

D. REAL PROPERTY ACQUISITION

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D. ACQUISITION

Introduction to Acquisition

This section presents the requirements that apply to property acquisition in connection with the Louisiana Community Development Block Grant (LCDBG) Program. The acquisition of “property”, as used in this section of the handbook, will include the acquisition of parcels of land, servitudes, leases and rights-of-way.

Local governments are required to own and provide documentation of property ownership for property involving an LCDBG project. Property will include property owned by the local government before a specific LCDBG project was considered, property obtained in anticipation of an LCDBG project and property obtained as part of an LCDBG project.

Proof of property ownership must be documented by an attorney’s opinion or a copy of the title to the property as recorded at the parish courthouse. For streets, there is an additional option which will prove ownership under Louisiana Revised Statute 48:491. LRS 48:491 allows maintenance logs or other substantial written proof of maintenance for at least three years to be considered as written documentation of ownership of the respective streets.

Property acquired for an LCDBG project must be legally recorded. Such recordation is to be filed at the parish courthouse.

Task D-1: Applicability of the Uniform Act

The Uniform Act There was a need for a standardized set of acquisition procedures on federally funded projects in order to avoid the myriad of variations occurring from state to state. In response to this need, Congress passed the Uniform Relocation Assistance and Real Property Acquisitions Policies Act of 1970. This law is commonly called the "Uniform Act".

Acquisition of Specific Parcels of Property by Purchase Much of the property that a state agency acquires for any activity funded in whole or in part with LCDBG funds is subject to the Uniform Act. A state agency is a village, town, city, parish, or any other entity that has “Eminent Domain”. Eminent Domain is the legal power to condemn land and acquire privately held property under Article I, Section 2, of the Louisiana Constitution. The term “local government”, as used in this section, will refer to the governing bodies of villages, towns, cities or parishes. The following examples illustrate common types of acquisition that are subject to the Uniform Act:

- A certain parcel of property owned by John Doe, a citizen of the community, is needed by the local government for a fire station. It has been determined by the local government that this specific parcel is the best location for the fire station. LCDBG funding has been awarded for the project. The acquisition of this parcel by the local government would be subject to the Uniform Act.

- A certain parcel of property owned by Private Enterprise, Incorporated, is needed for the installation of a water well involving an LCDBG funded project. The life expectancy of the water well is estimated to be as much as 40 years. It is a known fact that Private Enterprise, Incorporated, is willing to enter into a lease with the local government for the long term use of the parcel for a water well. Acquisition of a leasehold interest from Private Enterprise, Incorporated, by the local government would be subject to the Uniform Act.
- The local government needs to obtain permanent roadside rights of way for sewer lines that are part of the installation of a new sewer system which is funded, in part, with LCDBG funding. Some of the rights of way are expected to be donated while others are expected to be purchased. Acquisition of such rights of way, whether by donation or purchase, would be subject to the Uniform Act.

Acquisition By Private Entities Acquisitions by private entities, such as corporations, that do not have condemnation powers are covered by the Uniform Act, even though LCDBG funds are not used to fund the acquisitions. An economic development project that involves a private company acquiring land in most instances is a Uniform Act acquisition. The following is an example of acquisition by a private entity that would be subject to the Uniform Act:

- The local government, on behalf of Widget Incorporated, has been funded for an Economic Development project. A parcel, now privately owned and next to the widget plant, is to be acquired by Widget, Incorporated. The Office of Community Development will provide funds for infrastructure associated with the expansion but Widget Incorporated will be the entity that acquires the parcel of adjacent land. Such acquisition would be subject to the Uniform Act.

Purchases, Donations, Partial Donations Purchases, donations, and partial donations are subject to the Uniform Act when property is obtained for LCDBG projects from individuals or entities that do not have Eminent Domain.

Additional Rights of Way—Street Projects If a road or street is being widened or extended it will often be necessary to obtain additional rights-of-way. It may be that the local government owns the streets and a small right of way along the street but not the larger right of way needed. This additional right of way, when obtained from private individuals or entities which do not have Eminent Domain, would be subject to the Uniform Act.

Timing The timing of an acquisition can also make it subject to the Uniform Act. Regardless of the source of funds, any acquisition made by a local government which takes place on or after the date of submission of your LCDBG application to finance an activity on that property is subject to the Uniform Act. Also, an acquisition that took place before the application submission may be subject to the Uniform Act if there is clear evidence that the acquisition was done in anticipation of obtaining LCDBG funds.

Leases Subject to the Uniform Act Leases which are for a duration of 15 years or longer are

subject to the Uniform Act. Leases which are for a duration of less than 15 years but are automatically renewable are also subject to the Uniform Act.

Lease Approvals Should the local government decide to lease rather than purchase a piece of property, the Office of Community Development must be furnished the terms of the proposed lease and an estimate of the property value prior to the execution of the lease agreement.

The Office of Community Development will examine the lease for at least three factors: duration, cost, and compliance with the Uniform Act. The lease should be for a duration that is, at a minimum, as long as the anticipated life of the project improvements. The cost of the lease must be reasonable and will be compared to the cost of an outright purchase. If the duration of the lease is less than 15 years, this office must determine that the duration was not established for the intentional purpose of avoiding the requirements of the Uniform Act.

HUD Website HUD provides a Real Estate Acquisition and Relocation website at <http://www.hud.gov/relocation>. This site provides access to Handbook 1378, Tenant Assistance Relocation and Real Property Acquisition, and to the HUD brochure, When a Public Agency Acquires Your Property.

Task D-2: Acquisition Procedures Under the Uniform Act

Steps For Meeting LCDBG and Uniform Act Acquisition Requirements Certain steps regarding acquisition of property are necessary to meet LCDBG and Uniform Act requirements. The steps for the purchase of property under the Uniform Act, and the order in which they should occur are as follows:

1. Determine ownership
2. Send the Preliminary Acquisition Notice
3. Determine if an appraisal and review appraisal will be required
4. Obtain a valuation of the property
5. Prepare the Statement of Just Compensation
6. Send the written offer to purchase
7. Conclude final negotiations
8. Prepare a sales contract and complete the sale
9. Provide a Statement of Settlement Costs

Notices, letters, and other documents regarding acquisition must be sent by certified or registered mail, return receipt requested, or hand delivered with receipt documented.

If the owner or occupant does not read or understand English, the local government must provide translations and assistance. Each notice must give the name and telephone number of a person who may be contacted for further information.

Step 1: Determine Ownership The local government is responsible for determining ownership of property which may be needed for an LCDBG project. A title search to determine ownership

is often necessary.

Step 2: Send the Preliminary Acquisition Notice As soon as possible after the local government decides that you want to acquire property a Preliminary Acquisition Notice must be sent to the owner (**Exhibit D-1**). One important element of the Preliminary Acquisition Notice is that it explains that it is not a notice to vacate and does not establish eligibility for relocation payments or assistance. The Preliminary Acquisition Notice must be accompanied by the brochure, When a Public Agency Acquires Your Property, which is usually the local government's acquisition policy. If the local government chooses to adopt a different policy, it must at least be as stringent as the Uniform Act; it must be written and sent to the owner along with the Preliminary Acquisition Notice. This brochure is included as **Exhibit D-1**.

Step 3: Determine if an Appraisal and Review Appraisal will be Required Either of two conditions will trigger an appraisal: (1) the value of the property is estimated to be more than \$10,000, (2) the owner of the property wants an appraisal. If an appraisal is required the owner of the property must be invited to accompany the appraiser.

When an appraisal is required a review appraisal will automatically be required.

Step 4: Obtain a Valuation of the Property Regardless of whether an appraisal is required it will be necessary to obtain valuation of the property in order to prepare the Statement of Just Compensation as discussed in Step 5.

If an appraisal and review appraisal are required, then the valuation will be based on the appraisals. However, the review appraisal, if higher in monetary valuation than the first appraisal, is considered to be the controlling document.

If an appraisal and review appraisal are not required, then a knowledgeable person may provide a written opinion as to the value of the property. It should be signed and dated and made a part of acquisition records. It does not have to be notarized. A knowledgeable person may be a real estate broker, salesperson, banker, or some other type of locally recognized authority on the value of local property. Often this valuation service could be provided for less than \$100.00 and will sometimes be provided free of charge. In all cases the scope of the service and cost of the service should be substantially lower than the cost of an appraisal and review appraisal.

The written valuation does not need to be complicated or detailed. The written opinion is not required to be based on a selection of chosen "comparables" as is often the case with a formal appraisal. The knowledgeable person should state at least three things in the written opinion: (1) His or her qualifications in one short paragraph, (2) Brief description (but not an official legal description) of the property and (3) Estimate of the value of the property.

Step 5: Prepare the Statement of Just Compensation After valuation of the property, the Statement of the Basis for the Determination of Just Compensation (**Exhibit D-2**) must be

prepared. The amount determined to be just compensation must be based on the fair market value as determined in the valuation. It must contain the following elements:

- Legal description and location of the property,
- Description of the interest to be acquired (e.g., full ownership, servitude, etc.),
- Inventory identifying the building, structures, fixtures, etc., which are considered to be a part of the real property,
- The amount of the offer,
- A statement to the effect that the amount offered is the full amount believed by the local government to be just compensation, is not less than the fair market of the property, disregards any increase or decrease in the fair market value attributable to project for which the property was acquired, and does not include any consideration or allowance for relocation costs,
- Definition of fair market value,
- Explanation of the method used to value the property,
- In the case of tenant-owned improvements, the amount determined to be just compensation for the improvement and the basis as set forth in Handbook 1378,
- In the case of the owner retention of improvements, the amount determined to be just compensation for these improvements and the basis as set forth in Handbook 1378,
- Any purchase option agreement should be attached,
- If only a part of the parcel is to be acquired, a statement apportioning the just compensation between the actual piece to be acquired and an amount representing damages and benefits to be remaining portion.

Step 6: Send the Written Offer to Purchase Send the owner a written Offer to Purchase (**Exhibit D-3**), along with the written Statement of the Basis of the Determination of Just Compensation. In addition to the amount of just compensation, the offer must specify the date on which negotiation for the sale of the property will begin. This date must be the same date as the written offer. As with all notices, it should be sent certified or registered mail, return receipt requested.

If the property is tenant or owner-occupied, a written Notice of Displacement must be issued within 30 days of the date specified for the initiation of negotiation. For more details on Relocation Procedures and Antidisplacement under Section 104(d) of the Act, refer to the section on Relocation, Antidisplacement or Handbook 1378.

Step 7: Conclude Final Negotiations The sale is then negotiated. The owner may accept the fair market value and the local government can enter into an agreement with no further action necessary by the Office of Community Development. The owner must be provided an opportunity to discuss the offer, propose a higher value and document that higher value. The local government may consider an offer exceeding fair market value and submit documentation supporting acceptance to the Office of Community Development, obtain a new valuation, initiate condemnation proceedings, or decide not to acquire the property. Documentation of negotiation

proceedings should be placed in the project acquisition file.

There may be occasions when an owner proposes or insists on more than the fair market value. Any amount which exceeds fair market value must be examined and approved by the Office of Community Development if acquisition is to be paid with LCDBG funds. Send the Office of Community Development documentation for prior approval before signing the contract of sale. Approval or disapproval by this office is to be evidenced either by memo transmitted by e-mail communication or faxed copy of the documentation dated and initialed by the acquisition specialist of the LCDBG staff. The use of LCDBG funds which are in excess of fair market value and are not approved prior to disbursement by the Office of Community Development will be disallowed.

Step 8 Prepare a Sales Contract and Complete the Sale Following successful negotiations, an act of sale must be prepared and executed and transfer of documents secured. The local government must also reimburse the owner to the extent deemed fair and reasonable for incidental costs associated with transfer of title (i.e., recording fees, transfer taxes, penalty cost or other charges for prepayment of any pre-existing recorded mortgages, etc.).

Step 9 Provide a Statement of Settlement Costs The local government must give the owner a Statement of Settlement costs which identifies all settlement costs regardless of whether they are paid at, before, or after closing, and must clearly separate charges paid by the owner (**Exhibit D-4**). If a title or escrow company is used, their standard form is acceptable. The Statement of Settlement Costs must be dated and certified as true and correct by the closing attorney or other person handling the transaction.

The local government must also be able to prove the payment of the purchase price by retaining a copy of the canceled check and the Act of Sale.

Deciding Not to Acquire: If the local government decides not to buy or expropriate a property at any time after the Preliminary Acquisition Notice has been sent to the property owner, written notification must be sent to the owner and any tenants occupying the property that the local government does not intend to acquire the property and that any person moving from the property thereafter will not be eligible for relocation payment and assistance. This notice must be sent within 10 days of your decision not to acquire (**Exhibit D-5**).

Donations: The procedure to be followed for donations is somewhat different. If a property is to be fully donated, the local government should inform the owner of his rights under the Uniform Act and obtain a signed waiver. A sample waiver form is included as **Exhibit D-6**. The owner must be given a copy of the HUD brochure, "When a Public Agency Acquires Your Property". If property is to be partially donated, the local government must follow the procedures of the Uniform Act as detailed in the steps herein and the property owner must sign a waiver of his/her rights for the donated portion of the property. If donations are being made by elderly, very poor, functionally illiterate or non-English speaking persons, the local government should carefully document the efforts made to insure the owner-occupant understands their rights in order to demonstrate the owner is not persuaded or coerced into donating their property.

Task D-3: Appraisals Under the Uniform Act

Selecting Appraisers The local government must select an independent appraiser. The appraiser should have no interest in the property or be related to, or in business with, anyone having any interest in the property to be acquired. The appraiser should be qualified, reputable and professional. Generally, only people who obtain at least 50 percent of their income from doing appraisals and who belong to a professional association that has a code of ethics should be considered. Look for appraisers who have had experience doing the types of appraisals you need. An appraiser who usually establishes values for vacant, unimproved land may not be appropriate to establish accurate values of houses. State-certified or licensed real estate appraisers eligible to perform appraisals for federally related transactions are now listed on the Internet. The National Registry of State-Certified or Licensed Appraisers' Website is: <http://www.asc.gov>.

The local government should request statements of qualifications from a number of local appraisers, review those qualifications, and employ only qualified appraisers. A minimum of one appraisal is required; however, if the project is potentially controversial (as with an unwilling seller or a conflict of interest involving a public official) or where property values exceed \$100,000, it is recommended that two independent appraisals be conducted. A review appraisal must be prepared for each appraisal conducted.

The Contract for Appraisal Services The local government must execute a professional services contract with the independent appraiser. **Exhibit D-7** is an appraisal contract that has the required elements for use in the LCDBG program. This contract may be used or another that is prepared which contains the elements found in **Exhibit D-7**. The local government should go over the contents of this contract with your appraiser. The contract must require the appraiser to invite the property owner to accompany the appraiser during the property inspection and not to consider race, color, religion or the ethnic characteristics of a neighborhood in estimating the value of residential real property. Compensation for an appraisal shall not be based on the amount of the valuation.

Exhibit D-8, which states the "Uniform Appraisal Standards for Federal Land Acquisition" sets forth standard requirements for appraisals involving federally funded acquisitions. Standard FHA appraisal forms may be used if they cover all the requirements of the appraisal contract covered in **Exhibit D-7**.

Property Valued at \$250,000 or More A contract (fee) appraiser making a "detailed appraisal" on property valued at \$250,000 or more must be certified and licensed in accordance with State law implementing Title XI of the Financial Institutions Reform, Recovery and Enforcement Act of 1989 (FIRREA), P.L. 101-73 and must be currently active on the Louisiana State Certified Appraisers General Appraisal list. The review appraiser must also be on the State's General Appraisal list.

Property Valued at Less Than \$250,000 As of September 6, 2001, for property valued below \$250,000, the sub-grantee may use a General Appraiser or a Residential Appraiser. This is also applicable to the review appraisal.

Owner Invitation Before the first appraisal is undertaken, the local government or the appraiser on behalf of the local government must formally invite the property owner to accompany the appraiser during inspection of the property (**Exhibit D-9**). This notice should be in writing and a copy placed in your property acquisition file along with evidence of receipt of the owner. The requirement to invite the property owner to accompany the appraiser is optional for the review appraisal.

Servitude Appraisal Forms **Exhibit D-10** is an example of a short form that can be accepted for an appraisal establishing the value of servitude. This form summarizes complete documentation which the appraiser must have on file.

The Review Appraisal Once the appraiser has prepared and submitted the appraisal a review appraisal must be obtained. The review must be done by a qualified staff appraiser or an independent fee appraiser. The review appraiser should be required to visit the property. The review must be written, signed and dated. It should assess the adequacy of the appraiser's supporting data, the appraisal procedures used, and the soundness of the appraiser's opinion of fair market value.

Authority of the Review Appraisal It must also include the reviewer's recommendation of the fair market value of the property. **Exhibit D-11**, the "Review Appraisal Report", contains the required elements needed in a review appraisal. If the review appraiser disagrees with the fair market value of the original appraisal, the locality can request that the original appraiser modify and document any changes in the original report. When judging between differences in the first appraisal and the review appraisal and if differences are not resolved by the modification of the first appraisal then the review appraisal is to be considered authoritative. The local government will also have the option of obtaining another "first appraisal" and review appraisal.

Acquiring Property Without an Appraisal (42 USC 4651 (2); 49 CFR 24.102 (c) (2)): If the local government can determine that the valuation of a parcel of land or servitude is uncomplicated and that fair market value of the property does not exceed \$10,000, and if the owner does not desire an appraisal, then an offer can be made to the owner(s) of the property without a formal appraisal but a written valuation of the property by a knowledgeable person will be required. If an appraisal is not required then a review appraisal will not be required.

An option to increase the \$10,000 valuation amount to \$25,000 may be requested in writing from the Office of Community Development.

Task D-4: Expropriation

Expropriation Proceedings: If the local government cannot negotiate the sale, expropriation proceedings may be instituted. Inexperienced localities sometimes think expropriation is cheaper than negotiated sales. When the owner is an individual, especially elderly or infirm,

courts may

be very generous and expropriation can be substantially more expensive than negotiation. The local government is required to pay the amount established by the court.

Initiation of Expropriation Proceedings Expropriation is a legal action and must be carried out by the local government's attorney. The local governing body should authorize the proceedings by resolution. Copies of surveys and maps relating to the subject property in the Parish are recorded. Expropriation proceedings can then be initiated in the district court of the Parish in which the property is located. The local government will have to deposit the amount determined to be "just compensation" in escrow with the court.

The court will establish the compensation to be paid for the property. The judgment of the court will vest full ownership title to the property expropriated in the local government. When title is vested, the local government may enter upon the property taken and takeover and dispose of existing improvements.

Quick Take The 2003 Louisiana Legislature authorized the expropriation of property by "quick-take". Contact the Office of Community Development for instructions, forms and approval prior to undertaking this action.

Task D-5: Acquisition Not Subject to the Uniform Act

Types of Acquisition that are Not Subject to the Uniform Act Five types of acquisition are not subject to the requirements of the Uniform Act; however, these types of acquisition are still subject to Louisiana law and specific LCDBG requirements. These five types are:

1. Acquisition from another public agency
2. Temporary construction servitudes/easements
3. Short term leases
4. Voluntary acquisition
5. Acquisition of streets under LRS 48:491

1. Acquisition from Another Public Agency When a local government acquires property from another public agency which also has the power of Eminent Domain such acquisition is not subject to the Uniform Act.

- Example: A municipality acquires a water well site from a parish for an LCDBG funded project. This acquisition is not subject to the Uniform Act.

2. Temporary Construction Servitudes/Easements When a local government acquires a temporary servitude or easement from a private citizen or corporation such acquisition is not subject to the Uniform Act. When connecting service lines from a privately owned dwelling to the a utility line, such as a sewer main, the local government must obtain a construction

easement with the private owner(s). **(Exhibit B-16)** A construction easement should also be obtained for any temporary construction to be undertaken on private property.

- Example: A local government is constructing a new sewer system with LCDBG funds that will serve 100 homes. It is determined that these homes qualify for service line connections under the LCDBG program. The local government must obtain a temporary construction servitude from each homeowner before beginning work on each respective parcel of property. Acquisition of the 100 temporary construction servitudes would not be subject to the Uniform Act.

3. Short Term Leases Leases which are for a duration of less than 15 years and are not automatically renewable are considered short term leases not subject to the Uniform Act.

- Example: A sewer lift station must be installed on an emergency basis due to an unexpected chain of events. The lift station is needed for only five more years at which time a new force main system will be installed which will render the lift station obsolete. The local government chooses to obtain a ten year lease, not automatically renewable, from an appropriate property owner. Acquisition of the ten year lease would not be subject to the Uniform Act.

4. Voluntary Acquisition Voluntary acquisition occurs when the local government acquires real property at fair market value from an owner who has submitted a proposal to the community for purchase of their property in response to a public advertisement. The local government may undertake a voluntary acquisition when a site needed for an LCDBG project can be satisfied by more than one property. Property owners can then voluntarily, in response to the advertisement, let the local government of the availability of their property and enter into negotiations for the sale of the property. Voluntary acquisition is not subject to the Uniform Act.

Voluntary Acquisition Property Valuation Valuation of parcels of property will need to be established and may be done by the appraisal process or by a knowledgeable person. If the appraisal process is used a review appraisal is not mandatory because voluntary acquisition is not subject to the Uniform Act. If a knowledgeable person does a valuation of the property it must be in writing. The valuation does not need to be complicated or detailed. The written opinion is not required to be based on a selection of chosen “comparables” as is often the case with a formal appraisal. The knowledgeable person should state at least three things in the written opinion: (1) His or her qualifications in one short paragraph (2) Brief description (but not an official legal description) of the location of the property and (3) Estimate of the value of the property.

Voluntary Acquisition Example

- Example: A parcel is needed for an LCDBG funded fire station. The fire station could be placed on many different parcels located in the northern part of the municipality. The local government adopts a Voluntary Acquisition Policy. The local government chooses

to advertise in the local newspaper for a parcel of property for the fire station. Acquisition of the parcel for the fire station is not subject to the Uniform Act.

Voluntary Acquisition Policy The local government must have or prepare a formal, written policy that authorizes voluntary acquisition. **The policy in Exhibit D-12 must be used.** The public invitation or solicitation should include a description of what the local government wants to buy and all of the rest of the conditions of which a seller should be aware, as stated in **Exhibit D-12**. The solicitation must also indicate that if a mutually satisfactory agreement cannot be reached, the local government will not condemn the property for the same purpose.

Relocation eligibility only becomes effective when a written agreement has been negotiated between the grantee and the owner of the property. If the local government intends to require owner-occupants to waive relocation assistance as a condition of voluntary acquisition, this condition and other pertinent information should be included in the public solicitation and the waiver form should be attached to the purchase offer.

Caution A word of caution—voluntary acquisition is a useful technique in certain situations. It is not a way to "get around" the Uniform Act. Your Local Government Representative can provide advice, early in the process, which can assist in structuring the local government's policy and any public solicitations to avoid the very unpleasant "clean up" that is necessary if voluntary acquisition goes wrong.

5. Acquisition of Streets under LRS 48:491 Acquisition of streets under LRS 48:491 is not subject to the Uniform Act. LRS 48:491 provides ownership status to local governments that provide evidence of local government or State maintenance of respective streets for a period of three years. In order to document street ownership on an LCDBG project, the three year period should have been completed by the date the LCDBG application was submitted to the Office of Community Development.

Procedures Required for Acquisition not Subject to the Uniform Act Requirements for acquisition of property which are not subject to the Uniform Act include the following steps: (1) determination of ownership, (2) valuation of the property, (3) offer and acceptance, (4) act of sale, donation or transfer (5) a statement of settlement costs (6) recordation and (7) in general, any documentation of acquisition activity from start to finish.

If property is obtained via voluntary acquisition an additional requirement is the proof of at least one public advertisement.

Task D-6: Record Keeping

List of Parcels. For each project, the grantee's files shall include a list identifying all parcels to be acquired for the project. Such a list may be maintained in a suitable computer generated format that also indicates, for project management purposes, progress made in carrying out the acquisition program.

Acquisition Case File Acquisition notices, letters and other documents which are mailed are required to be sent by registered or certified mail, return receipt requested. If hand delivered the delivery should be evidenced by signature and date. An Acquisition Composite List (**Exhibit D-13**) must be completed on LCDBG projects having any acquisition. A Real Property Acquisition Checklist (**Exhibit D-14**) must be completed for each parcel acquired.

For each parcel acquired the grantee files shall include:

1. Identification of property and property owner(s),
2. Determination of ownership,
3. If applicable, evidence that owner received a Preliminary Acquisition Notice accompanied by the notice entitled "When a Public Agency Acquires Your Property",
4. A copy of valuation for each parcel obtained by purchase whether by appraisal or opinion of a knowledgeable person,
5. If applicable, a Statement of the Basis For the Determination of Just Compensation
6. If applicable, a copy of the written purchase offer and documentation of the date of delivery,
7. If applicable, as in the case of a donation, a Property of Servitude Acquisition Waiver,
8. Copy of a Contract of Sale or Act of Donation,
9. Copy of a Statement of Settlement Costs and evidence (via a copy of a cancelled check) that the owner received net proceeds (if applicable) due from sale,
10. Copy of recordation at the appropriate parish courthouse,
11. If applicable, a copy of an appeal or complaint filed and Agency response.

Persons Not Displaced Documentation on persons not displaced shall include:

1. Evidence that the person received timely written notice that he/she would not be displaced by the project;
2. Evidence that tenants occupying a dwelling received a timely offer of: (a) a reasonable opportunity to lease and occupy a suitable, affordable, decent, safe and sanitary dwelling on the real property and (b) reimbursement of any out-of-pocket expenses incurred in connection with any temporary relocation or a move to another unit on the real property;
3. For each occupant that is not displaced but elects to move permanently from the real property, indicate the reason for the move and any personal contact to explain that the person will not qualify for relocation payments as a "displaced person".

Displaced Persons. For persons displaced, there shall be separate case files that include:

1. Identification of the person's name, address, racial/ethnic group classification and date of initial occupancy. For residential tenant-occupants, include age, sex, and income of all members of the household and monthly rent and utility costs. For homeowners, include Agency "acquisition cost" of unit. For nonresidential occupants, include type of enterprise;

2. Evidence that person received timely written notice of possible displacement and a general description of the relocation payments and advisory services for which he/she may be eligible, basic eligibility conditions and the procedures for obtaining payments;
3. Evidence that person received timely written notice of eligibility for relocation assistance and, for those displaced from a dwelling, the specific comparable replacement dwelling and the related cost to be used to establish the upper limit of the replacement housing payment;
4. Identification of relocation needs and preferences, dates of personal contacts and services provided;
5. Identification of referrals to replacement properties, date of referral, rent/utility costs or sale price (if dwelling), date of availability, reason(s) person declined referral;
6. Copy of 90-day notice and vacate notice, if issued;
7. Identification of actual replacement property, rent/utility costs or sale price (if dwelling) and date of relocation;
8. Copy of replacement dwelling inspection report showing condition of unit and date of inspection;
9. Copy of each approved claim form and related documentation, evidence that person received payment, and if applicable, Section 8 Certificate or Housing Voucher;
10. Copy of any appeal or complaint filed and grantee response.

