

appropriate, the amount believed to be just compensation to be offered the property owner.

### **Subpart C—General Relocation Requirements**

#### *Section 24.202 Applicability*

We propose to add a sentence to § 24.202 that adds a requirement that displaced persons be fully informed of their rights and benefits. It has come to our attention that displaced persons have been asked to waive their relocation rights and benefits without being informed of the extent of those benefits. This proposal would protect and strengthen the requirement that Agencies fully inform displaced persons of any rights and benefits they may be eligible for under this part.

This proposal is also integral to new proposed § 24.207(f), Waiver of relocation benefits, which would prohibit Agencies from proposing or asking displaced persons to waive their relocation rights and benefits.

#### *Section 24.203(d) Notice of Intent To Acquire*

We propose to move the definition of “notice of intent to acquire” from § 24.2 “Definitions” to § 24.203, “Relocation notices,” with a minor revision. This proposed revision would be for continuity and clarity.

#### *Section 24.205 Relocation Planning, Advisory Services and Coordination*

In response to widespread concern about the inadequacy of Uniform Act relocation and reestablishment procedures and payments for displaced businesses, we sponsored the National Business Relocation Study<sup>3</sup> (“the study”). The study, undertaken for FHWA by an independent consultant, investigated business relocation concerns and provided recommendations to develop solutions to these problems.

The study found that relocation assistance advisory services for businesses were generally considered fair to poor. Some of the findings specifically noted that relocation agents were not adequately trained or informed to address the complexities of complicated business relocations, and were unable to provide meaningful assistance in locating replacement properties.

The changes proposed in this section are based upon the findings and recommendations of the study and are

meant to address the added burden of displacement on businesses, and provide additional assistance to increase businesses’ viability after displacement.

#### *Section 24.205(a) Relocation Planning*

We propose to change § 24.205(a) to provide additional items for Agencies to consider in planning for business relocations.

The Uniform Act and this section of the regulation require Agencies to plan federally funded programs and projects in such a manner that Agencies recognize the problems associated with displacement and develop solutions to minimize the adverse affects of displacement. An Agency must engage in such planning before proceeding with any action, which causes displacement and should scope the plan to the complexity and nature of the displacing action.

Currently, this section of the regulation provides examples of items to consider in relocation planning. The planning considerations currently include both residential and non-residential items, but residential planning requirements are more comprehensive than the non-residential planning ones. We recognize that the Uniform Act requires a more generous “make whole” approach for residential displacements. However, we also recognize that a significant number of displaced small businesses have not been able to successfully relocate. Therefore, we propose to require the Agency to engage in planning for the problems associated with non-residential displacement.

#### *Section 24.205(c)(2)(i)(A)–(F) Relocation Assistance Advisory Services*

We propose to change § 24.205(c)(2)(i)(A) through (F) to include six specific items in personal interviews for business relocations. These six paragraphs are a result of our National Relocation Business Study and will assist in determining the future needs of displaced businesses.

During the five national listening sessions, the FHWA received many comments concerning the lack of guidance and direction on what information the Agency should obtain when making personal interviews with businesses. The FHWA also received testimony from States and Local Public Agencies of actual cases where good interviewing and early planning is credited with preventing business closures.

The Uniform Act and this section of the regulation requires Agencies to ensure that relocation assistance advisory services are made available to

all persons displaced by the Agency. A critical element in any successful relocation, and also an advisory services requirement, is to determine the needs and preferences of displaced persons through a personal interview.

Currently, this section of the regulations provides no examples of items for Agencies to consider in personal interviews for either residential or non-residential displacements. Generally, we believe Agencies do not need additional guidance in conducting personal interviews for residential displacements. However, we believe that specific guidance in conducting personal interviews for non-residential displacements is necessary to help address the added burden of displacement on businesses and provide additional assistance to increase their viability after displacement. Therefore, we have proposed guidance in (c)(2)(i)(A) through (F) of this section to assist Agencies in conducting personal interviews. This proposed change is based upon the findings and recommendations of the National Business Relocation Study.

#### *Section 24.205(c)(2)(ii)(C) Relocation Assistance Advisory Service*

We propose to revise this section to permit any displacing agency that has a program objective of providing minority persons with an opportunity to relocate to areas outside of minority concentration to provide reasonable and justifiable increases in the replacement housing payment to facilitate such moves.

#### *Section 24.205(c)(2)(ii)(D) Transportation*

In order to make it clear that all displaced persons must be offered transportation to inspect replacement housing, we propose to eliminate the specific reference to the elderly and handicapped in the current regulation.

#### *Section 24.206 Eviction for Cause*

We propose to revise this section on eviction for cause by moving several of the current provisions to the new definition of eviction for cause in § 24.2(a)(12).

#### *Section 24.207(f) Waiver of Relocation Benefits*

We propose to implement a new requirement for “waiver of relocation benefits.” This requirement would offer more protection to displaced persons. It would prohibit an Agency from proposing or requesting a displaced person to give up his/her rights or entitlements to relocation assistance.

<sup>3</sup> The National Business Relocation Study (2002) is available for public inspection at the following URL: <http://www.fhwa.dot.gov/realstate/nbrs2002.htm>.