

Regulations of the University of North Texas System	Chapter 9
<b>09.1000 Relocation Assistance</b>	Facilities and Real Estate

**09.1001**      **Regulation Statement.** The University of North Texas System (“System”) is committed to minimizing the adverse impact of acquiring property through eminent domain. Therefore, in addition to paying fair market value for private property acquired for the public interest, the System will provide assistance and relocation benefits to persons, families, business and nonprofit concerns and farming and ranching operations that are required to relocate.

**09.1002**      **Application of Regulation.** This regulation applies when a person, family, business concern, farming or ranching operation, or non-profit organization is required to relocate in connection with the System’s use of eminent domain, except when federal funds are used in relation to acquiring private property.

**09.1003**      **Definitions.**

1. **Comparable Replacement Dwelling.** “Comparable Replacement Dwelling” means a dwelling that is (i) decent, safe, and sanitary; (ii) adequate in size to accommodate the occupants; (iii) within the financial means of the displaced person; (iv) functionally equivalent to the displaced person’s current dwelling; (v) in an area not subject to unreasonable adverse environmental conditions; and (vi) in a location generally not less desirable than the location of the displaced person's dwelling with respect to public utilities, facilities, services, and the displaced person's place of employment.
2. **Days.** “Days” means calendar days.
3. **Decent, Safe, and Sanitary Dwelling.** “Decent, Safe, and Sanitary Dwelling” means a dwelling which meets local housing and occupancy codes.
4. **Displaced Person.** “Displaced Person” means:
  - a. an individual, family, business concern, farm or ranch operation, or nonprofit organization that is required to move as a result of the use of eminent domain; or
  - b. a person who moves from a dwelling, moves personal property, or moves or discontinues the person’s business as a direct result of code enforcement, rehabilitation, or a demolition program.

5. Displacement Dwelling or Property. “Displacement Dwelling or Property” means the dwelling or property from which a person is displaced as a result of the System’s acquisition in connection with eminent domain.
6. Initiation of Negotiations. “Initiation of Negotiations” means the delivery of the initial written offer of compensation to the landowner or the landowner’s representative to purchase the displacement dwelling or property.
7. Late Occupant. “Late Occupant” means a displaced person who begins occupying the displacement dwelling or property after initiation of negotiations for the displacement dwelling or property.
8. Relocation Advisory Service. “Relocation Advisory Service” means the act of informing displaced persons of relocation benefits, determining the needs and preferences of these persons, providing information concerning the price and availability of comparable replacement locations, and administering the relocation assistance program.
9. Relocation Assistance Program. “Relocation Assistance Program” means a defined process for providing eligible displaced persons relocation benefits.
10. Relocation Benefits. “Relocation Benefits” means payment for expenses incurred due to relocation to include those related to moving, renting, replacing housing, and transferring real property.
11. Relocation Payment. “Relocation Payment” means a payment intended to cover reasonable and necessary costs actually incurred by a small business, farm, or non-profit organization in reestablishing at a replacement location.
12. Rental Assistance Payment. “Rental Assistance Payment” means a payment intended to cover the increased rent of a comparable replacement dwelling for a specified period of time available to persons displaced from residential dwellings.
13. Replacement Dwelling. “Replacement Dwelling” means a decent, safe and sanitary dwelling to which a displaced person moves.

**09.1004**

**Procedures and Responsibilities for Providing Relocation Advisory Service.**

1. Provision of Relocation Advisory Service. The System will provide relocation advisory services that are reasonably comparable to those outlined in the Federal Uniform Relocation Assistance Act and Real Property Acquisition Policies Act of 1970. These services may be provided directly or through an agent of the System.

2. Eligibility. Displaced persons who are lawfully occupying property on the date negotiations to acquire the property begin are eligible for relocation advisory services. These services also may be provided to persons occupying property immediately adjacent to the property being acquired if the System determines that such persons will suffer substantial economic injury as a result of the property acquisition.
3. Relocation Advisory Service Requirements. Relocation advisory services shall include such measures, facilities, or services as may be necessary or appropriate in order to:
  - a. Determine and make timely recommendations concerning the needs and preferences, if any, of displaced persons for relocation assistance;
  - b. Provide current and continuing information concerning the availability, sales prices, and rental charges of comparable replacement dwellings for displaced homeowners and tenants; and suitable locations for businesses, farm and ranch operations, and nonprofit organizations;
  - c. Inform displaced persons they will not be required to move from a dwelling unless they have had a reasonable time to relocate to a comparable replacement dwelling, except when emergency situations dictate otherwise;
  - d. Assist persons displaced from a business or farm or ranch operation obtain and become established in a suitable replacement location;
  - e. Provide information about other assistance programs and technical assistance in applying for such assistance; and
  - f. Provide other services as necessary to minimize hardships in adjusting to a different location.
4. Notices. The System shall notify displaced persons of the benefits and services described above in writing and at the time set out in this regulation.
  - a. Notice of Displacement. This notice shall be provided within a reasonable time after negotiations have begun. If a displaced person owns the property, reasonable effort should be made to notify the person contemporaneous with the initiation of

negotiations. If a person is a tenant, this notice should be provided as soon as feasible after the initiation of negotiations.

- b. Notice to Late Occupants. This notice shall: (i) be provided once the System has actual knowledge of the late occupant's occupancy; (ii) state the date of the initiation of negotiations; (iii) describe the relocation assistance program; and (iv) inform the late occupant that he or she must continue occupancy until the System takes possession of the property in order to qualify for relocation assistance under this regulation.
- c. Notice of Replacement Payment. This notice shall inform each displaced person of (i) the cost and location of specific comparable replacement dwellings; (ii) the maximum amount of any relocation assistance payment; and (iii) the basis for the maximum payment calculation. This notice may be incorporated in the Initial Notice to Vacate.
- d. Initial Notice to Vacate. This notice shall inform the displaced person that (i) negotiations to acquire the property are ongoing; (ii) the displaced person will not be required to move from the dwelling before the end of the ninety (90) days from the date of the notice; and (iii) the displaced person will be provided a final notice, in writing, specifying the date by which the property must be vacated. This notice shall be provided after negotiations have begun but not later than ninety (90) days before the date the System wants the property vacated.
- e. Final Notice to Vacate. This notice shall inform displaced persons of the specific date by which the property must be vacated and shall be provided after the System acquires possession of the property, but no later than thirty (30) days before the vacation date.
- f. Manner of Notice. Each notice required under this paragraph shall: (i) be written in plain, understandable language; (ii) be personally served or sent by certified mail, return receipt requested; and (iii) contain the name and phone number of a person who can provide relocation advisory services.

Responsible Party: Vice Chancellor for Facilities Planning and Construction or Designee with assistance from the Office of General Counsel

**09.1005      Procedures and Responsibilities for Providing Relocation Assistance Payments.**

1.     Provision of Relocation Assistance. The System shall provide financial assistance to a person, family, business, farming or ranching operation, or a nonprofit organization displaced in connection with an acquisition of real property. This assistance may include moving expenses, replacement dwelling supplements, homeowner supplements, and incidental expenses. The nature and amount of assistance a displaced person may receive shall depend on whether the person owns or leases the property, how long the person lawfully occupied the property prior to the commencement of negotiations, and whether the person is an individual or a business entity. In accordance with 42 C.F.R. § 24.209, payments made under this regulation are not income; therefore no taxes will be deducted.
  
2.     Mandatory Verification. Before any services are provided under this regulation, the Vice Chancellor for Facilities Planning and Construction or a designee shall verify that federal financial assistance is not received or made available for the project or program related to the acquired property. If a grant, loan, or contribution by the federal government is made available for any activity which results in the acquisition of real property or displacement of a property owner, the System shall follow the Uniform Relocation Assistance Act and Real Property Acquisition Policies Act of 1970 and the federal regulations promulgated thereunder.
  
3.     Guidelines. The System shall develop guidelines for each relocation assistance program provided for under this regulation. The guidelines shall be tailored to the specific acquisition and a copy of the guidelines given to each displaced person.
  
4.     Eligibility. A displaced person who has maintained lawful physical occupancy in a dwelling, and who meets the criteria for the specific benefit as set forth in this regulation, is eligible for relocation benefits. Relocation benefits will not be provided if the System determines the person:
  - a.     Is not lawfully present in the United States;
  
  - b.     Received an eviction notice prior to the initiation of negotiations and is later evicted pursuant to the notice;

- c. Is evicted after the initiation of negotiations for serious or repeated violation of material terms of the lease or occupancy agreement; or
  - d. Occupied the dwelling for the purpose of obtaining assistance under this regulation. A person is presumed to occupy a dwelling for the purpose of obtaining assistance under this regulation if the person begins occupancy after Notice of Displacement has been provided to any occupant of the displacement dwelling.
5. Moving Expenses. A displaced person may be reimbursed for reasonable and necessary moving expenses for a single move of fifty (50) or fewer miles from the displacement property. The System may waive one or more of these limitations if the Chancellor declares it in the public interest to do so.
6. Replacement Dwelling Supplement. A person displaced from a dwelling may receive a financial supplement when the comparable replacement dwelling is more expensive than the displacement dwelling. This supplement shall not exceed Five Thousand Two Hundred Fifty and No/100 Dollars (\$5,250). Only one payment can be made for each dwelling unit acquired.
- a. Eligibility. In addition to the eligibility requirements in subsection 09.1005(4) above and subsection (b) of this subsection, to qualify for a replacement dwelling supplement, the displaced person must: (i) occupy the displacement dwelling for not less than ninety (90) days prior to the initiation of negotiations, and (ii) purchase or lease a decent, safe and sanitary dwelling no later than one (1) year from the date of displacement. A person eligible for a Homeowner Supplement under 09.1005(7) is not eligible for this payment.
  - b. Eligibility of Late Occupants. A Late Occupant must continue occupancy until the System takes possession of the Displacement Dwelling or Property to qualify for relocation assistance under this paragraph.
  - c. Amount of Replacement Dwelling Supplement. The payment made under this paragraph shall not be less than six (6) times and shall not exceed forty-two (42) times the difference between the current rent and the comparable replacement rent paid by the displaced person.

- (i) The Chancellor will determine the number of months used to calculate the payment based on the circumstances of each acquisition or displaced person.
  - (ii) The System shall use the fair market rent of the displacement dwelling in lieu of the current rent when:
    - (1). The displaced person is an owner-occupant;
    - (2). The displaced person pays less than fifty (50) percent of fair market rent; or
    - (3). The displaced person is a dependent. Individuals living in the displaced dwelling who are enrolled full-time in an institution of higher education at the time of initiation of negotiations are presumed to be dependents.
- d. Election of Replacement Dwelling. A person meeting the eligibility requirements of this paragraph may elect to rent or purchase a comparable dwelling.
- e. Limitations on Amount of Payment.
  - (i) A payment under this paragraph shall not exceed the purchase price of the replacement dwelling, including incidental expenses.
  - (ii) A payment under this paragraph to an owner-occupant shall not exceed the payment the owner-occupant would have received had the owner-occupant been eligible for a Homeowner Supplement under Section 09.1005(7).
- f. Multiple Occupancy of Same Dwelling. When more than one eligible individual or family is displaced from a single displacement dwelling, the replacement dwelling supplement shall be divided among the occupants as determined by the System.
- g. Waiver of Limitations. The Chancellor may waive the limitations set forth in this paragraph when waiver is: (i) necessary to provide comparable housing to a tenant or owner-occupant of a dwelling; and (ii) in the public interest. The Chancellor may not authorize expenditures under this regulation that exceed payments authorized under the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 42 U.S.C.A. § 4601, et seq.

7. Homeowner Supplement. A person displaced from a dwelling owned and occupied by the person may receive financial assistance to acquire replacement housing when the comparable replacement dwelling is more expensive than the acquisition cost of the displacement dwelling. This payment shall not exceed Twenty Two Thousand Five Hundred and No/100 (\$22,500), calculated as set forth in 09.1005(7)(b).
- a. Eligibility. In addition to the eligibility requirements in 09.1005(4) above, to qualify for a homeowner supplement the displaced person must: (i) have owned and occupied the displacement dwelling for not less than one hundred eighty (180) days prior to the initiation of negotiations, and (ii) purchase and occupy a decent, safe and sanitary replacement dwelling within one (1) year from the date of displacement.
- b. Amount of Homeowner Supplement. The payment made under this paragraph shall not exceed an amount equal to the sum of:
- (i) The amount the probable cost of a replacement dwelling exceeds the acquisition cost of the displacement dwelling, as determined by the System;
- (ii) Any increased interest and other debt service costs incurred in connection with the mortgage(s) on the replacement dwelling, as determined by the System; and
- (iii) Reasonable expenses incidental to the purchase of the replacement dwelling.
8. Relocation Payment – (Non-Residential Only). Small businesses, farm and ranch operations, and non-profit organizations may receive a payment not to exceed Ten Thousand and No/100 Dollars (\$10,000) for expenses actually incurred in relocating and reestablishing operations at a suitable replacement location. Only expenses that are reasonable and necessary as determined by the System are eligible for reimbursement.

Responsible Party: Chancellor or Designee

9. Advance Payments. The System may provide advance relocation payments to displaced persons who demonstrate the need for such payment in order to avoid or reduce a hardship. All advance payments are subject to such safeguards as the System determines are appropriate to ensure that the objective of the payment is accomplished.

**Procedures and Responsibilities for Claiming Relocation Benefits.**

1. **Claim Procedures.** The System shall develop claims procedures as set forth in this regulation and all necessary form(s) for use by displaced persons in submitting claims, provide the necessary forms and guidelines to all displaced persons, and provide reasonable assistance necessary to complete and file claims authorized under this regulation.
  - a. **Documentation.** A claim for a relocation payment, including any advance payments, must be supported by documentation of expenses incurred, such as bills, receipts, certified prices and appraisals.
  - b. **Time for Filing.**
    - (i) Tenants must file all claims for relocation payments no later than the last day of the eighteenth (18<sup>th</sup>) month after the date of displacement.
    - (ii) Owners must file all claims for relocation payments no later than the last day of the eighteenth (18<sup>th</sup>) months after (i) the date of displacement; or (ii) the date final payment is made for the acquired property, whichever is later.
    - (iii) The Chancellor may waive these deadlines when waiver is in the public interest.
  - c. **Notice of Denial of Claim.** If all or part of a claim is denied for any reason, including due to late filing, the displaced person will be notified of the reason(s) for the denial and the procedures for requesting review of the decision. The notice shall be made in writing and as soon as practicable.

**Responsible Party:** Vice Chancellor for Facilities Planning and Construction or Designee

2. **Request for Review.** A displaced person whose claim for assistance under this regulation is denied in full or in part may seek review of the decision.
  - a. **Time for Filing.** The request for review must be made within sixty (60) days of the date of the notice informing the person of the decision to deny the claim.
  - b. **Requirements.** The request must:
    - (i) Be made in writing;

- (ii) State the reason(s) the displaced person believes an error was made in determining the person's eligibility for assistance;
  - (iii) State the amount(s) the person believes he or she should receive under this regulation; and
  - (iv) Include all documentation, calculations, or other information supporting the amount(s) the person believes he or she should receive.
- c. Time for Review. The Chancellor or the Chancellor's designee shall review all claims submitted in accordance with this regulation and notify the displaced person of the decision within fourteen (14) days after receipt of the request for review. The decision by the Chancellor or the Chancellor's designee is final.

Responsible Party: Chancellor or Chancellor's Designee

**References and Cross-references.**

Tex. Prop. Code § 21.046  
43 T.A.C. § 21.114, .116  
42 U.S.C.A. §§ 4601, 4625, 4632  
42 C.F.R. §§ 24.10, .203, .205, .209, .301, .401–.404

Approved: November 13, 2013  
Effective: November 13, 2013  
Revised: