establishing the upper limit of the replacement housing payment (see § 24.403 (a) and (b)) and the basis for the determination, so that the person is aware of the maximum replacement housing payment for which he or she may qualify.</p> <p>(B) Where feasible, housing shall be inspected prior to being made available to assure that it meets applicable standards. (See § 24.2.) If such an inspection is not made, the person to be displaced shall be notified</p> | <p><b>move, and in the reinstallation of machinery and/or other personal property.</b></p> <p><b>(C) For businesses, an identification and resolution of personalty/realty issues. Every effort must be made to identify and resolve realty/personalty issues prior to, or at the time of, the appraisal of the property.</b></p> <p><b>(D) An estimate of the time required for the business to vacate the site.</b></p> <p><b>(E) An estimate of the anticipated difficulty in locating a replacement property.</b></p> <p><b>(F) An identification of any advance relocation payments required for the move, and the Agency’s legal capacity to provide them.</b></p> <p><b>(ii) Determine, for residential displacements, the relocation needs and preferences of each person to be displaced and explain the relocation payments and other assistance for which the person may be eligible, the related eligibility requirements, and the procedures for obtaining such assistance. This shall include a personal interview with each residential displaced person.</b></p> <p>(A) Provide current and continuing information on the availability, purchase prices, and rental costs of comparable replacement dwellings, and explain that the person cannot be required to move unless at least one comparable replacement dwelling is made available as set forth in § 24.204(a).</p> <p>(B) As soon as feasible, the Agency shall inform the person in writing of the specific comparable replacement dwelling and the price or rent used for establishing the upper limit of the replacement housing payment (see § 24.403 (a) and (b)) and the basis for the determination, so that the person is aware of the maximum replacement housing payment for which he or she may qualify.</p> <p>(C) Where feasible, housing shall be inspected prior to being made available to assure that it meets applicable standards. (See § 24.2(a)(8).) If such an inspection is not made, <b>the Agency shall notify the</b></p> |                     |

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| <p>that a replacement housing payment may not be made unless the replacement dwelling is subsequently inspected and determined to be decent, safe, and sanitary.</p> <p style="padding-left: 40px;">(C) Whenever possible, minority persons shall be given reasonable opportunities to relocate to decent, safe, and sanitary replacement dwellings, not located in an area of minority concentration, that are within their financial means. This policy, however, does not require an Agency to provide a person a larger payment than is necessary to enable a person to relocate to a comparable replacement dwelling.</p> <p style="padding-left: 40px;"><del>(D) All persons, especially the elderly and handicapped, shall be offered transportation to inspect housing to which they are referred.</del></p> <p style="padding-left: 40px;">(iii) Provide current and continuing information on the availability, purchase prices, and rental costs of suitable commercial and farm properties and locations. Assist any person displaced from a business or farm operation to obtain and become established in a suitable replacement location.</p> <p style="padding-left: 40px;">(iv) Minimize hardships to persons in adjusting to relocation by providing counseling, advice as to other sources of assistance that may be available, and such other help as may be appropriate.</p> <p style="padding-left: 40px;">(v) Supply persons to be displaced with appropriate information concerning Federal and State housing programs, disaster loan and other programs administered by the Small Business Administration, and other Federal and State programs offering assistance to displaced persons, and technical help to persons applying for such assistance.</p> | <p>person to be displaced that a replacement housing payment may not be made unless the replacement dwelling is subsequently inspected and determined to be decent, safe, and sanitary.</p> <p style="padding-left: 40px;">(D) Whenever possible, minority persons shall be given reasonable opportunities to relocate to decent, safe, and sanitary replacement dwellings, not located in an area of minority concentration, that are within their financial means. This policy, however, does not require an Agency to provide a person a larger payment than is necessary to enable a person to relocate to a comparable replacement dwelling. (<b>See appendix A, § 24.205(c)(2)(ii)(D).</b>)</p> <p style="padding-left: 40px;">(E) <b>The Agency shall offer</b> all persons transportation to inspect housing to which they are referred.</p> <p style="padding-left: 40px;">(F) <b>Any displaced person that may be eligible for government housing assistance at the replacement dwelling shall be advised of any requirements of such government housing assistance program that would limit the size of the replacement dwelling (see § 24.2(a)(6)(ix)), as well as of the long term nature of such rent subsidy, and the limited (42 month) duration of the relocation rental assistance payment.</b></p> <p style="padding-left: 40px;">(iii) Provide, <b>for nonresidential moves,</b> current and continuing information on the availability, purchase prices, and rental costs of suitable commercial and farm properties and locations. Assist any person displaced from a business or farm operation to obtain and become established in a suitable replacement location.</p> <p style="padding-left: 40px;">(iv) Minimize hardships to persons in adjusting to relocation by providing counseling, advice as to other sources of assistance that may be available, and such other help as may be appropriate.</p> <p style="padding-left: 40px;">(v) Supply persons to be displaced with appropriate information concerning Federal and State housing programs, disaster loan and other programs administered by the Small Business Administration, and other Federal and State programs offering assistance to displaced persons, and technical help to persons applying for such assistance.</p> | <p><i>Section 24.205 Relocation assistance advisory services.</i><br/>Section 24.205(c)(2)(ii)(D) <b>emphasizes</b> that if the comparable replacement dwellings are located in areas of minority concentration, minority persons should, if possible, also be given opportunities to relocate to replacement dwellings not located in such areas.</p> |



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| <p><del>–(vi) Any person who occupies property acquired by an Agency, when such occupancy began subsequent to the acquisition of the property, and the occupancy is permitted by a short term rental agreement or an agreement subject to termination when the property is needed for a program or project, shall be eligible for advisory services, as determined by the Agency.</del></p>  |  |  |
| <b>24.205(d) Coordination of relocation activities.</b>  |  |  |
| <p>(d) <i>Coordination of relocation activities.</i> Relocation activities shall be coordinated with project work and other displacement-causing activities to ensure that, to the extent feasible, persons displaced receive consistent treatment and the duplication of functions is minimized. (Also see § 24.6, subpart A.)</p> <p>[54 FR 8928, Mar. 2, 1989, as amended at 64 FR 7132, Feb. 12, 1999]</p>   | <p>(d) <i>Coordination of relocation activities.</i> Relocation activities shall be coordinated with project work and other displacement-causing activities to ensure that, to the extent feasible, persons displaced receive consistent treatment and the duplication of functions is minimized. (See § 24.6.)</p>  |  |
| <del>24.205(c)(2)(vi)</del>  | <b>24.205(e)</b>   |  |
| <p><del>–(vi) Any person who occupies property acquired by an Agency, when such occupancy began subsequent to the acquisition of the property, and the occupancy is permitted by a short term rental agreement or an agreement subject to termination when the property is needed for a program or project, shall be eligible for advisory services, as determined by the Agency.</del></p>  | <p>(e) Any person who occupies property acquired by an Agency, when such occupancy began subsequent to the acquisition of the property, and the occupancy is permitted by a short term rental agreement or an agreement subject to termination when the property is needed for a program or project, shall be eligible for advisory services, as determined by the Agency.</p>   |  |
| <b>24.206 Eviction for cause.</b>  |  |  |
| <p>Eviction for cause must conform to applicable state and local law. Any person who occupies the real property and is not in unlawful occupancy on the date of the initiation of negotiations, is presumed to be entitled to relocation payments and other assistance set forth in this part unless the Agency determines that:</p> <p><del>–(a) The person received an eviction notice prior to the initiation of negotiations and, as a result of that notice is later evicted; or</del></p> <p><del>–(b) The person is evicted after the initiation of negotiations for serious or repeated violation of material terms of the lease or occupancy agreement; and</del></p> <p><del>–(c) In either case the eviction was not undertaken for the purpose of evading the obligation to make available the payments and other assistance set forth in this part.</del></p> | <p>(a) Eviction for cause must conform to applicable State and local law. Any person who occupies the real property and is not in unlawful occupancy on the date of the initiation of negotiations, is presumed to be entitled to relocation payments and other assistance set forth in this part unless the Agency determines that:</p> <p>(1) The person received an eviction notice prior to the initiation of negotiations and, as a result of that notice is later evicted; or</p> <p>(2) The person is evicted after the initiation of negotiations for serious or repeated violation of material terms of the lease or occupancy agreement; and</p> <p>(3) In either case the eviction was not undertaken for the purpose of evading the obligation to make available the payments and other assistance set forth in this part.</p> | <p><b>Section 24.206 Eviction for cause. An eviction related to non-compliance with a requirement related to carrying out a project (e.g., failure to move or relocate when instructed, or to cooperate in the relocation process) shall not negate a person’s entitlement to relocation payments and other assistance set forth in this part.</b></p> |

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| For purposes of determining eligibility for relocation payments, the date of displacement is the date the person moves, or if later, the date a comparable replacement dwelling is made available. This section applies only to persons who would otherwise have been displaced by the project.  | (b) For purposes of determining eligibility for relocation payments, the date of displacement is the date the person moves, or if later, the date a comparable replacement dwelling is made available. This section applies only to persons who would otherwise have been displaced by the project. <b>(See appendix A, § 24.206.)</b>   |  |
| <b>24.207 General requirements—claims for relocation payments.</b>   |  |  |
| <b>24.207(a) Documentation.</b>  |  |  |
| (a) <i>Documentation.</i> Any claim for a relocation payment shall be supported by such documentation as may be reasonably required to support expenses incurred, such as bills, certified prices, appraisals, or other evidence of such expenses. A displaced person must be provided reasonable assistance necessary to complete and file any required claim for payment.                                      | (a) <i>Documentation.</i> Any claim for a relocation payment shall be supported by such documentation as may be reasonably required to support expenses incurred, such as bills, certified prices, appraisals, or other evidence of such expenses. A displaced person must be provided reasonable assistance necessary to complete and file any required claim for payment.                              | <i>Section 24.207 General Requirements—Claims for relocation payments.</i> Section 24.207(a) allows an Agency to make a payment for low cost or uncomplicated <b>nonresidential</b> moves without additional documentation, as long as the payment is limited to the amount of the lowest acceptable bid or estimate, as provided for in § 24.301(d)(1). |
| <b>24.207(b) Expeditious payments.</b>   |  |  |
| (b) <i>Expeditious payments.</i> The Agency shall review claims in an expeditious manner. The claimant shall be promptly notified as to any additional documentation that is required to support the claim. Payment for a claim shall be made as soon as feasible following receipt of sufficient documentation to support the claim.  | (b) <i>Expeditious payments.</i> The Agency shall review claims in an expeditious manner. The claimant shall be promptly notified as to any additional documentation that is required to support the claim. Payment for a claim shall be made as soon as feasible following receipt of sufficient documentation to support the claim.  |  |
| <b>24.207(c) Advanced payments.</b>  |  |  |
| (c) <i>Advance payments.</i> If a person demonstrates the need for an advance relocation payment in order to avoid or reduce a hardship, the Agency shall issue the payment, subject to such safeguards as are appropriate to ensure that the objective of the payment is accomplished.  | (c) <i>Advanced payments.</i> If a person demonstrates the need for an advanced relocation payment in order to avoid or reduce a hardship, the Agency shall issue the payment, subject to such safeguards as are appropriate to ensure that the objective of the payment is accomplished.  |  |
| <b>24.207(d) Time for filing.</b>  |  |  |
| (d) <i>Time for filing</i> —(1) All claims for a relocation payment shall be filed with the Agency <del>within</del> 18 months after:<br>(i) For tenants, the date of displacement;<br>(ii) For owners, the date of displacement or the date of the final payment for the acquisition of the real property, whichever is later.<br>(2) <del>This time period shall be waived by the Agency for good cause.</del> | (d) <i>Time for filing.</i> (1) All claims for a relocation payment shall be filed with the Agency <b>no later than</b> 18 months after:<br>(i) For tenants, the date of displacement.<br>(ii) For owners, the date of displacement or the date of the final payment for the acquisition of the real property, whichever is later.<br>(2) <b>The Agency shall waive this time period</b> for good cause. |  |
| <b>24.207(e) Notice of denial of claim.</b>  |  |  |

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| <p><del>(e) <i>Multiple occupants of one displacement dwelling.</i> If two or more occupants of the displacement dwelling move to separate replacement dwellings, each occupant is entitled to a reasonable prorated share, as determined by the Agency, of any relocation payments that would have been made if the occupants moved together to a comparable replacement dwelling. However, if the Agency determines that two or more occupants maintained separate households within the same dwelling, such occupants have separate entitlements to relocation payments.</del></p> <p>FYI NOTE: This paragraph moved to <u>new 24.403(a)(5)</u></p>   | <p><b>(e) <i>Notice of denial of claim.</i> If the Agency disapproves all or part of a payment claimed or refuses to consider the claim on its merits because of untimely filing or other grounds, it shall promptly notify the claimant in writing of its determination, the basis for its determination, and the procedures for appealing that determination.</b></p> <p>FYI NOTE: This paragraph moved from <u>old 24.207(g)</u></p> |  |
| <b>24.207(f) No waiver of relocation assistance.</b>   |   |  |
| <p><del>(f) <i>Deductions from relocation payments.</i> An Agency shall deduct the amount of any advance relocation payment from the relocation payment(s) to which a displaced person is otherwise entitled. Similarly, a Federal agency shall, and a State agency may, deduct from relocation payments any rent that the displaced person owes the Agency; provided that no deduction shall be made if it would prevent the displaced person from obtaining a comparable replacement dwelling as required by § 24.204. The Agency shall not withhold any part of a relocation payment to a displaced person to satisfy an obligation to any other creditor.</del></p> <p>FYI NOTE: This paragraph moved to <u>new 24.403(a)(6)</u></p> | <p><b>(f) <i>No waiver of relocation assistance.</i> A displacing Agency shall not propose or request that a displaced person waive his or her rights or entitlements to relocation assistance and benefits provided by the Uniform Act and this regulation.</b></p>  | <p><b>While § 24.207(f) prohibits an Agency from proposing or requesting that a displaced person waive his or her rights or entitlements to relocation assistance and payments, an Agency may accept a written statement from the displaced person that states that they have chosen not to accept some or all of the payments or assistance to which they are entitled. Any such written statement must clearly show that the individual knows what they are entitled to receive (a copy of the Notice of Eligibility which was provided may serve as documentation) and their statement must specifically identify which assistance or payments they have chosen not to accept. The statement must be signed and dated and may not be coerced by the Agency.</b></p> |
| <b>24.207(g) Expenditure of payments.</b>  |   |  |
| <p><del>(g) <i>Notice of denial of claim.</i> If the Agency disapproves all or part of a payment claimed or refuses to consider the claim on its merits because of untimely filing or other grounds, it shall promptly notify the claimant in writing of its determination, the basis for its determination, and the procedures for appealing that determination.</del></p> <p>FYI NOTE: This paragraph moved to <u>new 24.207(e)</u></p>  | <p><b>(g) <i>Expenditure of payments.</i> Payments, provided pursuant to this part, shall not be considered to constitute Federal financial assistance. Accordingly, this part does not apply to the expenditure of such payments by, or for, a displaced person.</b></p>   |  |
| <b>24.208 Aliens not lawfully present in the United States.</b>  |   |  |
| <b>24.208(a)</b>   |   |  |
| (a) Each person seeking relocation payments or   | (a) Each person seeking relocation payments or  |  |

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| <p>relocation advisory assistance shall, as a condition of eligibility, certify:</p> <p>(1) In the case of an individual, that he or she is either a citizen or national of the United States, or an alien who is lawfully present in the United States.</p> <p>(2) In the case of a family, that each family member is either a citizen or national of the United States, or an alien who is lawfully present in the United States. The certification may be made by the head of the household on behalf of other family members.</p> <p>(3) In the case of an unincorporated business, farm, or nonprofit organization, that each owner is either a citizen or national of the United States, or an alien who is lawfully present in the United States. The certification may be made by the principal owner, manager, or operating officer on behalf of other persons with an ownership interest.</p> <p>(4) In the case of an incorporated business, farm, or nonprofit organization, that the corporation is authorized to conduct business within the United States.</p> | <p>relocation advisory assistance shall, as a condition of eligibility, certify:</p> <p>(1) In the case of an individual, that he or she is either a citizen or national of the United States, or an alien who is lawfully present in the United States.</p> <p>(2) In the case of a family, that each family member is either a citizen or national of the United States, or an alien who is lawfully present in the United States. The certification may be made by the head of the household on behalf of other family members.</p> <p>(3) In the case of an unincorporated business, farm, or nonprofit organization, that each owner is either a citizen or national of the United States, or an alien who is lawfully present in the United States. The certification may be made by the principal owner, manager, or operating officer on behalf of other persons with an ownership interest.</p> <p>(4) In the case of an incorporated business, farm, or nonprofit organization, that the corporation is authorized to conduct business within the United States.</p> |                     |
| <b>24.208(b)</b>   |  |                     |
| <p>(b) The certification provided pursuant to paragraphs (a)(1), (a)(2), and (a)(3) of this section shall indicate whether such person is either a citizen or national of the United States, or an alien who is lawfully present in the United States. Requirements concerning the certification in addition to those contained in this rule shall be within the discretion of the Federal funding agency and, within those parameters, that of the displacing agency.</p>   | <p>(b) The certification provided pursuant to paragraphs (a)(1), (a)(2), and (a)(3) of this section shall indicate whether such person is either a citizen or national of the United States, or an alien who is lawfully present in the United States. Requirements concerning the certification in addition to those contained in this rule shall be within the discretion of the Federal funding Agency and, within those parameters, that of the displacing Agency.</p>   |                     |
| <b>24.208(c)</b>   |  |                     |
| <p>(c) In computing relocation payments under the Uniform Act, if any member(s) of a household or owner(s) of an unincorporated business, farm, or nonprofit organization is (are) determined to be ineligible because of a failure to be legally present in the United States, no relocation payments may be made to him or her. Any payment(s) for which such household, unincorporated business, farm, or nonprofit organization would otherwise be eligible shall be computed for the household, based on the number of eligible household members and for the unincorporated business, farm, or nonprofit organization,</p>   | <p>(c) In computing relocation payments under the Uniform Act, if any member(s) of a household or owner(s) of an unincorporated business, farm, or nonprofit organization is (are) determined to be ineligible because of a failure to be legally present in the United States, no relocation payments may be made to him or her. Any payment(s) for which such household, unincorporated business, farm, or nonprofit organization would otherwise be eligible shall be computed for the household, based on the number of eligible household members and for the unincorporated business, farm, or nonprofit organization,</p>   |                     |

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| based on the ratio of ownership between eligible and ineligible owners.   | based on the ratio of ownership between eligible and ineligible owners.  |                     |
| <b>24.208(d)</b>  |  |                     |
| (d) The displacing agency shall consider the certification provided pursuant to paragraph (a) of this section to be valid, unless the displacing agency determines in accordance with paragraph (f) of this section that it is invalid based on a review of an alien's documentation or other information that the agency considers reliable and appropriate.   | (d) The displacing Agency shall consider the certification provided pursuant to paragraph (a) of this section to be valid, unless the displacing Agency determines in accordance with paragraph (f) of this section that it is invalid based on a review of an alien's documentation or other information that the Agency considers reliable and appropriate.  |                     |
| <b>24.208(e)</b>  |  |                     |
| (e) Any review by the displacing agency of the certifications provided pursuant to paragraph (a) of this section shall be conducted in a nondiscriminatory fashion. Each displacing agency will apply the same standard of review to all such certifications it receives, except that such standard may be revised periodically.  | (e) Any review by the displacing Agency of the certifications provided pursuant to paragraph (a) of this section shall be conducted in a nondiscriminatory fashion. Each displacing Agency will apply the same standard of review to all such certifications it receives, except that such standard may be revised periodically.   |                     |
| <b>24.208(f)</b>  |  |                     |
| (f) If, based on a review of an alien's documentation or other credible evidence, a displacing agency has reason to believe that a person's certification is invalid (for example a document reviewed does not on its face reasonably appear to be genuine), and that, as a result, such person may be an alien not lawfully present in the United States, it shall obtain the following information before making a final determination:<br>(1) If the agency has reason to believe that the certification of a person who has certified that he or she is an alien lawfully present in the United States is invalid, the displacing agency shall obtain verification of the alien's status from the local <del>Immigration and Naturalization Service (INS) Office</del> . A list of local <del>INS</del> offices was published in the FEDERAL REGISTER in November 17, 1997 at 62 FR 61350. Any request for <del>INS</del> verification shall include the alien's full name, date of birth and alien number, and a copy of the alien's documentation. [If an agency is unable to contact the <del>INS</del> , it may contact the FHWA in Washington, DC at 202-366-2035 (Marshall Schy, Office of Real Estate Services) or 202-366-1371 (Reid Alsop, Office of Chief Counsel), for a referral to the <del>INS</del> .] | (f) If, based on a review of an alien's documentation or other credible evidence, a displacing Agency has reason to believe that a person's certification is invalid (for example a document reviewed does not on its face reasonably appear to be genuine), and that, as a result, such person may be an alien not lawfully present in the United States, it shall obtain the following information before making a final determination:<br>(1) If the Agency has reason to believe that the certification of a person who has certified that he or she is an alien lawfully present in the United States is invalid, the displacing Agency shall obtain verification of the alien's status from the local <b>Bureau of Citizenship and Immigration Service (BCIS) Office</b> . A list of local <b>BCIS</b> offices is available at <a href="http://www.uscis.gov/graphics/fieldoffices/alphaa.htm">http://www.uscis.gov/graphics/fieldoffices/alphaa.htm</a> . Any request for <b>BCIS</b> verification shall include the alien's full name, date of birth and alien number, and a copy of the alien's documentation. (If an Agency is unable to contact the <b>BCIS</b> , it may contact the FHWA in Washington, DC, Office of Real Estate Services or Office of Chief Counsel for a referral to the <b>BCIS</b> .) |                     |



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| (2) If the agency has reason to believe that the certification of a person who has certified that he or she is a citizen or national is invalid, the displacing agency shall request evidence of United States citizenship or nationality from such person and, if considered necessary, verify the accuracy of such evidence with the issuer.   | (2) If the Agency has reason to believe that the certification of a person who has certified that he or she is a citizen or national is invalid, the displacing Agency shall request evidence of United States citizenship or nationality from such person and, if considered necessary, verify the accuracy of such evidence with the issuer.   |                     |
| <b>24.208(g)</b>   |  |                     |
| (g) No relocation payments or relocation advisory assistance shall be provided to a person who has not provided the certification described in this section or who has been determined to be not lawfully present in the United States, unless such person can demonstrate to the displacing agency's satisfaction that the denial of relocation benefits will result in an exceptional and extremely unusual hardship to such person's spouse, parent, or child who is a citizen of the United States, or is an alien lawfully admitted for permanent residence in the United States.   | (g) No relocation payments or relocation advisory assistance shall be provided to a person who has not provided the certification described in this section or who has been determined to be not lawfully present in the United States, unless such person can demonstrate to the displacing Agency's satisfaction that the denial of relocation assistance will result in an exceptional and extremely unusual hardship to such person's spouse, parent, or child who is a citizen of the United States, or is an alien lawfully admitted for permanent residence in the United States.   |                     |
| <b>24.208(h)</b>   |  |                     |
| (h) For purposes of paragraph (g) of this section, "exceptional and extremely unusual hardship" to such spouse, parent, or child of the person not lawfully present in the United States means that the denial of relocation payments and advisory assistance to such person will directly result in:<br>(1) A significant and demonstrable adverse impact on the health or safety of such spouse, parent, or child;<br>(2) A significant and demonstrable adverse impact on the continued existence of the family unit of which such spouse, parent, or child is a member; or<br>(3) Any other impact that the displacing agency determines will have a significant and demonstrable adverse impact on such spouse, parent, or child.<br>(i) The certification referred to in paragraph (a) of this section may be included as part of the claim for relocation payments described in § 24.207 of this part.<br>(Approved by the Office of Management and Budget under control number 2105-0508)<br>[64 FR 7132, Feb. 12, 1999] | (h) For purposes of paragraph (g) of this section, "exceptional and extremely unusual hardship" to such spouse, parent, or child of the person not lawfully present in the United States means that the denial of relocation payments and advisory assistance to such person will directly result in:<br>(1) A significant and demonstrable adverse impact on the health or safety of such spouse, parent, or child;<br>(2) A significant and demonstrable adverse impact on the continued existence of the family unit of which such spouse, parent, or child is a member; or<br>(3) Any other impact that the displacing Agency determines will have a significant and demonstrable adverse impact on such spouse, parent, or child.<br>(i) The certification referred to in paragraph (a) of this section may be included as part of the claim for relocation payments described in § 24.207 of this part.<br>(Approved by the Office of Management and Budget under control number 2105-0508.) |                     |



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| <b>24.209 Relocation payments not considered as income.</b>  |  |                     |
| <p>No relocation payment received by a displaced person under this part shall be considered as income for the purpose of the Internal Revenue Code of 1954, which has been redesignated as the Internal Revenue Code of 1986 or for the purpose of determining the eligibility or the extent of eligibility of any person for assistance under the Social Security Act or any other Federal law, except for any Federal law providing low-income housing assistance.</p> <p><del>[54 FR 8928, Mar. 2, 1989. Redesignated at 64 FR 7132, Feb. 12, 1999]</del></p> | <p>No relocation payment received by a displaced person under this part shall be considered as income for the purpose of the Internal Revenue Code of 1954, which has been redesignated as the Internal Revenue Code of 1986 (<b>Title 26, U.S. Code</b>), or for the purpose of determining the eligibility or the extent of eligibility of any person for assistance under the Social Security Act (<b>42 U.S. Code 301 et seq.</b>) or any other Federal law, except for any Federal law providing low-income housing assistance.</p> |                     |