

# CITY OF SAN ANTONIO

## Relocation Policies & Procedures

Revised: August, 2008

---

### **SECTION 1: RELOCATION GENERAL PROVISIONS**

#### A. POLICY

- (1). The City of San Antonio hereby establishes the policy and internal procedures to determine eligibility requirements for relocation assistance and the amount of relocation assistance a Displaced Person receives and the procedures for implementation of the policy. The programs and policies of the City of San Antonio for federally assisted projects and programs shall be consistent with the requirements of the Uniform Relocation Act. The City Manager is, subject to appropriations and the adopted budget, authorized to take such further actions as may be necessary to implement this Policy.
- (2). Interpretations of the policies and procedures adopted pursuant to this Policy shall be consistent with interpretations of the Uniform Relocation Act rendered by federal and state courts with appropriate jurisdiction. City staff may consult opinions of the Texas Attorney General and the policies and procedures of the Texas Highway Department for additional guidance.

#### B. PURPOSE

Relocation assistance is provided pursuant to statutory and regulatory requirements outlined in HUD Handbook 1378 for persons displaced in conjunction with real property acquisitions and projects or programs for which federal financial assistance is provided.

#### C. SCOPE

These policies and procedures apply to all federally-assisted projects involving eminent domain, official orders to vacate, and rehabilitation and demolition for projects. Projects funded through state or local funds shall be governed by the Texas Local Government Code and separate regulations.

#### D. REGULATORY AUTHORITY

- (1). Uniform Relocation Assistance and Real Property Acquisition Policies Act (Public Law 91-646) [the "URA"] and amendments thereto,
- (2). Section 104-d of the Community Development Act ["Section 104"] and amendments thereto,
- (3). 49 CFR Part 24 §§24.1-24.603, and amendments thereto),
- (4). the Constitution and laws of the State of Texas, including but not limited to, Chapter 21, Texas Property Code and Chapter 201, Texas Local Government Code.
- (5). the Charter and ordinances of the City Code of the City of San Antonio.

## E. DEFINITIONS

The City of San Antonio hereby adopts the following definitions. In the event of a conflict between a definition set out in this Subsection E and a definition for the same word or phrase that is now or hereafter adopted by a federal agency with authority over one or more federal programs, then the following definitions shall be adapted as necessary to conform to the federally adopted definition for programs funded by or through the relevant federal agency without further action of Council.

- (1). Agency - the entity that causes a person to become a Displaced Person or acquires real property. Such entity may be a State agency. This term includes a local government, or a person (includes nonprofit organization, partnership, corporation or association).
- (2). Business - any lawful activity, except a farm operation, conducted primarily for:
  - (a). the purchase, sale, lease and rental of personal and real property, or for the manufacture, processing, or marketing of products, commodities or any other personal property;
  - (b). the sale of services to the public;
  - (c). by a nonprofit organization; or
  - (d). for assisting in the purchase, sale, resale, manufacture, processing or marketing of products, commodities, personal property, or services by the erection and maintenance of an outdoor advertising display or displays, whether or not such display or displays are located on the premises on which any of the above activities are conducted.
- (3). CIMS is the Capital Improvements Management Services department of the City of San Antonio. In the event the CIMS department ceases to exist or the relocation duties encompassed by this Policy shall be transferred to or assumed by another department of the City of San Antonio ("the Successor Department"), then any reference in this Policy to "CIMS" shall reference the Successor Department.
- (4). Comparable replacement dwelling is one which is:
  - (a). decent, safe and sanitary;
  - (b). functionally equivalent and substantially the same as the displacement dwelling with respect to area of living space, type of construction, age and state of repair;
  - (c). housing open to all persons regardless of race, color, religion, sex, national origin, and the protected classes, to include familial status and handicapped persons, and is consistent with Title VIII of the Civil Rights Act of 1968 and Chapter 9, Article III, Discriminatory Housing Practices of the City Code of the City of San Antonio;
  - (d). located in an area not generally less desirable than the displacement area with regard to public utilities and public and commercial facilities;
  - (e). reasonably accessible to the Displaced Person's place of employment;
  - (f). adequate to accommodate the Displaced Person; and

- (g) within the financial means of the Displaced Person(s).
- (5). Displaced Person (Federally-assisted projects) - any person that moves from real property, or moves his or her personal property from the real property, permanently, as a direct result of:
- (a). the acquisition of, or written notice of intent to acquire, or initiation of negotiations to acquire; or
  - (b). the rehabilitation or demolition of such real property for a project; or
  - (c). the rehabilitation, demolition, acquisition of all or a part of other real property on which the person conducts a business or farm operation, for a project.
- (6). Displaced person (City funded Projects) - any person who moves or discontinues his business, or moves other personal property permanently and involuntarily as a direct result of City funded real property acquisition for public use.
- (7). Displaced person (Non-Residential) - any person who moves or discontinues his business, or moves other personal property, or moves from his dwelling as a direct result of any City of San Antonio code enforcement project not involving real property acquisition, shall be deemed to have been displaced as the result of the acquisition of real property.
- (8). Existing patronage - the annual average dollar volume of business transacted during the two taxable years immediately preceding the taxable year in which the business is relocated.
- (9). Farm operation - any activity conducted solely or primarily for the production of one or more agricultural products or commodities, including timber, for sale or home use and customarily producing such products or commodities in sufficient quantity to be capable of contributing materially to the operator's support.
- (10). Federal financial assistance - a grant, loan, or contribution provided by the federal government.
- (11). Initiation of negotiation - serves as a milestone in determining a person's eligibility for relocation assistance for federally-assisted projects.
- (a). Acquisition by the City of San Antonio-initiation of negotiation means the delivery of the initial written offer of just compensation to the owner to purchase the real property for the project.
  - (b). Acquisition by the City of San Antonio through an arm's length transaction - initiation of negotiation is the execution of the contract binding the seller and the purchaser to the conveyance.
  - (c). Whenever displacement occurs as a direct result of privately undertaken acquisition, rehabilitation or demolition, the initiation of negotiation is the execution of the loan or grant agreement.
  - (d). Whenever displacement occurs as a direct result of demolition or rehabilitation undertaken by the City of San Antonio or at its direction and there is no related acquisition, the initiation of negotiation is the execution of the agreement between by the City of San Antonio and the rehabilitation or demolition contractor.
  - (e). Initiation of negotiations for City of San Antonio code enforcement activities, means the date an official order to vacate is personally

issued by the Dangerous Structures Board, the fire marshal, the building official, or the city health officer.

- (12). Nonprofit organization - a corporation, partnership, individual or other public or private entity, engaged in a business, professional or instructional activity on a nonprofit basis.
- (13). Owner - an individual (or individuals):
  - (a). owning, legally or equitably, the fee simple estate, a life estate, a 99 year lease or other proprietary interest in the property; or
  - (b). the contract purchaser of any of the foregoing estates or interests; or
  - (c). who has succeeded to any of the foregoing interests by devise, bequest, inheritance or operation of law.
- (14). Person - any individual, partnership, corporation or association.
- (15). Relocatee - any person who meets the definition of a Displaced Person.
- (16). Tenant - a person who has the temporary use and occupancy of real property with the knowledge and consent of the property owner.
- (17). Other definitions and additional details are found at §24.2 of 49 CFR Part 24 and the guidance found at Appendix A, 49 CFR Part 24.

## F. RESPONSIBILITIES

- (1). The Capital Improvement Management Services (CIMS) Department shall serve as the primary City entity in implementing these policies. The Director, through the Real Estate Manager, is responsible for providing instructional and operations manuals, explanation of materials, training seminars and other appropriate means in a manner sufficient to demonstrate compliance with local, state and federal requirements addressed in this handbook. In the event the general duties of the CIMS Department are transferred to or combined with another City department, then this responsibility shall also be transferred to or combined with the other City department.
- (2). The CIMS Real Estate Manager is responsible for ensuring that City's relocation activities, notwithstanding any third-party contractual obligations, are in compliance with all federal, state and local relocation laws and regulations. The CIMS Real Estate Manager is also responsible for ensuring that records are maintained in detail sufficient to demonstrate compliance with the provisions of this handbook, and other local, state and federal relocation laws and regulations.
- (3). The CIMS Real Estate Specialists, under the direction of the CIMS Real Estate Manager, are responsible for implementing these policies and procedures, maintaining records in detail sufficient to demonstrate compliance with the provisions of this handbook, local, state and federal relocation laws and for issuing appropriate notices to, and contacts with, Displaced Persons.

## G. PROCEDURES

- (1). The procedures for providing relocation assistance in accordance with

appropriate laws and regulations are listed under specific subject matter.  
(2.). The CIMS Director shall develop forms and additional procedures necessary to implement this policy and the City of San Antonio's Relocation Program.

#### H. ADDITIONAL GUIDANCE AND PROCEDURES

(1) 1378.0 Tenant Assistance, Relocation and Real Property Acquisition Handbook issued by the US Department of Housing and Urban Development is hereby adopted to provide additional guidance and assistance in supplementing or interpreting these procedures. Three copies of the current manual have been placed in the files of the City Clerk and may be inspected during normal business hours. At the time of the adoption of this Handbook by the City of San Antonio, the US Department of Housing and Urban Development has also make its handbook available on the World Wide Web at <http://www.hud.gov/offices/cpd/library/relocation/policyandguidance/handbook1378.cfm>. This reference to the World Wide Web posting of the handbook is for convenience only. The failure of the US Department of Housing and Urban Development to maintain the posting or to continue the posting on the World Wide Web shall have no effect whatsoever on the validity of this Handbook.

(2) The Right of Way Manual Vol. 3--Relocation Assistance published by the Texas Department of Transportation is hereby adopted to provide additional guidance and assistance in supplementing or interpreting these procedures. Three copies of the current manual have been placed in the files of the City Clerk and may be inspected during normal business hours. At the time of the adoption of this Handbook, The Texas Department of Transportation has also made its manual available on the World Wide Web at <ftp://ftp.dot.state.tx.us/pub/txdot-info/gsd/manuals/rel.pdf>. This reference to the World Wide Web posting of the manual is for convenience only. The failure of the Texas Department of Transportation to maintain the posting or to continue the posting on the World Wide Web shall have no effect whatsoever on the validity of this Handbook.

---

## **SECTION 2: ADVISORY SERVICES**

### **A. POLICY**

It is the policy of the City of San Antonio that the appropriate advisory services be provided as described in this handbook to occupants, residential and commercial, (owners and tenants, residential and commercial) that are displaced in association with City of San Antonio federally-assisted projects that are subject to the URA.

### **B. PURPOSE**

As soon as feasible each occupant of an affected property shall receive personal contacts and be issued an advisory services notice.

### **C. SCOPE**

The City of San Antonio must not proceed with any projects subject to the URA which may cause displacements without assurance of an adequate relocation assistance program to provide advisory services.

### **D. RESPONSIBILITIES**

The CIMS Real Estate Specialists provide relocation advisory assistance on a reasonable basis commensurate with the Displaced Person's need and has personal contact with the Displaced Person for the following reasons:

- (1). to explain the project and caution persons not to move prior to receiving eligibility notices;
- (2). to generally describe the relocation payments, the basic conditions of eligibility and the procedures for obtaining the payments;
- (3). to inform the person that he/she will be given reasonable relocation advisory service, including referrals to replacement properties, help in filing payment claims, and other necessary assistance to help the person relocate;
- (4). to inform the person that he or she will not be required to move without at least 90 days written notice; and
- (5). to describe the person's right to appeal the determination as to the person's eligibility for relocation assistance or the amount of such assistance. When applicable, to explain a residential occupant's right to appeal the acceptability of the comparable replacement dwellings; and,
- (6). to compute the amount of relocation assistance due to a Displaced Person as required by the URA in accordance with this handbook, City ordinances, state and federal law and to initiate appropriate action to ensure payment;

### **E. PROCEDURES**

- (1). The CIMS Real Estate Specialists provide the general information notices promptly after initiation of negotiation or earlier to each Displaced Person in the project and to non-displaced persons affected by the project and notices of eligibility for the relocation assistance.
- (2). The CIMS Real Estate Specialists issue written advance 90-day notice to vacate of the earliest date by which the Displaced Person is required to relocate.
- (3). The CIMS Real Estate Specialists personally serve a copy of notices to the Displaced Person or send the notices by certified mail or registered, first-class mail, return receipt requested.
- (4). The CIMS Real Estate Specialists initiate appropriate steps to obtain approved payments to the Displaced Person.

---

### **SECTION 3: ASSURANCE OF NON-DISCRIMINATION**

#### **A. POLICY**

The policy of the City of San Antonio is that all persons displaced by the City of San Antonio in conjunction with its federally-assisted projects subject to the URA shall be treated fairly and equitably.

#### **B. PURPOSE**

The CIMS Real Estate Section provides relocation assistance to all Displaced Persons on a nondiscriminatory basis. Replacement housing will be available on a nondiscriminatory basis to all persons regardless of race, color, religion, national origin or sex and the protected classes, as amended, to include familial status and handicapped persons consistent with federal, state and local law, including Title VIII of the Civil Rights Act of 1968 and Chapter 9 of the Code of the City of San Antonio.

#### **C. SCOPE**

The City of San Antonio gave assurance of equal opportunity housing by passing Chapter 9 of the Code of the City of San Antonio, entitled "Discriminatory Housing Practices." Assurance of policies providing assistance to Displaced Persons without discrimination was given by the City Council by adopting Chapter 9, Article III, Discriminatory Housing Practices of the Code of the City of San Antonio.

#### **D. RESPONSIBILITIES**

- (1). It is the responsibility of each CIMS Real Estate Specialist to provide assistance in a manner to demonstrate compliance with this policy.
- (2). It is the responsibility of the CIMS Real Estate Manager to ensure that assistance is provided in a manner which demonstrates compliance with this policy.
- (3). It is the responsibility of the CIMS Real Estate Specialist to obtain a signed Non-discrimination Agreement from each prospective Seller or Landlord. (Attachment 1.)
- (4). It is the responsibility of the CIMS Real Estate Manager and each CIMS Real Estate Specialist to report violations of the City of San Antonio's non-discrimination ordinances or of the Non-discrimination Agreement to appropriate city authorities.

#### **E. PROCEDURES**

- (1). Under the direction of the CIMS Real Estate Manager, the CIMS Real Estate Specialists shall compile housing listings and referrals to comply with Title VIII of the Civil Rights Act of 1968 and the Code of the City of



San Antonio

- (2). Under the direction of the CIMS Real Estate Manager, the CIMS Real Estate Specialists shall provide housing listings and referrals in a manner that complies with Title VIII of the Civil Rights Act of 1968 and the Code of the City of San Antonio.

**NON-DISCRIMINATION AGREEMENT**

The City of San Antonio  
Real Estate Section  
CIMS Department  
PO Box 839966  
San Antonio, Texas 78283-3966

Attention:

By endorsement hereunder, the undersigned hereby warrants and represents to the City of San Antonio and to the United States Department of Housing and Urban Development, it is expressly understood and agreed:

That there will be no discrimination upon the basis of race, color, creed or national origin and the protected class, familial status and handicapped persons in the sale, lease, rental, use or occupancy of the subject property, and

That there will be compliance with Title VIII of the Civil Rights Acts of 1964.

This statement and agreement is to be attached to and considered a part for all purposes of the contract documents covering the sale or rental of this housing located at:

Address

In testimony whereof the undersigned, as Owners or agents, have affixed their signature this \_\_\_\_\_ day of \_\_\_\_\_ in A.D. in the City of San Antonio, County of Bexar, Texas.

Owner or Agent

Owner or Agent

---

## **SECTION 4: CASE ORIGINATION**

### **A. POLICY**

A relocation assistance case shall be initiated according to the following procedure.

### **B. PURPOSE**

The CIMS Real Estate Section accepts written requests for relocation assistance from displacing entities within the City of San Antonio for federally-assisted projects involving acquisitions, code enforcement, rehabilitation and demolition of real property. The written requests must include the type of project activity involved, the date of initiation of negotiation, and the name and address of the Displaced Person(s).

### **C. SCOPE**

The provisions of this policy apply to City of San Antonio projects involving acquisition of real property by eminent domain, purchase and code enforcement under the purview of the City of San Antonio that are federally-assisted for acquisition, rehabilitation and demolition of real property.

### **D. RESPONSIBILITIES**

- (1). The department or agency involved in a project provides the CIMS Real Estate Specialists a written notice of its intent to acquire and the initiation of negotiation to acquire occupied real property for public use and request relocation assistance for its projects.
- (2). City departments that administer federally-assisted projects for privately undertaken acquisitions, demolition or rehabilitations, notify the CIMS Real Estate Specialists in writing of the project activities and request relocation assistance.

### **E. PROCEDURES**

- (1). All requests for relocation assistance are routed through the office of the CIMS Real Estate Manager.
- (2). The CIMS Real Estate Manager records the case and assigns the file to the appropriate CIMS Real Estate Specialist.
  - (a). The CIMS Real Estate Specialist prepares a case folder according to department policy and state law. The files should clearly identify properties acquired using federal assistance and document all steps taken to comply with the URA. At a minimum the folders will contain a relocation check sheet, copies of all documents tabbed to correspond to the check sheet, filed in chronological order, and an activity log.
  - (b). Files will be maintained for at least three years after the completion of the project and so long thereafter as is necessary to comply with

state and federal law. Documents shall be stored, retired and destroyed in strict compliance with state and federal document retention law.

---

## **SECTION 5: PRELIMINARY INTERVIEW**

### **A. POLICY**

The staff of the City of San Antonio shall establish a viable working relationship with the Displaced Person during the preliminary interview.

### **B. PURPOSE**

The CIMS Real Estate Specialist should obtain sufficient information during the preliminary interview to adequately assess the Displaced Person's needs, and determine the amount of time and resources required to successfully relocate the Displaced Person.

### **C. SCOPE**

This policy applies to homeowners, tenants, nonprofit organizations, businesses and other persons affected by displacing actions of the City of San Antonio or displacing entities under the auspices of the City of San Antonio in which federal funds are used in the project.

### **D. RESPONSIBILITIES**

- (1). The initial interview is perhaps the most impressive and sets the tone for the kind of working relationship with the Displaced Person.
  - (a). It is the responsibility of the CIMS Real Estate staff to adequately gather information from the Displaced Person to help determine the Displaced Person's preferences and needs.
  - (b). The CIMS Real Estate Specialist is responsible for clearly and precisely presenting the relocation program, potential benefits and eligibility requirements to receive relocation assistance to the Displaced Person.
  - (c). The CIMS Real Estate Specialist is responsible for obtaining a preliminary interview acknowledgment receipt (Attachment 1) from the Displaced Person to show that pertinent information regarding the relocation program, potential benefits and eligibility requirements to receive relocation assistance was provided to the Displaced Person.
  - (d). The CIMS Real Estate Manager is responsible for ensuring that the CIMS Real Estate Specialist adheres to the preliminary interview policy.

## E. Procedures

- (1). Another CIMS Real Estate specialist or the CIMS Real Estate Manager accompanies the CIMS Real Estate Specialist assigned the case to the preliminary interview because the amount of money a person may be entitled to receive is discussed during the interview.
- (2). The CIMS Real Estate Specialist makes an appointment to meet the Displaced Person to conduct the preliminary interview and deliver the general information notices.
- (3). The CIMS Real Estate Specialist introduces himself/herself and co-worker, states reason for the interview and a brief description of the relocation program.
- (4). The CIMS Real Estate Specialist leads the discussions regarding advisory and financial services provided pursuant to law, rules and regulations governing relocation activities.
- (5). The CIMS Real Estate Specialist must emphasize the eligibility requirements to receive the financial benefits (moving and replacement housing payments) and the amount of the payments.
- (6). The CIMS Real Estate Specialist stresses that a general description of the relocation program and potential benefits do not assure that the displacee will receive the payments.
- (7). The CIMS Real Estate Specialist invites and answers questions from the Displaced Person, briefly reviews the relocation program, introduces the relocation questionnaire, explains the questionnaire and gives reasons why some discerning information is requested.
- (8). The Real Estate Specialist completes the Relocation Questionnaire, Social Services Form (Attachment 2), completes the interview, obtains appropriate signatures, and leaves a business card, relocation booklet, (general information notice.)

## F. Attachments

- (1). Preliminary Interview Acknowledgment Receipt
- (2). Relocation Questionnaire, Social Services Form

---

## **SECTION 6: RELOCATION APPEALS**

### **A. POLICY**

The City of San Antonio shall provide the prompt review of all written appeals in accordance with applicable law, regulations and this handbook.

### **B. PURPOSE**

Any person may file an appeal with the City of San Antonio in any case if the person believes the City of San Antonio failed to properly qualify the person for:

- (1). relocation assistance,
- (2). adequately determine the amount of assistance,
- (3). make appropriate referrals, or
- (4). waive the time limits for an appeal.

### **C. SCOPE**

In deciding an appeal, the City of San Antonio shall consider all pertinent justification and other material submitted by the person, and all other available information that is needed to ensure a fair and full review of the appeal.

### **D. RESPONSIBILITIES**

- (1). The CIMS Real Estate Manager will promptly consider all pertinent justification and other material submitted by the person, and all other available information needed to ensure a fair and full review of the appeal. Upon request, the City shall provide HUD with a copy of the person's complete case file.
- (2). The CIMS Real Estate Manager, the CIMS Assistant Director or the CIMS Director will provide a written determination regarding the appeal promptly after receipt of all information submitted by the person in support of the appeal.
- (3). The CIMS Real Estate Section will be responsible for furnishing the person a copy of the determination, with a written explanation of the basis on which the decision was made.

### **E. PROCEDURES**

The following administrative requirements shall apply to all actions taken under the appeals procedure.

- (1). Administrative Files - throughout the appeal process, copies of all documents relevant to the appeal shall be maintained by the CIMS Real Estate Manager.
- (2) Inspection of Records

- (a). Through completion of the appeals process the CIMS Real Estate/Manager shall be the custodian of the appeal file and requests for inspection of documents shall be addressed to the CIMS Real Estate Manager.
  - (b). An applicant shall be permitted to inspect and copy all materials pertinent to his appeal except materials which are exempted from disclosure under the Texas Open Records Act or the federal Freedom of Information Act.
  - (c). A minimum of one working day notice prior to the date of the desired inspection is requested.
  - (d). The original administrative file shall not be removed by the person filing the appeal from the area provided for the review of the file.
  - (e). All inspections of the administrative file shall be made during regular business hours.
- (3). Administrative Report - an administrative report shall be furnished to the applicant at each step of the appeal. The report is cumulative and shall consist of the following items:
- (a). a detailed statement of the relevant facts of the matters being appealed;
  - (b). copies of all documents and evidence relied upon in making determinations throughout the appeal process; and
  - (c). copies of all correspondence between the CIMS Real Estate section and the appellant or the appellant's attorney.
- (4). Each step of the appeal shall consist of a de novo review of the evidence and determinations shall be made by a preponderance of the evidence.
- (5). A person has a right to be represented by legal counsel or other representative at any stage of the appeal, but such representation is solely at the person's own expense.
- (6). **Step I - Appeal to the CIMS Assistant Director**
- (a). An applicant shall have the right to appeal any decision concerning eligibility for, and the amount of, a relocation assistance payment to the CIMS Assistant Director any time within sixty (60) working days from the date of the relocation assistance offer in accordance with the following:
    - i. Within the time set forth, the applicant or the applicant's attorney shall serve written notice of the appeal by certified mail, return receipt requested, or deliver in person to the CIMS Real Estate Manager at the office of the CIMS Real Estate section, that the applicant is appealing the determination of relocation benefits. The applicant is encouraged to attach any written documentation to justify the reasons for the appeal.
    - ii. Step I of the appeal process shall be conducted by the CIMS Assistant Director at a mutually agreeable place. This step of the appeal process shall be conducted on an informal basis with the intent of deciding the applicant's appeal promptly and fairly. The applicant shall have an opportunity to give an oral presentation if desired. The applicant shall



also have the right to present written statements, documents, witnesses or evidence relevant to the appeal to the CIMS Assistant Director for consideration.

- iii. Within thirty (30) working days after the conclusion of Step I, the CIMS Assistant Director shall furnish the applicant a written decision which shall include the reasons for determinations regarding eligibility for assistance and/or payment amounts or types. In addition, the CIMS Assistant Director shall advise the applicant in the decision of his right to appeal to the CIMS Director and shall provide the applicant the necessary forms for the appeal. The decision shall be founded upon reliable and probative evidence. A copy of CIMS Assistant Director's decision shall be served upon all parties. Service shall be by certified mail, return receipt requested, or personally delivered.

(7). **Step II - Appeal to the CIMS Director**

- (a). An applicant shall have the right to appeal the decision rendered in Step I to the CIMS Director. The appeal shall be conducted in accordance with the following:
  - i. Notices of Appeal - Within twenty (20) working days from the date of receipt of the decision rendered in Step I, the applicant shall serve written notice of the appeal to the CIMS Real Estate Manager at the office of the CIMS Real Estate section by certified mail, return receipt requested, or delivered in person. The notice of appeal must be signed by the applicant or the applicant's attorney.
  - ii. Finality of Appeal - if a notice of appeal is not received within the prescribed time, the decision rendered in Step I shall be final, and the applicant is not entitled to any further administrative appeals.
  - iii. Date of Hearing - the hearing for Step II will take place as soon as possible, but no later than thirty (30) working days from receipt by the CIMS Real Estate section of the notice of appeal to the CIMS Director.
  - iv. Hearing Procedure - the applicant may present written or oral arguments to the CIMS Director. The applicant has the right to present evidence including witnesses, and any evidence or documents in support of the applicant's position. The CIMS Assistant Director should be present but the failure of the CIMS Assistant Director to attend, by itself, shall not be grounds for reversal of the prior determination. The CIMS Director may question any individuals present to ascertain necessary information for rendering a decision. The CIMS Director has the discretion of tape-recording Step II of the appeal with the concurrence of the applicant.
  - v. Decisions - the decision of the CIMS Director must be in writing and delivered to the applicant by certified mail, return receipt requested, or in person, and copies shall be provided

to the CIMS Assistant Director and to the CIMS Real Estate Manager within twenty (20) working days of the date of the hearing. The decision shall outline reasons for any determinations regarding relocation benefits. The CIMS Director shall also provide the applicant the form for the appeal to the City Manager.

(8). **Step III - Appeal to the Office of the City Manager**

(a). An applicant shall have the right to appeal the decision rendered in Step II to the City Manager or her designated person to hear final appeals. The appeals shall be conducted according to the following:

- i. Notice of Appeal - within twenty (20) working days from the date of receipt of the decision rendered in Step II the applicant shall give written notice of the appeal by certified mail, return receipt requested or in person to the CIMS Real Estate Manager at the CIMS Real Estate section office. The notice of appeal to request a hearing must be signed by the applicant or the applicant's attorney.
- ii. Finality of Appeal - if a notice of appeal is not received within the prescribed time, the decision rendered in Step II shall be final and the applicant is not entitled to any further administrative appeals.
- iii. Date of Hearing for Step III - the hearing for Step III will take place as soon as possible, but no later than thirty (30) working days from receipt by the CIMS Real Estate section of the notice of appeal. For good reason shown, the time may be extended by the City Manager but in no event shall it be extended beyond the 60th day from receipt by the CIMS Real Estate section of the notice of appeal.
- iv. Hearing Procedure - the applicant may present written or oral arguments to the City Manager or her designee. The applicant has the right to present evidence including witnesses, and any evidence or documents in support of his position. The City Manager or her designee may question any individuals present to ascertain necessary information for rendering a decision. The City Manager or her designee has the discretion of tape-recording Step III of the appeal with the concurrence of the applicant.
- v. Decision - the decision of the City Manager or her designee must be rendered in writing and delivered to the applicant by certified mail, return receipt requested, or in person with copies provided to the CIMS Director within twenty (20) working days of the hearing. The decision shall outline reasons for any determinations regarding relocation benefits.

(9) **Step IV – HUD Appeal**

The applicant may file a written request to the Department of Housing and Urban Development Field Office to review the City's decision in federally assisted projects.

---

## **SECTION 7: CLAIM DOCUMENTATION**

### **A. POLICY**

All claims submitted for a relocation payment for federally-assisted projects shall be adequately documented and paid according to statute and regulations.

### **B. PURPOSE**

Sufficiently documented files support the relocation claims submitted for replacement housing and moving expense payments. Proper documentation also demonstrates compliance with the eligibility requirements to receive such payments, the amount of payments and provides added assurance that the payments conform to appropriate rules and regulations governing relocation activities. To the maximum extent possible, appropriate HUD department forms should be used in processing the claim. (See Section F, below.)

### **C. SCOPE**

This policy parallels the assurance the City of San Antonio has given HUD regarding its relocation program to properly assist persons displaced in association with federally-assisted projects.

### **D. RESPONSIBILITIES**

- (1). It is the responsibility of the CIMS Real Estate Staff to gather, examine and approve all documentation in support of a claim for payment as follows:
  - (a). replacement housing documentation - occupancy verifications, contracts, leases, site selection, verifications, instruments of conveyance and appropriate execution of documents in support of claim.
  - (b). moving expense documentation - occupancy verifications, copies of bids, invoices and receipts of expenses incurred and appropriate signatures in support of claim.
- (2). The CIMS Real Estate staff is responsible for conducting replacement housing studies to calculate the amount of the replacement housing payment the Displaced Person may be eligible to receive.
- (3). The Displaced Person must timely provide the CIMS Real Estate staff with documentation that meets occupancy requirements (e.g. dated utility receipts, mail with name and address of Displaced Person, and lease agreements), and pertinent information regarding the existing mortgage.
- (4). The CIMS Real Estate staff is responsible for providing reasonable assistance to the Displaced Person to obtain the necessary documentation in support of a claim.
- (5). Although it is the responsibility of the Displaced Person to file appropriate relocation payment claims with the City of San Antonio, the CIMS Real

Estate staff prepares and submits the claim based on the information supplied by the Displaced Person to insure conformity with applicable law, rules and regulations governing the relocation payments.

- (6). It is the responsibility of the CIMS Real Estate Manager to verify and confirm funding sources for relocation payments for federally-assisted projects. The following funding information is necessary to process a relocation claim:
  - (a). Funding codes, agency, activity, job number, project official names, miscellaneous vendor numbers.
  - (b). If the relocation claim is the first one charged to the project, the supervisor must insure that the budget analyst creates appropriate budget items.

## E. PROCEDURES

- (1). The relocation payments must be paid directly to the Displaced Person, unless:
  - (a) the person consents, in writing, to the assignment of the payment to another or
  - (b) a court orders otherwise.
- (2). The CIMS Real Estate specialist examines and reviews all pertinent information and documentation in support of the claim.
  - (a). The review and examination are done solely from the validity of information submitted.
  - (b). Sophistication of material submitted is not considered.
- (3). The CIMS Real Estate specialist approves and denies eligible and ineligible materials submitted, mathematically calculates payment amounts, fills out the relocation claim form, submits and recommends to the CIMS Real Estate Manager approval of the claim for payment.
- (4). The CIMS Real Estate Manager inspects the file to ensure it contains the necessary documentation for compliance, reviews and approves the claim if it complies with applicable regulations and statutes; records the names of the claimant and project, records the amount and type of payment, records the date the claim was submitted and ensures the claim is forwarded to the Finance Department of the City of San Antonio for payment.
  - (a). Relocation claims that are supported by valid appropriations and that are \$50,000 or less may be paid without additional City Council action.
  - (b). Relocation claims that are not supported by a valid appropriation or that exceed \$50,000 must be separately approved by City Council. The CIMS Real Estate Manager prepares and submits the item to the City Council for approval of the payment in accordance with City of San Antonio procedures for City Council action.
  - (c). The approved ordinance which authorizes the payment is submitted with the claim for payment approval.
- (5). The Finance Department notifies the CIMS Real Estate section when the check is issued.

- (6). The check is obtained by the CIMS Real Estate section and the date and number of the check are recorded in the project files.
- (7). Delivery of Relocation Payments:
  - (a). Checks for the replacement housing and moving expense payments are delivered to the Displaced Person by a person other than the person or persons who established the estimate of value of replacement housing payment, or the moving cost payment.
  - (b). A relocation release is obtained from the Displaced Person to acknowledge receipt of the check for the replacement housing or moving expense check.
  - (c). The delivery date of the check is recorded in the project files.
  - (d). The receipt and appropriate information identifying the check are filed in the files for the project and Displaced Person.

#### F. Attachments

- (1). Residential Claim for Moving and Related Expenses, HUD-40054
- (2). Claim for Actual Reasonable Moving and Related Expenses - Nonresidential, HUD-40055
- (3). Claim for Fixed Payment in Lieu of Payment for Actual Nonresidential Moving and Related Expenses, HUD-40056
- (4). Claim for Replacement Housing Payment for 180-Day Homeowner-Occupant, HUD-40057
- (5). Claim for Rental Assistance or Down Payment Assistance, HUD-40058

# Claim for Moving and Related Expenses— Families and Individuals

U.S. Department of Housing  
and Urban Development

OMB Approval No. 2506-0016 (Exp. 11/98)

<b>For Agency</b> Name of Agency:	Project Name or Number:	Case Number:
<b>Use Only:</b> SAN ANTONIO HOUSING AUTHORITY		

**Public Reporting Burden** for this collection of information is estimated to average 0.5 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Reports Management Officer, Office of Information Policies and Systems, U.S. Department of Housing and Urban Development, Washington, D. C. 20410-3600 and to the Office of Management and Budget, Paperwork Reduction Project (2506-0016), Washington, D. C. 20503. Do not send this completed form to either of these addressees.

**Instructions:** This claim form is for the use of families and individuals applying for payment of moving and related expenses. You may apply for either (1) a fixed allowance, or (2) an amount to cover the actual moving and related expenses incurred (as described on page 2 of this form). A claim for actual expenses must be supported by receipts or other evidence. The Agency will explain the differences between the two types of payments and will help you complete this form. If the full amount of our claims is not approved, the Agency will provide you with a written explanation of the reason. If you are not satisfied with the Agency's determination, you may appeal that determination. The Agency will explain how to make an appeal.

1. Your Name(s) (You are the Claimant(s))	1a. Present Mailing Address(es) of Claimant(s)	1b. Telephone Number(s)
---	--	-------------------------

2. Have All Members of the Household Moved to the Same Dwelling?  Yes  No  
(If "No," list the names of all members and the addresses to which they moved in the Remarks Section.)

Dwelling	Address (include Apartment No.)	How Many Rooms Did You Occupy?	Was If Furnished with Your Own Furniture	When Did You Move to This Unit?
3. Unit That You Moved From			<input type="checkbox"/> Yes <input type="checkbox"/> No	
4. Unit That You Moved To		*Excluding bathrooms, hallways and closets.		

5. Is This a Final Claim?  Yes  No

6. Computation of Payment (complete Item 6a or 6b) Item	6a. Fixed Allowance	6b. Actual Moving Expenses	For Agency Use Only
(1) Moving Cost		\$	\$
(2) Transportation Cost—Families and Individuals			
(3) Cost of Insurance covering Move and/or Storage			
(4) Storage cost (Complete Item 10 on page 2)			
(5) Other (Explain in remarks Section)			
(6) Total Amount of Claim (Consult Agency for amount of fixed allowance)	\$	\$	\$
(7) Amount Previously Received, if any			
(8) Amount Requested (Subtract line (7) from line (6))	\$	\$	\$

7. **Certification By Claimant(s)** I certify that this claim and supporting information are true and complete and that I have not been paid for these expenses by any other source. I ask that the amount on line (\*0 of Item 6 be paid directly to  me  the contractor(s) (as specified in the Remarks Section).

Signature(s) of Claimant(s) & Date:

X \_\_\_\_\_  
**Warning: HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)**  
**To Be Completed by the Agency**

Payment Action	Amount of Payment	Signature	Name (Type or Print)	Date
8. Recommended	\$		Steven F. Hodges	
9. Approval	\$		Ray Doyal	

10. **Supporting Data For Storage Cost** (Describe property stored in Remarks Section or attach list.)

Is This a Final Claim For Storage? <input type="checkbox"/> Yes <input type="checkbox"/> No			
Date Moved to Storage:	Date Moved From Storage		
		Computation of Storage Costs	
		Item	For Agency Use Only
Name & Address of Storage Company:		Monthly Rate for Storage	\$
		Number of Months in Storage	
		Total Storage costs (enter online (4) of Item 6b)	\$
Should Payment be Made Directly <input type="checkbox"/> Yes <input type="checkbox"/> No to Storage Company?		Amount Previously Received (Include This Amount in line (7) of Item 6b)	\$
Remarks (Attach additional sheets, if necessary)			

**Moving and Related Expenses Which Are Paid for**

- |   |  |
|---|--|
| <p>1. Transportation of individuals, families and personal property from the displacement site to the replacement site. Transportation costs for a distance beyond 50 miles are not eligible, unless the Agency determines the relocation beyond 50 miles is justified.</p> <p>2. Packing, crating, uncrating and unpacking of personal property.</p> <p>3. Necessary charges for the removal and hookup of appliances, equipment and other items, not acquired as real property.</p> | <p>4. Storage of the personal property, as determined necessary by the Agency.</p> <p>5. Insurance of the personal property in connection with the move and necessary storage.</p> <p>6. The replacement value of property lost, stolen or damage in the move where insurance is not reasonably available.</p> |
|---|--|

**Moving and Related Expenses Which Are Not Paid For**

- |  |  |
|--|--|
| <p>1. Cost of moving any building or other real property in which the displaced person reserved ownership.</p> <p>2. Interest on a loan to cover moving expenses.</p> <p>3. Personal injury.</p> | <p>4. Any legal fee or other cost for preparing the claim for moving and related expenses or for representing the claimant before the Agency.</p> <p>5. Expenses for searching for a replacement dwelling.</p> |
|--|--|

**Privacy Act Notice:** This information is needed to determine whether you are eligible to receive a payment to help you rent or buy a new home. You are not required by law to furnish this information, but if you do not provide it, may not receive this payment or it may take longer to pay. This information is being collected under the authority of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970. The information may be made available to a Federal agency for review.

# Claim for Actual Reasonable Moving and Related Expenses— Businesses, Nonprofit Organizations and Farm Operations

U.S. Department of Housing and Urban Development

OMB Approval No. 2506-0016 (Exp. 12/98)

<b>For Agency</b> Name of Agency: <b>Use Only: SAN ANTONIO HOUSING AUTHORITY</b>	Project Name or Number: <b>Spring View Hope VI</b>	Case Number: <b>99-12</b>
---	---	------------------------------

**Public Reporting Burden** for this collection of information is estimated to average 1.5 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Reports Management Officer, Office of Information Policies and Systems, U.S. Department of Housing and Urban Development, Washington, D. C. 20410-3600 and to the Office of Management and Budget, Paperwork Reduction Project (2506-0016), Washington, D. C. 20503. Do not send this completed form to either of these addressees.

**Instructions:** This form is for the use of displaced businesses, nonprofit organizations, and farm operators that wish to apply for a Payment for Actual Reasonable Moving and Related Expenses, including Reestablishment Expenses, rather than apply for a Fixed Payment. (The maximum fixed payment is \$20,000.) The Agency will explain the differences between the two types of payments. If you are eligible to choose either payment, the Agency will help you to determine which is most advantageous. If the full amount of your claim is not approved, the Agency will provide you with a written explanation of the reason. If you are not satisfied with the Agency's determination, you may appeal that determination. The Agency will explain how to make an appeal.

**Section A—General**

1. Name Under Which Claimant Conducts Operations  <b>George Gervin Youth Center</b>	2. Name, Address and Telephone Number of person Filling Claim on Behalf of Claimant <b>Barbara D Hawkins, 506 Victoria St., San Antonio, TX 78210 (210) 222-0107</b>	
3a. Address From Which Claimant Moved <b>506 Victoria St., San Antonio TX 78210</b>	3b. Date First Occupied Property <b>5/1/98</b>	3c. Date Move Started <b>Pending</b>
4a. Address To Which Claimant Moved <b>Pending</b>	4b. Date Move Completed <b>Pending</b>	
5. Type Operation (Check One) <input type="checkbox"/> Business <input type="checkbox"/> Farm Operation <input checked="" type="checkbox"/> <b>Nonprofit Organization</b>	6. Type of Ownership (Check One) <input type="checkbox"/> Sole Proprietorship <input type="checkbox"/> Corporation <input type="checkbox"/> Partnership <input checked="" type="checkbox"/> <b>Nonprofit Organization</b>	7. Is This a Final Claim <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (If "No", Attach Explanation)

8. Computation of Payment	Amount	For Agency Use Only
Item		
(1) Moving Expenses (from section B)	<b>\$552.00</b>	<b>\$552.00</b>
(2) Storage costs (from section C)	-0-	-0-
(3) Reasonable Search Expenses (from section D)	-0-	-0-
(4) Actual Direct Loss of Personal Property and Substitute Personal Property	-0-	-0-
(5) Reestablishment Expenses (from section F)	-0-	-0-
(6) Other (attach explanation)	-0-	-0-
(7) Total Amount Claimed (add lines (1) thru (6))	<b>\$552.00</b>	<b>\$552.00</b>
(8) Amount Previously Received, if any	-0-	-0-
(9) Amount Requested (subtract line (8) from line (7))	<b>\$552.00</b>	<b>\$552.00</b>

9. **Certification By Claimant(s):** I certify that this claim and supporting information are true and complete and that I have not been paid for these expenses from any other sources.

Signature(s) of Claimant(s) or Agent:  <b>X</b>	Title (Type or Print) <b>Barbara D Hawkins EXECUTIVE DIRECTOR</b>	Date
---	--	------

**Warning: HUD will prosecute false claims and statements.** Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729.3802)

To Be Completed by Agency				
Payment Action	Amount of Payment	Signature	Name (Type or Print)	Date
10. Recommended	<b>\$552.00</b>		<b>STEVEN F. HODGES</b>	
11. Approved	<b>\$552.00</b>		<b>RAY DOYAL</b>	



**Section B—Supporting Data For Moving Expenses (Not Identified in Sections C, D, E, or F)**  
 (If claim is for approved “self-move,” only line (9), Total costs, Needs to be completed.)

Identification of Type of Work Performed	Name, Address and Telephone Number of Contractor	Should Payment Be Made Directly to Contractor?		Amount Claimed	For Agency Use Only
		Yes	No		
(1) (Note: Self Move)				\$	\$
(2)					
(3)					
(4)					
(5)					
(6)					
(7)					
(8)					
(9) Total Cost (Enter this amount online (1) of Item, 8, Section A) (Note: Self Move)				\$552.00	\$552.00

**Section C—Supporting Data for Storage Costs**

Is This a Final Claim for Storage? <input type="checkbox"/> Yes <input type="checkbox"/> No		Computation of Storage costs		
Date Moved to Storage	Date Moved From Storage	Item	Amount	For Agency Use Only
		Monthly Rate for Storage	\$	\$
		Number of Months in Storage		
		Total Storage Cost (Enter on line (2) or Item, Section A)	\$	\$
Should Payment be Made Directly to Storage Company? <input type="checkbox"/> Yes <input type="checkbox"/> No		Amount Previously Received (include This Amount in line (8) of Item, Section A)	\$	\$
Description of Property Stored (List may be attached)				

**Section D—Determination of Reasonable Amount of Search Expenses**

Item	Amount Claimed	For Agency Use Only
(1) Searching Time Number of Hours ( ) x Hourly Rate of Earnings ( )	\$	\$
(2) Transportation (Consult with agency on allowable rate per mile for use of personal vehicle)		
(3) Lodging (Date: ) Attached receipts)		
(4) Fees Paid to Real Estate Broker or Agent (Attach contract or other evidence)		
(5) Cost of Meals		
(6) Other Expenses (Specify and attach receipts)		
(7) Total Searching Expenses (Add lines (1) thru (6). Enter this amount, or \$1,000, whichever is less, on line (3) of Item 8, Section A.)	\$	\$



Appendix 16, Handbook 1378 CHG-3

Section F—Determination of Reestablishment Expenses

Information of type of Work Performed	Name, Address and Telephone Number of Contractor	Should Payment be Made directly to Contractor?		Amount Claimed	For Agency Use Only
		Yes	No		
(1)				\$	\$
(2)					
(3)					
(4)					
(5)					
(6)					
(7)					
(8)					
<b>(9) Total Amount (Enter this amount, or \$10,000, whichever is less, on line (5) of Item 8, Section A)</b>				\$	\$

Eligible Moving and Related Expenses (Sections B, C, D, and E).

1. Transportation of personal property from the displacement site to the replacement site. Transportation costs for a distance beyond 50 miles are not eligible, unless the Agency determines that relocation beyond 50 miles is justified.
2. Packing, crating, uncrating, and unpacking the personal property.
3. Discounting, dismantling, removing, reassembling and installing relocated and substitute machinery, equipment and other personal property. This includes connection to utilities available nearby and modifications to the personal property necessary to adapt it to the replacement structure, the replacement site, or to the utilities at the replacement site, and modification necessary to adapt the utilities to the personal property.
4. Storage of the personal property, as the Agency determines to be reasonable and necessary.
5. Insurance for the replacement value of personal property in connection with the move and necessary storage. Or, if insurance is not readily available, the replacement value of property lost, stolen, or damaged in the process of moving (not due to negligence by displaced person).
6. Any license, permit or certification required of the displaced person at the replacement location. However, the payment may be based on the remaining useful life of the existing license, permit, or certification.
7. professional services necessary for (i) planning the move of the personal property, (ii) moving the personal property, or (iii) installing the relocating personal property at the replacement location.
8. Relettering signs and replacing stationery made obsolete as a result of the move.
9. Searching for a replacement location.
10. actual direct loss of tangible personal property.
11. Purchase of substitute personal property.
12. Other moving-related expenses, as approved by the Agency.

Eligible reestablishment Expenses (Section F).

1. Repairs or improvements to the replacement real property as required by law, code or ordinance.
2. Modifications to the replacement property to accommodate the business or make the replacement structure suitable for conducting the business.
3. Construction and installation of exterior signs to advertise the business.
4. Providing utilities from the right-of-way to improvements on replacement site.
5. Redecoration or replacement of soiled or worn surfaces at the replacement site, such as paint, paneling or carpeting.
6. Licenses, fees and permits when not paid as part of moving expenses.
7. Feasibility surveys, soil testing and marketing studies.
8. Advertisement of replacement location.
9. Professional services in connection with purchase or lease of a replacement site.
10. Estimated increased costs of operation during the first 2 years at the replacement site ( e.g., rent, utilities, taxes and insurance.)
11. Impact fees or one-time assessments for anticipated heave utility usage.

Intelligible Expenses

13. Loss of good will.
14. Loss of profits.
15. Loss of trained employees.
16. Personal injury.
17. Interest on money borrowed to make the move or purchase the replacement property.
18. Purchase of office furniture, trade fixtures, manufacturing materials, supplies or product inventory (except as substitute personal property as provided for in Section E.)
19. Any legal fee or the claim for moving and related expenses or for representing the claimant before the Agency.
20. costs for storage of personal property on real property already owned or leased by the displaced person.

# Claim for Fixed Payment in Lieu of Payment for Actual Nonresidential Moving and Related Expenses

(49 CFR 24.305)

U.S. Department of Housing  
and Urban Development  
Office of Community Planning  
and Development

OMB Approval No. 2506-0016  
(exp. 10/31/2011)

<b>For Agency Use Only</b> Name of Agency	Project Name or Number	Case Number
---	------------------------	-------------

**Instructions:** This claim form is for the use of displaced businesses, nonprofit organizations, and farm operators that wish to claim a **Fixed Payment**, rather than claim a **Payment for Actual Reasonable Moving and Related Expenses, including Reestablishment Expenses** under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA). **The minimum fixed payment is \$1,000; the maximum is \$20,000.** This payment is based on the average net annual earnings of an eligible business or farm operation before income taxes during the 2 tax years prior to the tax year in which it was displaced (see 49 CFR 24.305(e)); or for a nonprofit organization, based on the average of 2 years gross annual revenues less administrative expenses for the two 12 month periods prior to the acquisition (see 49 CFR 24.305(d)). The Agency will explain the difference between the two payments and will help you complete this form. HUD provides information on these requirements and other guidance materials on its website at [www.hud.gov/relocation](http://www.hud.gov/relocation). If you are eligible for either payment, the Agency will help you to determine which is most advantageous. If the full amount of your claim is not approved, the Agency will provide you with a written explanation of the reason. If you are not satisfied with the Agency's determination, you may appeal the determination. The Agency will explain how to make an appeal.  
**All claims for payments must be filed no later than 18 months from the date of displacement (see 24.207(d)).**

**Fixed Payment Eligibility: 1. Business:** (see 49 CFR 24.305(a)), **2. Nonprofit Organization:** (see 49 CFR 24.305(d)) & **3. Farm Operation:** (see 49 CFR 24.305(c))

## Section A. General

1. Name of Business, Farm or Nonprofit Organization	2. Name, Title, Address & Telephone Number of Claimant or Claimant's Authorized Agent
3. Address from which Business, Farm or Nonprofit Organization Moved	
4a. Date Move Started (mm/dd/yyyy)	4b. Date Move Completed (mm/dd/yyyy)
4c. Address to which Business, Farm or Nonprofit Organization Moved (If Business, Farm or Nonprofit Organization went out of business, check here <input type="checkbox"/> )	

<b>5. Type of Operation (check one)</b> <input type="checkbox"/> Business <input type="checkbox"/> Farm Operation <input type="checkbox"/> Nonprofit Organization	<b>6. Type of Ownership</b> <input type="checkbox"/> Sole Proprietorship <input type="checkbox"/> Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Nonprofit Organization	<b>7. Is This a Final Claim?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No (If "No", attach explanation)
---	--	--

## Certification of Legal Residency in the United States (Please read instructions below before completing this section.)

**Instructions:** To qualify for relocation advisory services or relocation payments authorized by the Uniform Relocation Assistance and Real Property Acquisition Policies Act, a "displaced person" must be a United States citizen or national, or an alien lawfully present in the United States. **The certification below must be completed in order to receive any relocation benefits.** (This certification may not have any standing with regard to applicable State laws providing relocation benefits.) Please address only the category that describes your citizenship status. For item (2), please fill in the correct number of partners. The certification for a nonresidential displaced person may be signed by an owner or other person authorized to sign on its behalf.  
**Your signature on this claim form constitutes certification.** See 49 CFR 24.208(g) & (h) for hardship exceptions.

### NONRESIDENTIAL DISPLACEMENTS

(1) Sole Proprietorship.  
I certify that I am: (check one)  
\_\_\_\_\_ a citizen or national of the United States  
\_\_\_\_\_ an alien lawfully present in the United States.

(2) Partnership.  
I certify that there are \_\_\_\_\_ partners in the partnership and that \_\_\_\_\_ are citizens or nationals of the United States and \_\_\_\_\_ are aliens lawfully present in the United States.

(3) Corporation. (Name of Corporation)  
I certify that \_\_\_\_\_ is established pursuant to State law and is authorized to conduct business in the United States.

Section B. Computation of Average Net Earnings or Net Revenues for Base Period 1/	Item	Base Period			For Agency Use Only
		Year (yyyy)	Year (yyyy)	Average	
<b>Table I. Individual or Sole Proprietor</b> (Relates to IRS Form 1040)					
(1)	Net Profit (Or loss) Before Taxes from IRS Form 1040	\$	\$	\$	\$
(2)	Adjustments (Attach statement) <sup>2/</sup>				
(3)	Compensation Paid to Owner, Owner's Spouse, and Dependents (List names and amounts to each on a separate page)				
(4)	Net Earnings (Add lines (1), (2) and (3))	\$	\$	\$	\$
<b>Table II. Corporation</b> (Relates to IRS Form 1120 and 1120-S)					
(5)	Taxable Income from IRS Form 1120 (Or ordinary income from IRS Form 1120-S)	\$	\$	\$	\$
(6)	Adjustments (Attach statement) <sup>2/</sup>				
(7)	Compensation Paid to Principal Stockholders, their Spouses, and Dependents (List names and amounts to each on a separate page)				
(8)	Net Earnings (Add lines (5), (6) and (7))	\$	\$	\$	\$
<b>Table III. Partnership</b> (Relates to IRS Form 1065)					
(9)	Ordinary Income (Or loss) Before Taxes (From IRS Form 1065)	\$	\$	\$	\$
(10)	Adjustments (Attach statement) <sup>2/</sup>				
(11)	Compensation Paid to Principal Partners, their Spouses, and Dependents (List names and amounts to each on a separate page)				
(12)	Net Earnings (Add lines (9), (10), and (11))	\$	\$	\$	\$
<b>Table IV. Nonprofit Organization</b>					
(13)	Annual Gross Revenues <sup>5/</sup>	\$	\$	\$	\$
(14)	Administrative Expenses <sup>6/</sup>				
(15)	Net Revenues (Subtract line (14) from line (13))	\$	\$	\$	\$

1/ This is usually the two tax years prior to your displacement. Please consult the Agency.

2/ To the extent that the profit/income entry in Section B, line (1), (5) or (9) has been reduced by an expense that was not incurred in the base period (e.g., a loss carry forward from a previous year, loss carry back from a later year or declared depreciation in excess of actual depreciation) such expense must be added back on line (2), (6) or (10). To the extent that the entry on line (1), (5) or (9) is inflated by an amount not actually earned in the base period (e.g., refund of State or local income taxes or income included under the tax benefit rule because a deduction taken in a previous year was disallowed), it should be entered on line (2), (6) or (10) as a subtraction.

3/ Principal stockholder is one who owns 15% or more of the corporation.

4/ A principal partner is one with a proprietary interest of 15% or more in the concern.

5/ Gross revenues may include membership fees, class fees, cash donations and other fund collections.

6/ Administrative expenses include rent, utilities, salaries and fund raising costs.

Section C. Computation of Payment	Item	Amount Claimed	For Agency Use Only
(1)	Amount from line (4), (8), (12) or (15) of Section B (If less than \$1,000, enter \$1,000. If more than \$20,000, enter \$20,000)	\$	\$
(2)	Amount Previously Received (if any)		
(3)	Amount Requested (Subtract line (2) from line (1))	\$	\$

**Section D. Certification By Claimant(s):** I certify that the information on this claim form and supporting documentation is true and complete and that I have not been paid for these expenses by any other source.

Signature(s) of Claimant(s) or Claimant's Authorized Agent	Title (Type or Print)	Date
X		

**Warning:** HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

**To Be Completed by Agency**

Payment Action	Amount of Payment	Signature	Name (Type or Print)	Date
2. Recommended	\$			
3. Approved	\$			

**Remarks**

**Public reporting burden** for this collection of information is estimated to average 1.0 hours per response. This includes the time for collecting, reviewing, and reporting the data. The information is being collected under the authority of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, and implementing regulations at 49 CFR Part 24 and will be used for determining whether you are eligible to receive a fixed moving payment instead of a payment for actual moving and related expenses and the amount of any payment. Response to this request for information is required in order to receive the benefits to be derived. This agency may not collect this information, and you are not required to complete this form unless it displays a currently valid OMB control number.

**Privacy Act Notice:** This form is for the use of displaced businesses, nonprofit organizations, and farm operators that wish to apply for a Fixed Payment rather than a Payment for Actual Reasonable Moving and Related Expenses, including Reestablishment Expenses. (The maximum Fixed Payment is \$20,000.) The Agency will explain the difference between the two types of payments. If you are eligible to choose either payment, the Agency will help you to determine which is most advantageous. If the full amount of your claim is not approved, the Agency will provide you with a written explanation of the reason. If you are not satisfied with the Agency's determination, you may appeal the determination. The Agency will explain how to make an appeal. This information is being collected under the authority of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970. The information may be made available to a Federal Agency for review.

# Claim for Replacement Housing Payment for 180-Day Homeownership

U.S. Department of Housing and Urban Development

OMB Approval No. 2506-0016 (Exp. 11/98)

<b>For Agency Use Only:</b> Name of Agency: SAN ANTONIO HOUSING AUTHORITY	Project Name or Number: Spring View Hope VI	Case Number: 1522-16
--	--	-------------------------

**Public Reporting Burden** for this collection of information is estimated to average 1.0 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Reports Management Officer, Office of Information Policies and Systems, U.S. Department of Housing and Urban Development, Washington, D. C. 20410-3600 and to the Office of Management and Budget, Paperwork Reduction Project (2506-0016), Washington, D. C. 20503. Do not send this completed form to either of these addressees.

**Privacy Act Notice:** This information is needed to determine whether you are eligible to receive a replacement housing payment for a 180-day homeowner. You are not required by law to furnish this information, but if you do not provide it, you may not receive this payment or it may take longer to pay you. This information is being collected under the authority of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970. The information may be made available to a Federal agency for review.

**Instructions:** This form is for the use of families and individuals applying for replacement housing payment or a 180-day homeowner. The Agency will help you complete this form. If the full amount of our claims is not approved, the Agency will provide you with a written explanation of the reason. If you are not satisfied with the Agency's determination, you may appeal that determination. The Agency will explain how to make an appeal.

1. Your Name(s) (You are the Claimant(s))

Rodney Taylor

1a. Present Mailing Address(es) of Claimant(s)  
30 Ridgeline Dr., Atascosa Co., TX 78064

1b. Telephone Number(s)  
207-4269 Work

2. Have All Members of the Household Moved to the Same Dwelling?  Yes  No (If "No," attach a list of the names of all members and the addresses to which they moved.)

Dwelling	Address (include Apartment No.)	When did you buy this unit?	When did you move to this unit?	When did you move out of this unit?
3. Unit That You Moved From	2223 Martin L. King Dr., San Antonio, TX 78203	1-20-92	11-1-96	3-5-99
4. Unit That You Moved To	30 Ridgeline Dr., Atascosa Co., TX 78064	10-6-98	3-5-99	

## 5. Computation of Replacement housing Payment

Item	To Be Completed By Claimant	For Agency Use Only
(1) Purchase Price of Comparable Replacement Dwelling (To be provided by the Agency)	\$30,900.00	\$30,900.00
(2) Purchase Price of the Unit You Moved To	\$30,900.00	\$30,900.00
(3) Lesser of line (1) or (2)	\$30,900.00	\$30,900.00
(4) Price Paid by Agency for Unit that You Moved From	\$14,734.00	\$14,734.00
(5) Differential Amount (Subtract line (4) from line (3). (If amount on line (4) exceeds amount on line (3), enter 0)	\$16,166.00	\$16,166.00
(6) Incidental expenses (From line (16) of Item 12)	\$558.65	\$558.65
(7) Mortgage Buydown Payment and Other Debit Service Costs (Add lines (5), (6), and (7))	N/A	N/A
(8) Total Amount of Replacement Housing Payment Claim (Add line (5), (6), and (7))	\$16,724.65	\$16,724.65
(9) Amount Previously Received, if any	0	0
(10) Amount Requested (Subtract line (9) from line (8))	\$16,724.65	\$16,724.65

6. **Certification By Claimant(s)** I certify that this claim and supporting information are true and complete and that I have not been paid for these expenses by any other source.

Signature(s) of Claimant(s) & Date:

X \_\_\_\_\_

**Warning:** HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

To Be Completed by the Agency

7. Effective date of eligibility for relocation assistance:		8. Date of referral to comparable replacement dwelling:		9. Date replacement dwelling inspected and found decent, safe, and sanitary:	
Payment Action	Amount of Payment	Signature	Name (Type or Print)	Date	
10. Recommended	\$16,724.65		Steven F. Hodges		
11. Approved	\$16,724.65		Ray Doyal		

**12. Incidental Expenses in Connection With Purchases of Replacement Dwelling**  
**Instructions:** Enter expenses incidental to the purchase of your new home. Do not include prepaid costs such as real estate taxes. Attach a copy of the closing statement and other receipts.

	(a) Claimant	(b) For Agency Use Only
(1) Legal Fees	\$	\$
(2) Owner's and Mortgagee's Title Insurance or Other Title Evidence	438.00	438.00
(3) Property Survey		
(4) Cost of Preparing Deed and Related conveyance Documents		
(5) Lender, FHA or VA Appraisal Fees		
(6) FHA or VA Application Fees		
(7) Certification of Structural Soundness When Required		
(8) Credit Report		
(9) Escrow Agent's Fees	75.00	75.00
(10) Notary Fee		
(11) Termite Inspection		
(12) State Revenue or Documentary Stamps		
(13) Transfer Taxes		
(14) Recording Fees	9.00	9.00
(15) Other Costs (specify) Copies, Restrictions & Messenger Fee	36.65	36.65
(16) Total Incidental Expenses (Add lines (1) through (15). Enter this amount online (6) of Item 5).	\$558.65	\$558.65

**13. Mortgage Buydown Payment and Other Debt Service costs**

**Instruction:** You are entitled to compensation to cover the additional costs you must pay to finance the purchase of a replacement dwelling. The "buydown" payment covers those costs that result because the interest rate you must pay for a new mortgage is higher than the interest rate on your old mortgage. The maximum buydown payment for which you can qualify is the amount needed to reduce your new mortgage balance to the amount which can be amortized with the same periodic payments for principal and interest as those for your old mortgage. (The Agency is required to advise you of its estimate of the maximum buydown payment and the interest rate, terms and amount on which it was computed. You will need to borrow that amount over that term to qualify for the full payment). If you have more than one mortgage on either your old or new home, complete a separate Item 13 for each computation and include the total amount of all such computations on line (7) of Item 5. **Note:** A mortgage on your old home that was in effect for less than 180 days before the Agency's initial written offer of just compensation for the property cannot be used as a basis for payment.

**Part A - Information from Mortgage documents**

Item	(a) Old Mortgage	(b) New Mortgage	(c) Lesser of Col. (a) or (b)
(1) Outstanding principal balance	\$	\$	
(2) Annual interest rate of mortgage	%	%	
(3) Number of monthly payments remaining on mortgage	Mos.	Mos.	Mos.

**Part B - Computation of Payment** (Use mortgage amortization table with 6 decimal places.)

(4) Monthly payment required to amortize a loan of \$1,000 in _____ months (line (3), column (c)) at an annual interest rate of _____% (line (2), column (b))	\$
(5) Monthly payment required to amortize a loan of \$1,000 in _____ months (line (3), column (c)) at an annual interest rate of _____% (line (2), column (a))	\$
(6) Subtract line (5) from line (4)	\$
(7) Divide line (6) by line (4) (carry to 6 decimal places)	
(8) Enter old mortgage balance (amount on line (1), column (a))	\$
(9) Multiply line (7) by line (8)	\$
(10) New loan needed (subtract line (9) from line(8))	\$
<b>Note:</b> If line (10) is less than line (1), column (b), enter amount from line (9) onto line (13) and skip lines (11) and (12)	
(11) Divide line (1), column (b) by line (10) (carry to 6 decimal places)	\$
(12) Multiply line (11) by line (9)	\$
(13) Enter amount from line (9) or line (12), as appropriate This is the mortgage buydown payment)	
(14) Other debt service costs (Reimbursement of purchaser's points and loan origination fees is based on the new loan needed (line (10)), or the actual new loan balance (line (1), column (b)), whichever is less. Do not include sellers points or any cost included as an incidental expense in Item 12.)	
(15) Add lines (13) and (14). Enter this amount on line (7) of Item 5.	