



U.S. Department
of Transportation
**Federal Transit
Administration**

REGION VIII
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South Dakota,
Utah and Wyoming

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REGION 8 BULLETIN NO: 2015-16

Subject: Amendments to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970

Date: August 12, 2015

Dear Grantees:

The purpose of this letter is to provide guidance concerning the October 1, 2014 effective date for several of the amendments to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended in Section 1521 of the Moving Ahead for Progress in the 21st Century Act (MAP-21).

The MAP-21 amendments included the following:

- The maximum statutory benefit for *replacement housing payments for displaced homeowners increased from \$22,500 to \$31,000.*
- The length of occupancy requirement for homeowners was *reduced from 180 days to 90 days in occupancy* before the initiation of negotiations.
- The maximum statutory benefit for *replacement housing payments for displaced tenants increased from \$5,250 to \$7,200.*
- The maximum statutory benefit for *business reestablishment benefits increased from \$10,000 to \$25,000.*
- The maximum *fixed payment for nonresidential moves increased from \$20,000 to \$40,000.*

By law, these changes became effective on October 1, 2014.

The new eligibility standard for 90-day homeowners will apply whenever the initiation of negotiations with a homeowner occurs on or after October 1, 2014.

On or after October 1, 2014, the higher benefit limits apply to an individual who qualifies as a

displaced person under the definition in 49 CFR 24.2(a) (9) (i) if:

- For *replacement housing payments* for homeowners:
 - The displaced person holds title to the real property to be acquired.
- For *relocation benefits, other than replacement housing payments* for homeowners:
 - The displaced person is not required to move from the acquired property before October 1, 2014, and has not moved before that date.

The Federal Highway Administration (FHWA), acting as the Lead Agency for rulemaking, is currently drafting a Notice of Proposed Rulemaking that would revise implementing regulations under 49 CFR Part 24. These new rules will be consistent with MAP-21. However, the statutory changes discussed in this letter are effective before the FHWA rulemaking efforts are complete.

Enclosed is a copy of the Frequently Asked Questions and the website posting of the questions are located at <http://www.fta.dot.gov/map21.html>. If you have any questions pertaining to this guidance, please contact Mamie Smith-Fisher at 202-366-8063 or Mamie.Smith-Fisher@dot.gov.

Sincerely,

LINDA M
GEHRKE

Digitally signed by LINDA M. GEHRKE
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Linda M. Gehrke
Regional Administrator

Enclosure

**Implementation of the Moving Ahead for Progress in the 21st Century Act Changes to the
Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as
amended**

**Benefits and Eligibility Changes
Frequently Asked Questions**

1. Who is entitled to the higher benefits?

Answer: The higher benefit limits apply to an individual who qualifies as a displaced person under the definition in 49 CFR 24.2(a)(9)(i), however, the application of the new benefits depends on the type of displacee.

A residential tenant, business, farm, or nonprofit organization is eligible for the higher benefit levels provided the individual was not required to move from the acquired property before October 1, 2014, and had not moved before that date.

A homeowner is eligible for the higher benefit level if the displaced person held title to the real property on or after October 1, 2014.

2. Would the new benefits apply if the displaced person transferred title to the agency prior to October 1, 2014, but the Notice to Vacate expired on or after October 1, 2014?

Answer: No, the homeowner must have held title to the property on October 1, 2014 to be eligible for the higher benefits. In this case, the statutory maximum for the replacement housing payment would be \$22,500.

3. What is the length of occupancy requirement for a homeowner's eligibility for a replacement housing payment under MAP-21.

Answer: Section 1521 of MAP-21 reduced the length of occupancy requirement for homeowners from 180 days to 90 days. The homeowner must be in occupancy 90 days before the initiation of negotiations.

4. How should this new eligibility standard be applied?

Answer: Whenever the initiation of negotiations with a homeowner occurs on or after October 1, 2014, the 90 day length of occupancy requirement applies.

5. Did MAP-21 also change the requirement that increased mortgage interest cost payments be based only on bona fide mortgages that were valid liens on the displacement dwelling from at least 180 days prior to the initiation of negotiations?

Answer: No, MAP-21 did not change this requirement. The increased mortgage interest

payment shall include other debt service costs, if not paid as incidental costs, and shall be based only on bona fide mortgages that were valid liens on the displacement dwelling for at least 180 days prior to the initiation of negotiations.

6. Some states have passed state laws allowing business relocation payments to exceed the statutory limits of \$25,000 for a reestablishment payment and \$40,000 for a nonresidential fixed payment. Will FTA participate in the higher payments?

Answer: No, FTA will only participate in the MAP-21 statutory limits of \$25,000 for a reestablishment payment and \$40,000 for a nonresidential fixed payment. Grantees that are legally required to pay, or for some other reason, reimburse claims above the federal statutory limits should use local funds for the portion exceeding the Uniform Act limit.