Section 9.6

LAST RESORT HOUSING

TABLE OF CONTENTS

PURPOSE.....9-6-1
AUTHORITY.....9-6-1
SCOPE.....9-6-1
REFERENCES.....9-6-1
TRAINING.....9-6-1
FORMS.....9-6-1
9.6.1 Determining Need.....9-6-1
9.6.2 Basic Rights of Displacees.....9-6-2
9.6.3 Planning for Last Resort Housing.....9-6-2
9.6.4 Methods of Providing Replacement Housing.....9-6-2
9.6.5 Super Supplement Payments for 90 Day Owner Tenants.....9-6-4
9.6.6 Super Supplement Payments for 90 Day Tenants.....9-6-4
9.6.7 Less Than 90 Day Tenants Eligibility Criteria.....9-6-5
9.6.8 Rental Assistance Payment Computation for Less Than 90 Day Tenants
.....9-6-6
HISTORY.....9-6-6

Section 9.6

LAST RESORT HOUSING

PURPOSE

Establish procedures for the provision of last resort housing to displacees.

AUTHORITY

49 Code of Federal Regulations, Part 24
Rule Chapter 14-66, Florida Administrative Code
Section 334.048(3), Florida Statutes

SCOPE

This section will be used by appropriate District and Central Office Right of Way and Office of General Counsel Staff.

REFERENCES

Guidance Document 12, Implementation of MAP-21 Uniform Act Benefit and Eligibility Change Which “Straddle” the Effective Date of October 1, 2014
Right of Way Manual, Section 9.2, Right of Way General Relocation Requirements
Right of Way Manual, Section 9.4, Replacement Housing Payments
Public Law 91-646, (Uniform Act)

TRAINING

None

FORMS

None

9.6.1 Determining Need

Replacement housing of Last Resort will be used to assure that comparable decent, safe, and sanitary housing will be made available to a displaced person when such housing cannot otherwise be provided within the person's financial means. The determination may be made on a case-by-case or project-wide basis.

9.6.1.1 The District is authorized to provide replacement housing of Last Resort to displacees when it determines that:

(A) The maximum replacement housing payment under ***Right of Way Manual, Section 9.4, Replacement Housing Payments*** will not be sufficient to provide a comparable replacement dwelling on a timely basis; or

(B) The market does not contain comparable replacement housing that can be made available to the displacee on a timely basis.

9.6.2 Basic Rights of Displacees

9.6.2.1 All rights of a displaced person under the provisions of ***Public Law 91-646, (Uniform Act)*** as amended, are preserved under the provisions of this procedure.

9.6.2.2 The District cannot require any displacee to accept a dwelling provided by the Department under ***Section 9.6*** (unless the Department and the displacee have entered into a contract to do so) in lieu of any acquisition or relocation payment for which the person may otherwise be eligible.

9.6.3 Planning for Last Resort Housing

9.6.3.1 The District Right of Way Manager has authority to determine methods to provide sufficient comparable replacement housing:

(A) When additional Last Resort Housing situations other than those addressed in the Needs Assessment Survey occur during the project; or

(B) If unforeseen circumstances alter a payment computation.

9.6.3.2 When techniques other than super supplement payments as defined in ***Section 9.6.5*** are to be used in either of the above referenced situations, the State Relocation Administrator must approve them.

9.6.4 Methods of Providing Replacement Housing

The use of cost effective means of providing comparable replacement housing is implied throughout this procedure. This procedure permits variations from the usual methods of providing comparable replacement dwellings, however, these variations should not result in a involuntary lowering of housing standards or quality of living style

for the displacee.

9.6.4.1 When comparable replacement housing, as described in the ***Right of Way Manual, Section 9.2, Right of Way General Relocation Requirements***, is not available to a displacee, such housing may be provided, either directly or through third parties, by:

(A) Rehabilitation of and/or additions to an existing replacement dwelling;

(B) Construction of a new replacement dwelling. If the Department is to construct replacement dwellings, the District must coordinate with the State Relocation Administrator. Construction of replacement dwellings on projects with federal aid in any phase must be coordinated with FHWA through the Central Office.

(C) A replacement housing payment which exceeds the maximum payment amounts set forth in the ***Right of Way Manual, Section 9.4, Replacement Housing Payments.***

(1) Payments exceeding the maximum limits are known as "super supplement payments".

(2) When using super supplement payments, the file must be documented with all information showing a search for replacement sites considered suitable for relocation was performed.

(a) Consideration must be given to the displacee's commuting distance currently traveled and proximity to place of employment, schools, medical facilities, and churches.

(b) Other potential neighborhoods considered must be listed, including any adversities or benefits these might cause the displacee.

(D) The relocation and, if necessary, rehabilitation of a dwelling;

(E) The purchase of land and/or replacement dwelling by the Department which then provides it to a displaced person through a sale lease or exchange;

(F) The removal of barriers to the displacee with a disability.

(G) The provision of a direct loan which requires regular amortization or

deferred repayment. The loan may be unsecured or secured by real property. The loan may bear interest or be interest free.

9.6.4.2 The above methods are not district limitations; other modified methods may be approved by the District Right of Way Manager.

9.6.5 Super Supplement Payments for 90 Day Owner Tenants

9.6.5.1 If the purchase additive exceeds the $31,000 maximum, it is considered a super supplement payment.

9.6.5.2 If the replacement housing payment exceeds the applicable $31,000 maximum because of the reimbursement of incidental expenses or a mortgage interest differential, it is considered a super supplement payment.

9.6.5.3 Purchase additive super supplement payments will be made in a lump sum payment to the displacee. The District Relocation Administrator may determine on a case by case basis that, for good cause, the payment will be made directly toward the purchase of the replacement dwelling, or made in quarterly or periodic installments to the displacee.

9.6.5.4 A computed rent supplement payment for an owner who rents rather than purchases replacement housing shall not exceed the calculated purchase additive payment. The rent supplement payment will be considered last resort if it exceeds the $31,000 maximum threshold applicable to a purchase additive for the 90-day owner.

9.6.5.5 When an owner must rent rather than purchase due to an inability to obtain financing, health, handicap, or other physical or financial hardship, the rent supplement can exceed $7,200, even if the calculated purchase additive, incidental expenses and increased interest do not exceed $31,000. However, a bona fide hardship beyond the control of the displacee must exist and the only manner in which comparable replacement housing can be obtained by the displacee is by renting. The file must be so documented. The computed rent supplement may not exceed the calculated purchase additive payment.

9.6.6 Super Supplement Payments for 90 Day Tenants

If the rental assistance payment exceeds the $7,200 maximum threshold, it is considered a super supplement payment.

9.6.6.1 Rental assistance super supplement payments will be made in a lump sum payment to the displacee. However, the District Relocation Administrator may determine on a case-by-case basis, for good cause, that the payment will be made in periodic installments.

9.6.6.2 A down payment supplement may exceed the $7,200maximum if the rental assistance payment calculated, in accordance with ***Section 9.4, Replacement Housing Payments,*** exceeds the $7,200 maximum threshold. The following conditions apply:

(A) The rent supplement may be used as a down payment supplement, including incidental expenses.

(B) The full amount of the down payment supplement must be applied to the purchase of the replacement dwelling.

(C) The amount used as a down payment plus incidental expenses cannot exceed the calculated rent supplement amount.

9.6.6.3 All files will be documented with the method of payment and reason for utilizing other than a lump sum payment, if applicable.

9.6.7 Less Than 90 Day Tenants Eligibility Criteria

Payments provided as Last Resort Housing payments will be made to the following, if eligible:

(A) Displacees who have occupied the property to be acquired for less than 90 days prior to the initiation of negotiations;

(B) Displacees who have occupied the property to be acquired subsequent to the date of the initiation of negotiations.

9.6.7.1 All displaced persons who are less than 90-day tenants are eligible to receive advisory assistance and move cost reimbursement.

9.6.7.2 All displaced tenants who are less than 90 day tenants may be eligible for a rental assistance payment provided they meet all of the following criteria:

(A) They are in occupancy at the time the Department obtains legal

possession of the property or they meet the occupancy requirement determined as necessary by the Department;

(B) They cannot rent and occupy a replacement dwelling without the monthly rent and utilities of the replacement dwelling exceeding the base monthly rent and utilities of the displaced dwelling, when calculated in accordance with the ***Right of Way Manual, 9.4.26.4(B), Replacement Housing Payments.***

(C) They rent or purchase and occupy a decent, safe and sanitary replacement dwelling within the one year time period specified in the ***Right of Way Manual, Section 9.4, Replacement Housing Payments.***

9.6.7.3 The Department shall inform a less than 90 day tenant (owner/tenant) that it is his/her obligation to provide verification of income and explain failure to provide requested income information may jeopardize entitlement to maximum benefits. When income information is not provided, eligibility calculations will be based on rent to rent comparisons.

9.6.8 Rental Assistance Payment Computation for Less Than 90 Day Tenants

Payment shall be 42 times the amount obtained by subtracting the base monthly rent **(9.4.26.4 Rental Assistance Payment)** amount from the lesser of:

(A) The monthly rent and estimated average monthly utilities for a comparable replacement dwelling, or

(B) The monthly rent and estimated average monthly utilities for the decent, safe, and sanitary replacement dwelling actually occupied by the displacee.

9.6.8.1 The displaced person may choose to apply this payment as a down payment supplement to assist in the purchase of a replacement dwelling. See ***Right of Way Manual, Section 9.4, Replacement Housing Payments***.

HISTORY

04/15/99; 03/27/01; 07/16/03; 09/27/05; 07/28/09