

# Uniform Relocation Assistance Act and Uniform Relocation Assistance and Real Property Acquisition Policies Act

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## Issue

Compare the state Uniform Relocation Assistance Act's (URAA) benefits with those provided by the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act (URA). This report updates [2004-R-0383](#) and [2006-R-0115](#).

The Office of Legislative Research is not authorized to issue legal opinions and this report should not be considered one.

## Summary

The URAA establishes uniform policies to help individuals displaced from their homes or businesses by state and local government programs, including land acquisition programs, code enforcement activities, or housing rehabilitation programs. The act requires the displacing agency to provide advisory assistance and financial benefits to displaced individuals and businesses. (In some cases, landlords may be responsible for repaying expenses incurred by the displacing agency if displacement was due to code enforcement.) Any financial benefits provided under the URAA are in addition to any amount the displacing agency must pay a property owner to acquire a property (e.g., through eminent domain).

The URA is a federal law that parallels the state's URAA. It applies when displacement activities are wholly or partially federally funded. Additionally, under state law, (1) the state Department of Transportation (DOT) may provide benefits pursuant to the federal law even if federal funds are not involved and (2) under certain circumstances, other state agencies must provide payments pursuant to federal law (CGS §§ 8-268 and 8-273a).

The URA and URAA generally provide the same types of benefits to displaced individuals and businesses. In addition to advisory assistance, individuals and businesses are eligible for reimbursement for (1) moving expenses, (2) costs related to searching for a new business, and (3) certain housing costs, including expenses related to purchasing a new home. In general, the financial assistance provided under federal law is larger than that provided under state law.

## **Relocation Assistance**

Both federal and state law require displacing agencies to provide advisory and financial assistance to individuals and businesses (including farm operations and property owned by nonprofits) displaced by municipal, state, or federal government programs and projects ([CGS § 8-266 et seq.](#); [Conn. Agencies Regs. § 8-273-1 et seq.](#); [42 U.S.C. 4601 et seq.](#); and [49 C.F.R. 24.1 et seq.](#)).

### ***Eligibility***

The federal and state laws apply to individuals and businesses that must relocate themselves or their personal property as a result of:

1. government acquisition of their real property;
2. code enforcement activities; or
3. other projects supervised or funded by the government, including building rehabilitation programs (CGS § 8-267 and 42 U.S.C. 4601).

Generally, the displacing agency is responsible for notifying displaced individuals that they are eligible for benefits. The procedure for applying for these benefits varies from agency to agency.

### ***Advisory Assistance Program***

Under state and federal law, the displacing agency must provide an advisory assistance program for displaced individuals, including businesses (CGS § 8-271 and 42 U.S.C. 4624). As part of the program, the displacing agency must:

1. determine the need for relocation assistance,

2. supply information on federal and state programs offering assistance to displaced individuals,
3. provide information on the availability and rental charges or sales price of comparable properties,
4. assist displaced businesses in becoming established in a suitable new location, and
5. provide other services to minimize the hardship of relocation.

Additionally, the advisory assistance program must generally ensure that individuals will not be displaced from their homes unless comparable replacement dwellings are available.

### ***Comparison of Financial Benefits***

Both the URAA and URA require the displacing agency to reimburse displaced individuals up to certain amounts. Under both laws, an individual can seek reimbursement for actual moving expenses incurred or opt to be reimbursed pursuant to a fixed schedule. Additionally, in the case of (1) residential displacements, individuals are eligible for other financial assistance, including down payment assistance, and (2) business displacements, businesses are eligible for reimbursement for search costs for a replacement business.

Table 1 summarizes the generally applicable financial benefits available under the federal and state laws.

**Table 1: Relocation Benefits under Federal and State Law**

<b><i>Type of Benefit</i></b>	<b><i>Federal Benefit</i></b>	<b><i>State Benefit</i></b>
<b>Moving costs for residential movers</b>	Either (1) actual and reasonable moving expenses, including incidental costs such as temporary storage, or (2) a fixed payment based on the number of rooms moved (for furnished rooms, the schedule provides \$620 for one room, \$810 for two, \$1,000 for three, \$1,180 for four, etc. (less if occupant does not own furniture))	Same as federal law, except the fixed payment schedule provides \$50 to \$300, depending on the number of rooms, in addition to a dislocation allowance of \$200 for individuals electing a fixed payment
<b>Moving costs for businesses</b>	Either (1) actual and reasonable moving expenses or (2) payment of one year's net earnings, capped at \$20,000	Same as federal law, but net earnings option capped at \$10,000
<b>Replacement business search costs</b>	Actual and reasonable costs in searching for a replacement business, capped at \$2,500	Generally capped at \$500 (narrower range of eligible costs compared to federal law)

Table 1 (continued)

<i>Type of Benefit</i>	<i>Federal Benefit</i>	<i>State Benefit</i>
<b>Replacement housing assistance</b>  (available to individuals who owned home for at least 180 days before displacement)	Amount needed, in addition to compensation for the acquired home, to buy a comparable home and reimbursement for costs associated with higher financing charges and closing costs, capped at \$22,500	Same as federal law, but capped at \$15,000
<b>Down payment assistance</b>  (available to tenants of 90 or more days and individuals who owned home for 90 to 179 days before displacement)	Assistance to make a down payment on a home, capped at \$5,250	Capped at \$4,000, but if amount is over \$2,000, the displaced individual must match the excess amount
<b>Rental assistance</b>  (available to tenants and homeowners who lived in dwelling for at least 90 days before displacement)	Rent costs for a comparable dwelling, provided for up to 3.5 years, but capped at \$5,250 total	Rent costs for a comparable dwelling, provided for up to 4 years, but capped at \$4,000 total

While both laws generally provide similar benefits, the federal law provides some benefits that the state law does not. For example, federal law provides more assistance than state law to displaced small businesses (one with up to 500 employees at the affected site), farms, and nonprofit organizations. Under federal law, the displacing agency must pay such entities up to \$10,000 in actual and necessary relocation and reestablishment expenses, on top of moving, utility connection, and professional services costs (49 C.F.R. § 24.304).

### ***Recouping Expenses Paid to Certain Tenants***

The URAA requires a landlord to repay reasonable expenses that a municipality or the state paid to a tenant in any dwelling unit displaced due to code enforcement. The municipality or the state may place a lien on any real property owned by the landlord to secure reimbursement (CGS §§ 8-268 and 8-270). A municipality or the state may sue a landlord to recover payments due and compensation for the costs, including attorney's fees, of bringing the suit.

However, the law provides landlords an affirmative defense that they did not cause the displacement because they did not violate the statutory responsibilities (CGS § 8-270a). OLR Report [2015-R-0235](#) describes in more detail the circumstances under which (1) the URAA covers municipal code enforcement actions and (2) landlords must reimburse a municipality for URAA benefits it provides.

## ***Appeals Procedures***

Both the URAA and URA have appeals procedures if individuals dispute the adequacy of the relocation assistance or their eligibility for such assistance. Under the URAA, an individual must request a reconsideration by the displacing agency. An individual who is still not satisfied may appeal to the DOT (in the case of transportation projects) or Department of Housing commissioner (for other projects) and then to the courts (CGS § 8-278 and Conn. Agencies Regs. § 8-273-1).

Under the URA, an appeal is made to the displacing agency. Individuals aggrieved by the agency's decision can appeal to the courts (49 C.F.R. 24.10).

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