

We do not believe that an otherwise eligible person may relieve a governmental body of its statutory obligation to provide Uniform Act assistance by agreeing to waive such assistance. The primary purpose of the Uniform Act is to impose requirements upon Agencies that acquire property and displace persons for Federal or federally-funded projects. The Uniform Act does not grant rights or benefits directly to individuals, rather it imposes duties and obligations upon Federal, State, and local governments.

A statement or agreement by a displaced person who does not wish to receive certain assistance does not free a government Agency from the obligations or requirements imposed by Federal law. In such a case where a displaced person indicates in writing he/she does not want assistance, the Federal or State Agencies must still fully inform the displaced person of all the assistance he/she is entitled to receive.

Section 24.207(g) Entitlement to Payments

We propose to add new paragraph (g) to § 24.207 to clarify that, since relocation payments are considered a form of compensation, they do not constitute Federal financial-assistance, and accordingly, the expenditure of such relocation payments by a displaced person would not trigger further application of the Uniform Act or similarly applicable Federal requirements.

Section 24.208(f)(1) Aliens Not Lawfully Present in the United States

We propose that the references to the Immigration and Naturalization Service (INS) in § 24.208(f)(1) be revised to reflect the fact that the INS has become part of the Department of Homeland Security, and renamed the Bureau of Citizenship and Immigration Services (BCIS).

Subpart D—Payments for Moving and Related Expenses

We propose to substantially reorganize Subpart D. With few exceptions, the basic content would remain the same; however, based upon the comments from our 5 national public listening sessions and comments from other Agencies, this subpart needs to be reorganized for clarity and ease of use. Accordingly, we propose to realign the different moving costs allowance provisions.

We propose to divide Subpart D into six sections. We would transfer a number of criteria from § 24.304, Reestablishment Expense, with its

\$10,000 limit, to § 24.301, Payment for actual reasonable moving and related expenses, and § 24.303, Payment for related non-residential expenses, where there are no limits and the payment is determined by actual, reasonable and necessary criteria. This would offer greater flexibility in assisting small businesses, farms, and non-profit organizations by removing several relocation costs from inclusion in the \$10,000 statutory limit placed on reestablishment expenses. We propose to incorporate existing § 24.303 into proposed § 24.301 with specific criteria clearly spelled out for each type of move.

We propose several new paragraphs that would help clarify the different types of moving costs. In § 24.303 we propose that payment would be provided for certain moving related costs that are not personal property but are essential to the continuance of operation of the business. We propose a new paragraph, § 24.301(e), that would compensate displaced persons who are not forced to move from their residence or business but have personal property that must be moved from the acquired area.

Section 24.301(b)(3), 24.301(c)(iii) and 24.301(d)(2)(ii) Moving Cost Finding

We are proposing to add a provision allowing moving expenses to be determined by a qualified staff person for small uncomplicated personal property moves, commonly called a “moving cost finding” or “a finding.” The proposed moving cost finding is another option available to the displaced person and the Agency. This option cannot be forced on the displaced person. The proposed moving cost finding would recognize an additional method of moving personal property that is currently being used by many Agencies. The proposed moving cost finding gives the Agency a cost effective and expeditious way to pay for small uncomplicated moves of personal property that are located outside of the primary dwelling or business structure(s). This method would allow the Agency to use qualified staff personnel to estimate the cost of such small-uncomplicated personal property moves and offer the option to the displaced person as a means of a self move. The cost would be capped at \$3,000 and not be binding on the displaced person. The displaced person may elect any of the other methods to move. This provides both the Agency and the displaced person a quick cost effective way of making a self-move.

Section 24.301(e) Personal Property Only

We propose a new paragraph that would describe the relocation assistance available to a displaced person for moving personal property from the acquisition area, when the acquisition does not require the relocation of a dwelling (including a mobile home), business, farms or nonprofit organizations. Personal property only moves might include moving such things as farm equipment or livestock where the related buildings are not affected.

Section 24.301(g)(14)(i) Actual Direct Loss of Tangible Personal Property

The Uniform Act provides that a displaced business, farm or non-profit organization is entitled to be compensated for the actual direct loss of tangible personal property. We propose to slightly change the direct loss of tangible personal property provision to eliminate much confusion over the term “fair market value for continued use.” Displacing Agencies are reluctant to discuss this benefit with displaced businesses because of the uncertainty over how to determine the payment.

Therefore, we propose to strike the phrase “fair market value of the item for continued use at the displacement site” and replace it with “market value of the item, less the proceeds of the sale” to clarify the basis for valuing such property. This is consistent with the intent of the Uniform Act, 42 U.S.C. 4622(a)(2).

Section 24.301(g)(14)(ii) Actual Direct Loss of Tangible Personal Property

We propose to add language to this section that would clarify what constitutes the estimated cost of moving when a business elects to discontinue the business or the business has a piece of equipment in storage or non-operational at the acquired site. Confusion comes from whether or not such an estimate, used to compute the payment for actual direct loss of tangible personal property, should include disconnecting and reconnecting costs when the business elects to discontinue operation or elects not to move the equipment to the replacement location. The proposed language would clarify those cases in which reconnecting costs would or would not be included in calculating the estimated cost of moving such equipment. We believe this would be consistent with the intent of the Uniform Act, to provide moving benefits that are actual, reasonable and necessary.