

04 NCAC 19L .1003 ACQUISITION AND RELOCATION

(a) The purpose of this Rule is to insure that owners of real property to be acquired under the provisions of this Subchapter are treated fairly and consistently, to encourage and expedite acquisition by agreements with such owners, to minimize litigation and relieve congestion in the courts, and to promote public confidence in governmental land acquisition; and to insure that persons displaced as a result of CDBG-assisted projects are treated equitably so that such persons will not suffer disproportionate injuries as a result of projects designed for the benefit of the public as a whole. Recipients shall follow the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646), Sections 104(d) and 106(d)(5)(A) of Title I of the Housing and Community Development Act of 1974, as amended, and HUD implementing regulations [24 CFR 570.488 and 570.496(a)]. This Subchapter incorporates by reference the federal regulations described in 24 CFR 570.488 and 24 CFR 570.496(a), including subsequent amendments and editions. Copies of these laws and regulations are available for public inspection from the Division of Community Assistance. Single copies are available from this Division in Raleigh, North Carolina, for one dollar (\$1.00) each. The following definitions shall apply:

- (1) "HUD" means the Department.
- (2) "Federal agency" means the Department.
- (3) "State agency" means the recipient of CDBG funds as defined in this Subchapter.

(b) The recipient may provide relocation payments and assistance for individuals, families, businesses, non profit organizations and farm operations displaced by an activity that is not subject to the Uniform Act. The recipient also may provide relocation payments and other assistance at levels above those established under the Uniform Act. All such relocation assistance not required by the Uniform Act must be determined by the recipient to be appropriate to its community development program. The recipient shall adopt a written policy available to the public setting forth the relocation payments and assistance it elects to provide and providing for equal payments, and assistance within each class of displacees.

History Note: Authority G.S. 143B-10; 143B-431; 42 U.S.C.A. 5301 and 5304(b)(4); 24 C.F.R. 570.488; Eff. July 1, 1982; Amended Eff. June 1, 1993; September 1, 1990; April 1, 1983; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018.