**NOTICE OF ELIGIBILITY FOR**

**RELOCATION ASSISTANCE**

*Entity issuing this notice should use their own Letterhead and select options specific their federal funding source*

*(date)*

Dear \_\_\_\_\_\_\_\_\_\_\_\_:

On *\_\_\_(date)* \_, the \_\_\_*\_(City, County, State, Public Housing Authority (PHA), other)* , notified you of proposed plans to rehabilitate the property you currently occupy at *(address)\_\_\_\_\_\_\_* for a project which could receive funding assistance from the Texas Department of Housing and Community Affairs (TDHCA) under the \_*HOME Investment Partnership (HOME); Neighborhood Stabilization Program (NSP); Emergency Solutions Grants (ESG) National Housing Trust Fund (NHTF); or Community Development Block Grant (CDBG)* program. On *\_\_\_\_(date)\_\_\_\_\_,* the project was approved and will receive federal funding.

It has been determined that you will be displaced by the project. Since you are being displaced in connection with this federally funded project, you will be eligible for relocation assistance and payments under the Uniform Relocation Assistance and Real Property Acquisition Policies Act (URA), or Section 104(d) [delete if not applicable].

* **This is your Notice of Eligibility for relocation assistance**
* **The effective date of your eligibility is \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.** (*Insert date of Initiation of Negotiations, see 49 CFR 24.2(a)(15) or applicable HUD program regulations)*

**(NOTE: Pursuant to Public Law 105-117, aliens not lawfully present in the United States are not eligible for relocation assistance under the Uniform Relocation Action, unless such ineligibility would result in exceptional hardship to a qualifying spouse, parent, or child. All persons seeking relocation assistance will be required to certify that they are a United States citizen or national, or an alien lawfully present in the United States. Persons eligible for assistance under Section 104(d) are not required to certify their lawful presence in the United States as a condition of assistance under 104(d).)**

To carry out the project, it will be necessary for you to move. However, you do not need to move now. You will be provided written notice of the date by which you will be required to move. This date will be no less than 90 days from the date comparable replacement housing has been made available to you.

***OR***

**This is your 90 day Notice to move; you must vacate your unit no later than \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.** At leastone comparable unitthat you may move to is identified and listed below. Although you are not required to move to the unit listed below, if you decide to move to a comparable unit of your choice, the unit must comply with decent, safe and sanitary standards in order for you to be eligible to receive replacement housing assistance payment.

Enclosed is a brochure entitled, "Relocation Assistance to Tenants Displaced From Their Homes." *(URA) AND/OR* “Relocation Assistance to Persons Displaced from their Homes.” (*Section 104(d))* Please read the brochure(s) carefully. The brochure(s) explain(s) your rights and provides additional information on eligibility for relocation payments under URA or Section 104(d) and what you must do in order to receive these payments.

The relocation assistance to which you are entitled includes:

 Relocation Advisory Services. Including counseling and other assistance to help you find another home and prepare to move.

 Payment for Moving Expenses. You may choose: (1) a payment for your actual reasonable moving and related expenses, or (2) a fixed moving payment in the amount of $\_\_\_\_\_\_\_\_ based on the URA Fixed Residential Moving Cost Schedule, or (3) a combination of both.

 Replacement Housing Payment. You may be eligible for a replacement housing payment to rent or buy a replacement home. The payment is based on several factors including: (1) the monthly rent and cost of utility services for a comparable replacement dwelling, (2) the monthly rent and cost of utility services for your present home, and (3) for low-income persons, 30 percent of your average monthly gross household income. This payment is calculated on the difference in the old and new housing costs for a one-month period and multiplied by 42 under URA regulations and 60 under 104(d), if applicable.

Listed below are three comparable replacement dwellings. If the address of the building you currently reside in is designated as a high minority concentration area, the comparable units below include at least one unit (enter unit # and address) in a non-minority concentrated area. If you would like, we can arrange transportation for you to inspect these and other replacement dwellings.

 Address Rent & Utility Costs Contact Info

1. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

2. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

3. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

We believe that the dwelling located at *(address)* is the most representative of your present home. The monthly rent and the estimated average monthly cost of utilities for this dwelling is $\_\_\_\_\_\_ and it will be used to calculate your maximum replacement housing payment. Please contact us immediately if you believe this dwelling is not comparable to your current home. We can explain our basis for selecting this dwelling as most representative of your current home and discuss your concerns.

Based on the information you have provided about your income and the rent and utilities you now pay, you may be eligible for a maximum replacement housing payment of approximately $\_\_\_\_\_ (42 x $\_\_\_\_) or (60 x $\_\_\_\_), if Section 104(d) applies, if you rent the dwelling identified above as the most comparable to your current home or rent another dwelling of equal cost.

Replacement housing payments are not adjusted to reflect future rent increases or changes in income. This is the maximum amount that you would be eligible to receive. If you rent a decent, safe and sanitary home where the monthly rent and average estimated utility costs are less than the comparable dwelling, your replacement housing payment will be based on the actual cost of the dwelling. We will not base your payment on any dwelling that is not a comparable replacement home. All replacement housing payments must be paid in installments. Your payment will be paid in #\_ installments.

Should you choose to purchase (rather than rent) a decent, safe and sanitary replacement home, you would be eligible for a downpayment assistance payment which is equal to your maximum replacement housing payment, $\_\_\_\_\_\_\_\_\_\*. Section 104(d) assistance for downpayment assistance is available only to purchase an interest in a housing cooperative or mutual housing association. If Section 104(d) applies, your assistance is estimated at $\_\_\_\_\_\_. Let us know if you are interested in purchasing a replacement home and we will help you locate such housing. Please note that all replacement housing must be inspected in order to ensure it is decent, safe and sanitary before any replacement housing payments are made.

If you disagree with your designation as a displaced person, the amount of relocation assistance to be provided, or the comparability of the representative replacement dwelling you may have the right to an administrative appeal to TDHCA. We will provide you with the contact information for the appeal to TDHCA. If you are low-income and are unable to prepare a written appeal or require assistance in preparing an appeal, we shall provide such assistance and/or refer you to an appropriate third party who will provide such assistance at no cost to you.

In order to help you fully participate in the relocation process, reasonable accommodations will be made for persons with disabilities and language assistance will be made available for persons with limited English proficiency. Please let our representative know if you need auxiliary aides, written translation, oral interpretation, or other assistance in order to fully participate in the relocation process.

If you have any questions about this letter and your eligibility for relocation assistance and payments, please contact  *(name) , (title) at (phone) , (address)* before you make any moving plans. He/she will assist you with your move to a new home and help ensure that you preserve your eligibility for all relocation payments to which you may be entitled.

**Remember, do not move** or commit to the purchase or lease of a replacement home before we have a chance to further discuss your eligibility for relocation assistance and execute required documents. This letter is important to you and should be retained.

Sincerely,

*(Name and title)\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*

Enclosure/s

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_ **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Signature of Tenant Unit Number Date Signed**

NOTES.

\* At the agency’s discretion, a downpayment assistance payment that is less than $5,250 may be increased to any amount not to exceed $5,250. (See 49 CFR 24.402(c)(1))

1. The case file must indicate the manner in which this notice was delivered (e.g., personally served or certified mail, return receipt requested) and the date of delivery.

1. This is a guideform. It should be revised by the Entity to reflect the circumstances.
2. **PROVISION FOR DEMOLITION AND CONVERSION PROJECTS**: In projects that use Community Development Block Grant funds (CDBG), Neighborhood Stabilization Program (NSP) or HOME Investment Partnership Program (HOME) funds, you might be eligible to select relocation assistance and payments under section 104(d) of the Housing and Community Development Act of 1974 as an alternative to that available under the URA. We have included another brochure titled, “Relocation Assistance to Persons Displaced from Their Homes (Section 104(d))” that provides an explanation of the section 104(d) assistance.
3. **PROVISION FOR PUBLIC HOUSING PROJECTS:** Even though you will be provided all of the assistance the URA requires for a permanent move, the Authority believes that every resident displaced from the site should have the right to reapply for occupancy once this project is complete. For this reason, after project completion, every resident who receives assistance as a “displaced person” will be contacted and offered an opportunity to reapply for occupancy in the newly-revitalized community. Furthermore, because you will be a former occupant who was “displaced” from the site, you will also receive a priority preference to return.

In the event the number of those who request to return and qualify for housing exceeds the number of units available, rating and ranking criteria will be used to identify those who will be offered a unit at the site until all available units are filled. If you do return, the Authority may help defray the costs of the return move. If you have Replacement Housing Payments not yet spent or obligated, you may be asked to forfeit these payments as a condition for returning to public housing, since this assistance will no longer be necessary to meet your housing needs. Such assistance, if not forfeited, must be considered as income and may affect your eligibility and rent.

1. **PROVISION FOR VOUCHER RECIPIENTS:** Should you choose to accept a government housing assistance Voucher in a comparable replacement unit, we estimate your out-of-pocket cost for rent and utilities that you will receive is $ \_\_\_\_\_\_ (42 x $\_\_\_\_) or (60 x $\_\_\_\_\_) per month based on 30 per cent of your household adjusted income. An explanation will be provided as to how we arrived at this calculation and assist you in completing the application. If a Voucher is offered and you choose not to accept it, your rental assistance will be calculated under URA, which is $\_\_\_\_\_ (42 x $\_\_\_\_). Under Section 104(d) voucher assistance may be adjusted periodically to reflect changes in your income and rent, and may continue indefinitely, depending on need and congressional appropriations. URA assistance is not adjusted to reflect future changes in income and rent.

**PROVISION FOR PHA VOUCHERS USED FOR HOMEOWNERSHIP ASSISTANCE:** If the Voucher is used for homeownership assistance (either for monthly mortgage payments or for downpayment assistance) information on this option should also be included in the letter based on the local PHA policy.