

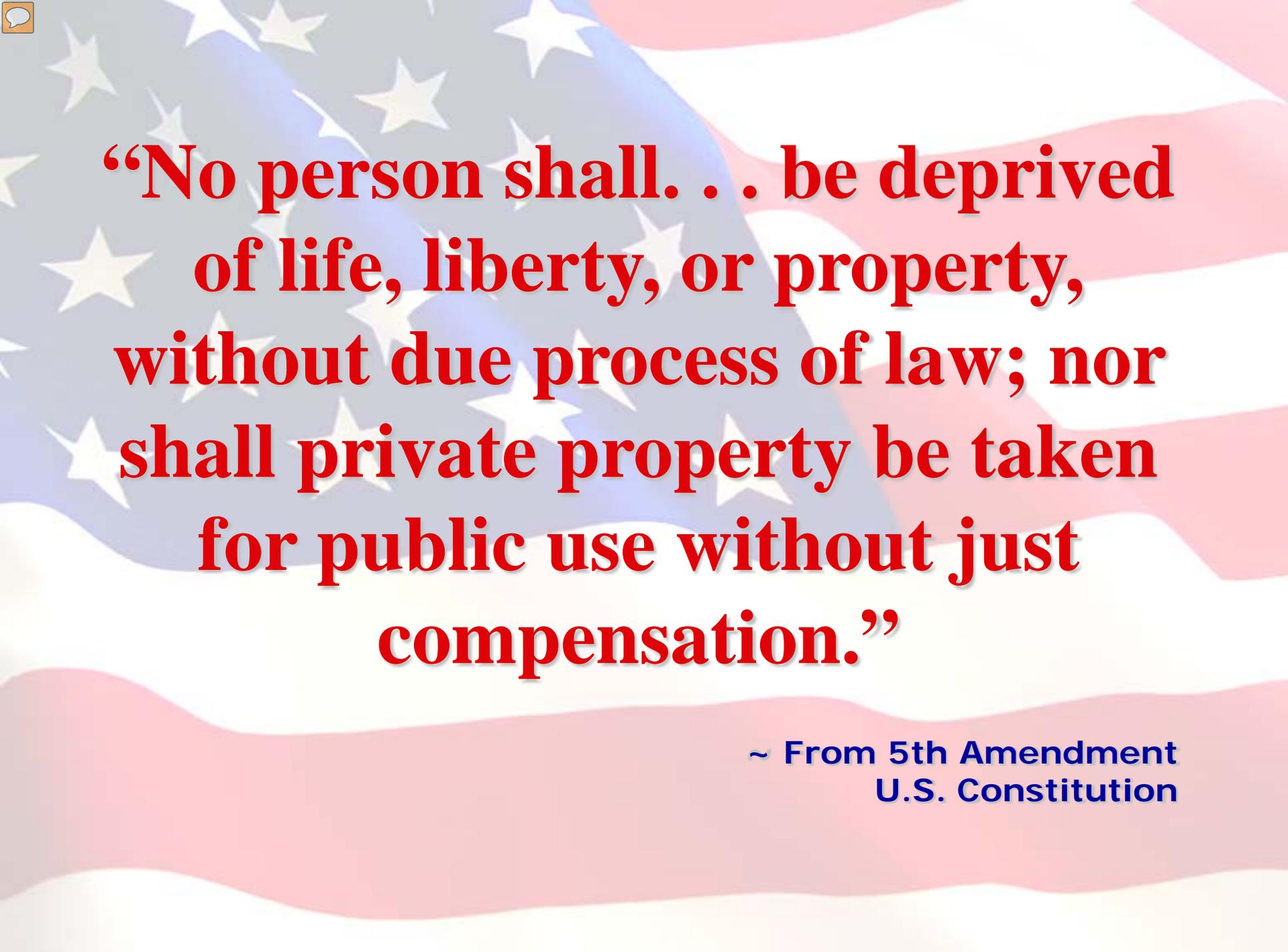
# Acquisition and Right-of-Ways





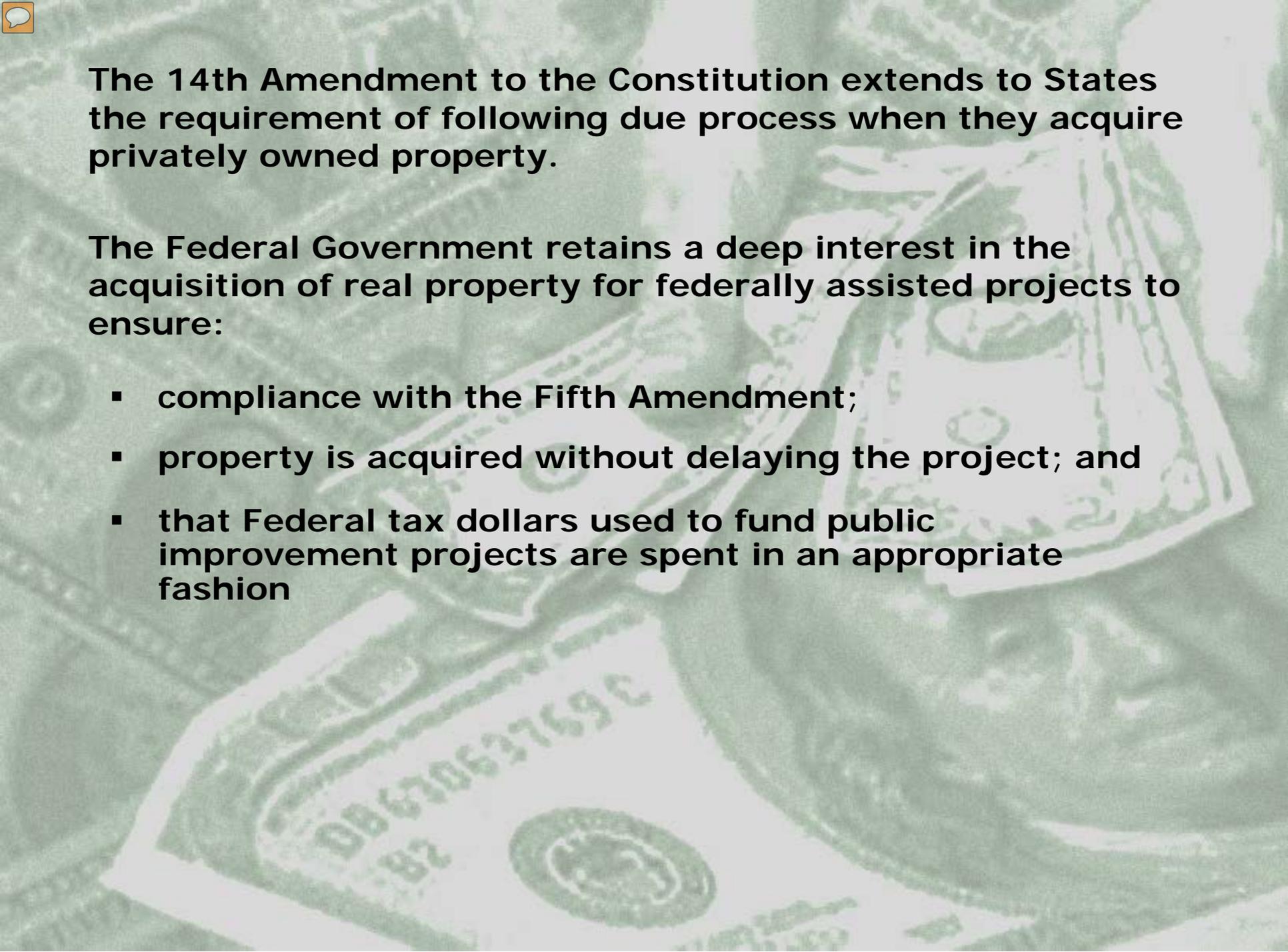
**WARNING**  
Never iron clothes  
on body !



The background of the slide is a stylized American flag with red and white stripes and a blue field with white stars. The text is overlaid on this background.

**“No person shall. . . be deprived  
of life, liberty, or property,  
without due process of law; nor  
shall private property be taken  
for public use without just  
compensation.”**

**~ From 5th Amendment  
U.S. Constitution**

The background of the slide is a close-up, slightly blurred image of several US dollar bills, including a \$100 bill and a \$20 bill, with their serial numbers and the number '28' visible. The bills are arranged in a way that they appear to be scattered or overlapping.

**The 14th Amendment to the Constitution extends to States the requirement of following due process when they acquire privately owned property.**

**The Federal Government retains a deep interest in the acquisition of real property for federally assisted projects to ensure:**

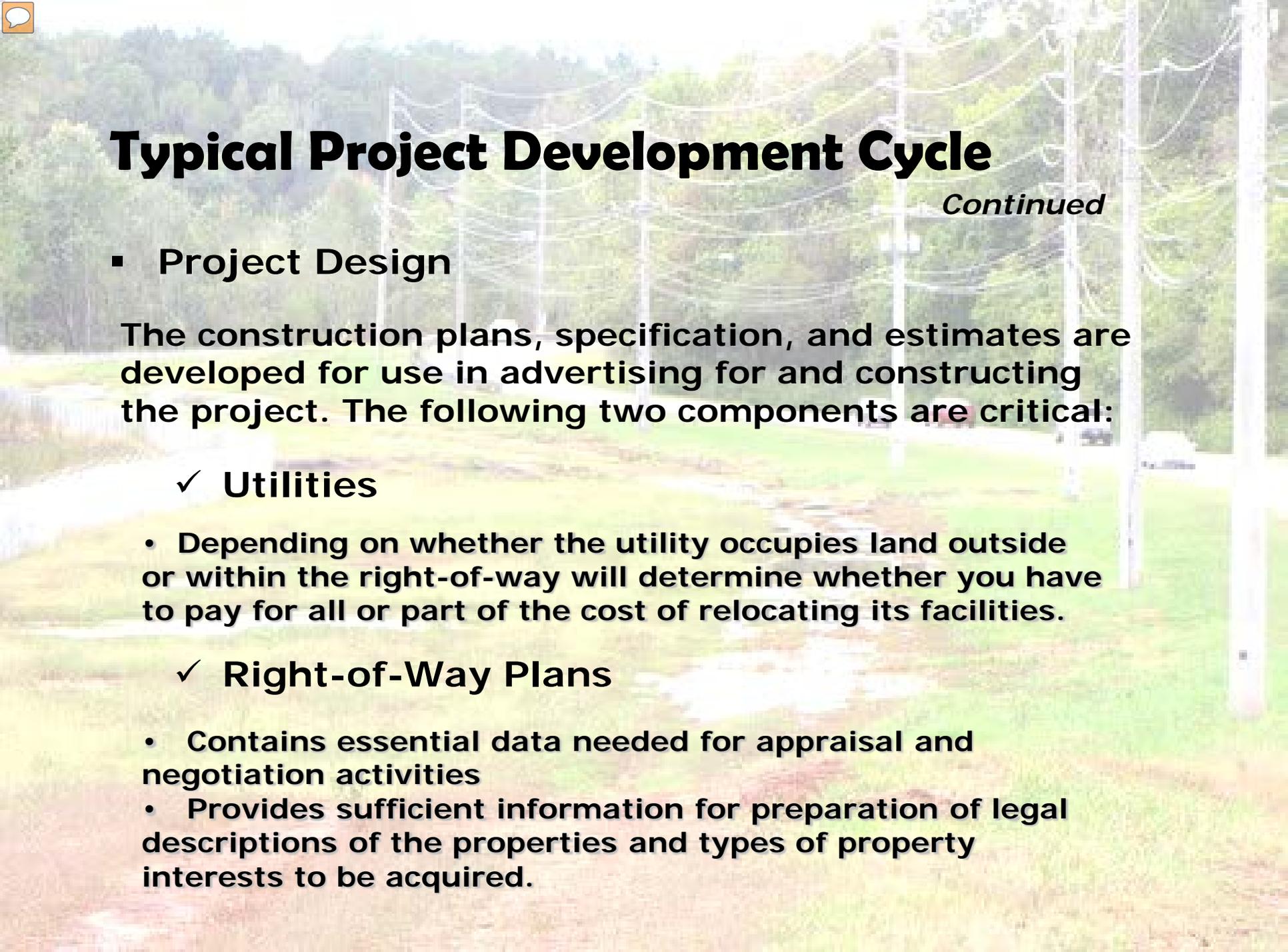
- **compliance with the Fifth Amendment;**
- **property is acquired without delaying the project; and**
- **that Federal tax dollars used to fund public improvement projects are spent in an appropriate fashion**



# Typical Project Development Cycle

- Development of Project Alternatives
- Hazardous Materials and Contaminants
- Environmental Assessment
- Public Involvement
- Selection of Alignment
- Project design
- Utilities
- Right-of-Way Plans
- Acquisition
- Right-of-Way Certification





# Typical Project Development Cycle

*Continued*

## ▪ Project Design

The construction plans, specification, and estimates are developed for use in advertising for and constructing the project. The following two components are critical:

### ✓ Utilities

- Depending on whether the utility occupies land outside or within the right-of-way will determine whether you have to pay for all or part of the cost of relocating its facilities.

### ✓ Right-of-Way Plans

- Contains essential data needed for appraisal and negotiation activities
- Provides sufficient information for preparation of legal descriptions of the properties and types of property interests to be acquired.



# Typical Project Development Cycle

*Continued*

- **Right-of-Way Certification**

- ✓ states that the properties needed for construction of the project have been obtained
- ✓ project area is clear of any utilities and structures which must be moved
- ✓ persons or businesses displaced by the project have been relocated
- ✓ must include a statement that the agency has complied with Uniform Relocation Act requirements and that the project is ready for construction

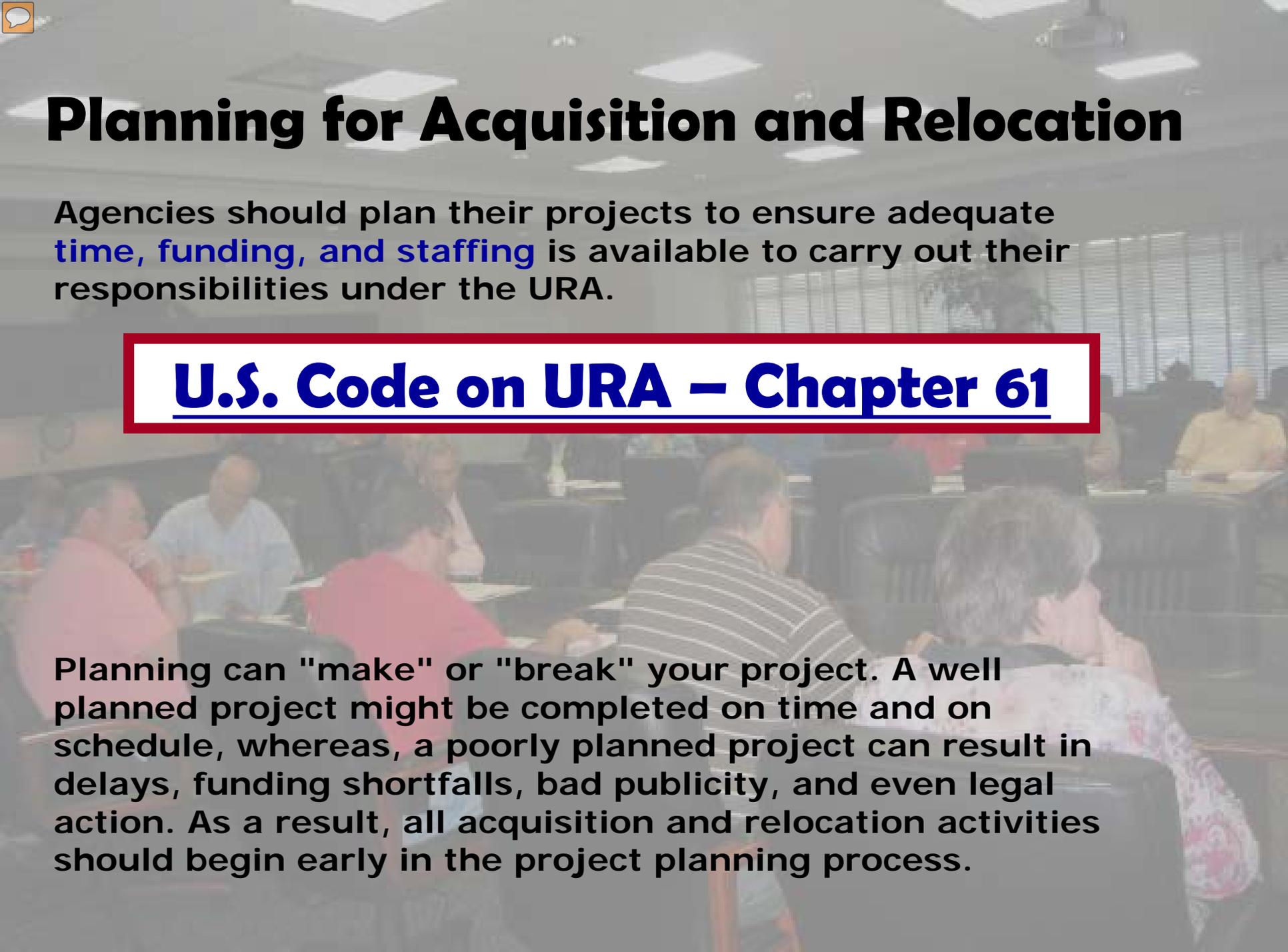
*Agency then can advertise for bids to construct the project.*

# What is the Uniform Act (URA)

The [Uniform Relocation Act](#), passed by Congress in 1970, is a federal law that establishes minimum standards for federally funded programs and projects that require the acquisition of real property or displace persons from their homes, businesses, or farms.

This applies to the acquisition, rehabilitation, or demolition of real property for federally funded projects.

- [49 CFR Part 24](#) is the government-wide regulation that implements the URA.
- [HUD Handbook 1378](#) provides HUD policy and guidance on implementing the URA and 49 CFR Part 24 for HUD funded programs and projects.



# Planning for Acquisition and Relocation

Agencies should plan their projects to ensure adequate **time, funding, and staffing** is available to carry out their responsibilities under the URA.

## **U.S. Code on URA – Chapter 61**

Planning can "make" or "break" your project. A well planned project might be completed on time and on schedule, whereas, a poorly planned project can result in delays, funding shortfalls, bad publicity, and even legal action. As a result, all acquisition and relocation activities should begin early in the project planning process.



# Responsibilities of Acquisition:

- Appraise property before negotiations
- Invite the property owner to accompany the appraiser during the property inspection
- Provide the owner with a written offer of just compensation and a summary of what is being acquired
- Pay for property before possession
- Reimburse expenses resulting from the transfer of title such as recording fees, prepaid real estate taxes, or other expenses.

Please note that agency responsibilities for voluntary acquisitions differ.

# Policy on Allowable Administrative Cost

Policy Letter #12(a), Rev 2

October 1, 2008

Costs budgeted for work write-ups and inspections for housing rehabilitation projects should be identified as a separate budget line item, and the amount allocated for this activity must continue to be reasonable and necessary. Also, appraisals, surveys, and legal fees associated with acquisition and/or relocation are considered service delivery costs and should be included in the applicable construction line item.



**Also, appraisals, surveys, and legal fees associated with acquisition and/or relocation are considered service delivery costs and should be included in the applicable construction line item.**



Please be sure to visit [HUD's Real Estate Acquisition and Relocation Web Site](#) for all your acquisition and relocation needs. There, you will find the following information and much more, including:

- [Laws and Regulations](#)
- [Policy and Guidance](#)
- [Training](#)
- [Publications](#)
- [HUD Contacts](#)

HUD works closely with the U.S. Department of Transportation - Federal Highway Administration, the designated Federal Lead Agency for the Uniform Act. Additional information concerning the Uniform Act is also available on the [FHWA web site](#).

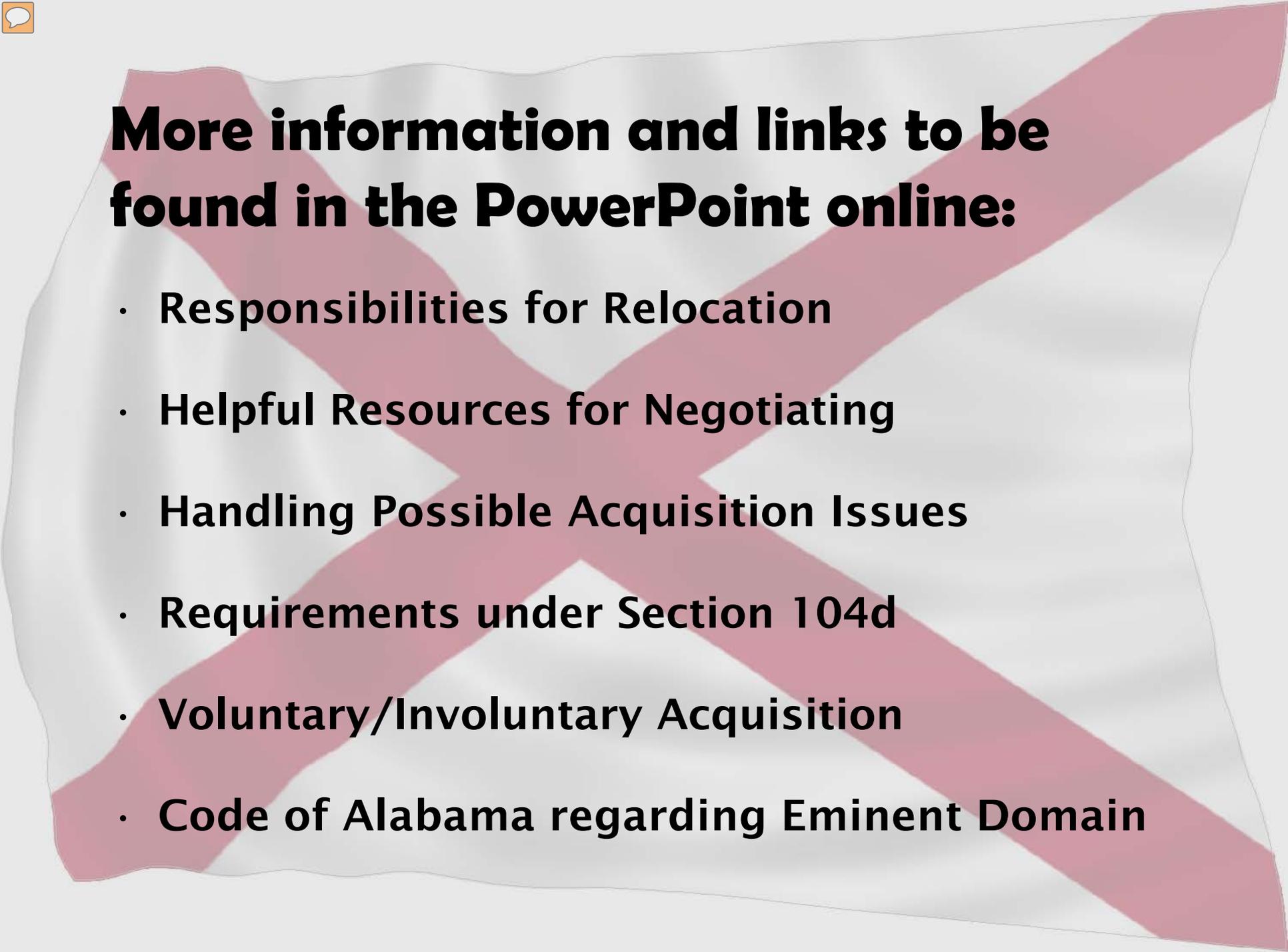


# Issues to consider when planning for acquisition and relocation

- 
- Minimizing Displacement
  - Budgetary Implications
  - Coordination of the Project
  - Determining Resource Needs
  - Administrative Requirements

## **Where can you go to find more information about this topic?**

- 49 CFR 24.2(a)(22), and Chapter 1 and Chapter 8 of [HUD Handbook 1378](#)
- 49 CFR 24.205 and Chapter 2 of [HUD Handbook 1378](#)



**More information and links to be found in the PowerPoint online:**

- **Responsibilities for Relocation**
- **Helpful Resources for Negotiating**
- **Handling Possible Acquisition Issues**
- **Requirements under Section 104d**
- **Voluntary/Involuntary Acquisition**
- **Code of Alabama regarding Eminent Domain**

# Monitoring for Acquisitions

Subrecipient Name \_\_\_\_\_  
 Project No. \_\_\_\_\_  
 Preparer \_\_\_\_\_  
 Date Prepared \_\_\_\_\_  
 Follow-up Review Indicated \_\_\_\_\_

## Uniform Act Land Acquisition Compliance Checklist

	Yes	No	N/A
Were Temporary Easements acquired? If yes, see page 3, section VII.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Were properties acquired as part of this project? If yes, then complete this form.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Is all project construction in current right-of-ways or property owned by subrecipient? If yes, then this form is not required.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### I. Records and Reports

	Yes	No	N/A	Notes
A. Number of parcels acquired to date. _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
B. Number of parcels scheduled to be acquired. _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
C. Is there an inventory of parcels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
D. Is there a separate file for each parcel?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

### II. Informing Property Owners

A. Were property owners informed in writing of the local government's interest in acquiring their property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
B. _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	





## Divisions

ADECA > Divisions > Community Development  
Current Forms and Sample Documents

- ▶ [Community Development Programs](#)
- ▶ [Community Development Block Grant](#)
- ▶ [Emergency Solutions Grant](#)
- ▶ [Neighborhood Stabilization Program](#)
- ▶ [State Small Business Credit Initiative](#)
- ▶ [CDBG - Disaster Recovery](#)
- ▶ [Office of Minority Business Enterprise](#)
- ▶ [Enterprise Zone Program](#)
- ▶ [Community Services Block Grant](#)
- ▶ [Recreation and Conservation](#)
- ▶ [Appalachian Regional Commission](#)
- ▶ [Delta Regional Authority](#)
- ▶ [Alabama Advantage](#)



## Acquisition, Demolition and Relocation



- [Basically CDBG Chapter 14 Relocation and Acquisition](#)
- [Real Estate Acquisition Guide for Local Public Agencies](#)
- [Section 104\(d\) Certification](#)
- [When a Public Agency Acquires Your Property](#)
- [URA Handbook 1378: Tenant Assistance, Relocation, and Real Property Acquisition](#)
- [HUD URA Training Module](#)
- [Uniform Relocation and Real Property Acquisition for Federal and Federally Assisted Programs; Fixed Payment for Moving Expenses; Residential Moves](#)
- [2010 Cost Schedule for URA Property Acquisition for Federal and Federally Assisted Programs; Fixed Payment for Moving Expenses; Residential Moves](#)

## CDBG Current Forms and Sample Documents

Translations of any materials into languages other than English are intended solely as a convenience to the non-English speaking user. We have attempted to provide an accurate translation of the original material in English, however, some differences in cases, please refer to the English document.

Traducciones de cualquier material en otros idiomas aparte del Inglés están destinadas únicamente a servir como una herramienta de referencia para el usuario no-inglesés. Hemos intentado proporcionar una traducción exacta del material original en Inglés, sin embargo, algunas diferencias pueden existir. En tales casos, por favor, consulte el documento en Inglés.

CDBG Current Forms and Sample Documents
<a href="#">New Final Administrative Regulation Changes for the State CDBG Program</a>
<a href="#">HUD CDBG Training for Local Officials and Grant Administrators</a>
<a href="#">CDBG Compliance Workshop Presentations</a>
<a href="#">Beason-Hammon Alabama Taxpayer and Citizen Protection Act</a>
<a href="#">Citizen Participation</a>
<a href="#">Letter of Conditional Commitment</a>
<a href="#">Environmental (page)</a>
<a href="#">Fair Housing and Equal Opportunity</a>
<a href="#">Financial Management and Common Rule</a>
<a href="#">Bidding and Contracting</a>
<a href="#">Labor Standards</a>
<a href="#">Housing Rehabilitation</a>
<a href="#">Acquisition, Demolition and Relocation</a>
<a href="#">Compliance Checklists</a>
<a href="#">Close Out</a>
<a href="#">Policy Letters</a>

# More info on CDBG Web site





# Please send your suggestions!

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