

Acquisition & Relocation Recordkeeping Guide & Checklist

Project:

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INSTRUCTIONS

This recordkeeping guidance applies to **every project that** receives HUD financial assistance (see definition at paragraph 1-4(R) of HUD Handbook 1378) and **includes acquisition, rehabilitation or demolition.**

Records must be kept in sufficient detail to demonstrate compliance with applicable laws, regulations, local housing and occupancy codes, and HUD Handbook 1378 (see Chapter 6). [Consider using HUD guide forms from HUD Handbook 1378 unless your funding agency requires the use of alternative forms.](#)

Issued acquisition and relocation notices should identify the person's name, mailing address and date mailed or hand delivered.

Where notices require proof of delivery, this means:
(Check box when completed)

- Signature acknowledging receipt (best practice is to have the person sign on a copy of the notice) or
- Certified/registered first-class mail receipt or
- Where GINs may be posted rather than personally delivered because there was no temporary relocation, no permanent displacement, and no increase in rents, maintain a photo(s) showing the posting of a GIN/NOND in accessible project locations and a copy of the notice that was provided to the tenants' representative

SITE CONTROL & ACQUISITION

- Maintain a street map identifying the project area and project site(s)/parcels
- Document prior ownership of the project site(s) (warranty deed or similar for each parcel)

OR

- Document acquisition of the project site(s) (a separate case file for each property acquired and each property for which acquisition was initiated but not completed) (HB 1378, Appendix 24):

For each parcel, document ONE of the following:

Evidence of voluntary acquisition under 49 CFR 24.101(b)(1) or (b)(2):

- Voluntary acquisition notice with proof of delivery prior to any offer (HB 1378, Appendices 31-32)
- Basis for estimate of value
- Record of negotiations

The circumstances of acquisition under one of the exception criteria at 49 CFR 24.101(b)(3)-(5)

OR

Evidence of compliance with URA basic acquisition requirements:

- Invitation to accompany appraiser with proof of delivery
- Property valuation (e.g. appraisal(s) and appraisal review(s) or, where applicable, a waiver valuation)
- Establishment of just compensation signed by an authorized agency official
- Offer letter(s) and summary statements that outline the basis for the offer of just compensation
- Record of negotiations
- Administrative settlement documentation and support (if applicable), see also HUD RAP Newsletter Vol. 1, No. 2, November 2005
- Eminent domain filings and court decisions (if applicable)

Also, document title transfer:

- Final closing statement
- Title documents
- Copy of the recorded deed indicating book and page

ONE-FOR-ONE REPLACEMENT

For CDBG and HOME activities where occupied or vacant-occupiable dwelling units will be demolished or converted to something other than lower-income housing, document that a one-for-one replacement plan was made public and submitted in writing to HUD in accordance with 24 CFR 42.375 (due before CDBG/HOME contract execution).

OCCUPANCY AND RELOCATION

Occupancy must be tracked, and applicable notices issued whether or not displacement is anticipated.

Document occupancy at application:

- If the property is undeveloped land, document lack of occupancy via appraisal and/or site photo(s) - no other occupancy records are required
- If the property is developed but vacant, describe in the project file the last time the property was occupied and the reason for any moves that occurred within 90 days of the funding application. For newly acquired property, consider asking the seller to sign an occupancy certification identifying any recent occupancy (e.g. within 90 days of the purchase offer), status of recent occupants by status as owner or non-owner, and the reason for move-outs.
- Record occupancy at time of application/project proposal (residential and non-residential) – identify name, address and occupant characteristics (e.g. dated rent roll or occupancy certification)
- For residential occupants, **use of the Tenant Tracker Spreadsheet is recommended**
- Document proof of delivery for General Information Notices (GINs) issued “as soon as

- feasible” (typically at time of application)
- Track move-ins and move-outs from application date to project completion. Document reason for move-outs of each person not qualifying as displaced and personal contact to explain they would not qualify for relocation payments as a displaced person
 - Document evictions for cause and determinations of illegal occupancy
 - Proof of delivery for move-in notices to subsequent occupants (may be issued after application for assistance but must be executed prior to the person leasing and occupying the property)
 - Document occupancy at ION (e.g. dated rent roll or occupancy certification)
 - Proof of delivery of Notices of Eligibility (NOEs) at Initiation of Negotiations (ION) to persons qualifying as displaced
 - For residential tenants, proof of delivery of Notices of Non-displacement (NOND) at ION to anyone determined not to qualify as displaced (such tenants must typically qualify to stay in the completed project under reasonable terms and conditions)

Document displacement

- Where residential displacement occurs in connection with a CDBG or HOME project, document steps that were taken to comply with the applicable Residential Anti-displacement and Relocation Assistance Plan (RARAP)
- Maintain a separate case file for each displaced person, sufficient to demonstrate the person’s relocation needs, current situation, their eligibility for URA and/or section 104(d) assistance and/or payments. For example (individual cases may require more or less documentation to support determinations):

Residential occupants

- Name, sex, age, race/ethnicity, disability (if any), relationship to head of household, estimated income, and certification of legal residence/citizenship for each individual occupant
- Size, amenities, cost, and date of initial occupancy at displacement unit
- For tenants - documentation of income

The loan/grant agreement should describe the nature of income documentation that will be accepted – see Handbook 1378, paragraph 6-2(C)(1)(c)(2) for guidance.

For persons renting replacement housing - rent & utility costs for the displacement, comparable and replacement units (for owners choosing to rent replacement housing, use “market rent” for the displacement unit).

- The loan/grant agreement should describe the nature of documentation that will be accepted to support rent and utility calculations
- For tenants receiving down payment assistance – purchase agreement, final closing statement, copy of recorded deed indicating book and page.

For displaced homeowner occupants

- Mortgage amount(s) on displacement property, monthly payment, remaining number of payments, interest rate, deed or evidence of title
- Replacement property documents – purchase agreement, mortgage documents, final closing statement, copy of the recorded deed indicating book and page

- A copy of each issued notice (e.g. GIN, NOE, 90-day notice, etc.), displaying the person's name, mailing address and date issued, along with evidence of delivery by certified or registered first class mail, return receipt requested or a certification of hand delivery (by the recipient)
- Dates of personal contacts and advisory services provided
- Identification of relocation needs and preferences
- Records of referrals to comparable replacement dwellings (address, date of referral, date of availability, reason(s) the person declined the referral, inspection(s) of the chosen replacement dwelling)
- Copies of all relocation claim forms and related documentation (e.g. basis for moving costs, evidence the person received payment or documentation to support why a claim was not paid, evidence of housing subsidies from other sources (if applicable), documentation to support a hardship claim (for persons not lawfully present in the US), etc.)

Non-residential occupants (*businesses, farms & non-profit organizations*)

- Name and type of business being relocated
- For an unincorporated business, farm or non-profit, name of business owner(s) and certification of legal residence/citizenship
- For an incorporated business, farm or non-profit, evidence the corporation is authorized to conduct business within the US
- For tenants - name of the property owner and copy of the property lease
- Information on advisory services provided
- Survey of relocation needs
- Claim forms and supporting documentation (e.g. basis for moving costs and evidence of related costs, reestablishment expenses and search costs, or documentation supporting a fixed payment in lieu of actual costs)
- Copies of any inspection(s) of personal property at the displacement and replacement sites
- Document occupancy at project completion (e.g. dated rent roll or occupancy certification)
- Maintain copies of any appeal or complaint filed and the response

NOTE: Recordkeeping requirements are detailed in Chapter 6 of HUD Handbook 1378.