



Three “Must Know” Areas Of The Law for Relocation Agents

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Relocation agents are the jack-of-all-trades in the right of way field. They must be knowledgeable about the acquisition process, appraisals, property management, moving and storage, industrial and commercial businesses operations and even sociology. They have to be auditors, sleuths and evaluators of credit and credibility. They arrive to the scene after the acquisition agent has delivered the bad news to the land and business owners that their property is needed for a public project, and they will be forced to move from the place where they've lived or conducted business for several generations.

The soon-to-be displacees want answers. Where do they move in an impossibly tight housing market? What happens when the rental differential payments end after 42 months, and they can't afford the new rental rate? How can they move their business to a new location when their franchise agreement is specifically for this location only? And why can't this project be moved somewhere else? There are three fundamental areas of the law that relocation agents must be familiar with: the Uniform Act, State and local regulations and real estate.

Uniform Act

Here's a simplified version of how the rules for your relocation assistance programs came into existence and the law that serves as the basis for them. The United States Codes ("U.S.C.") are the permanent laws of the United States. New proposed United States Codes begin when a member of Congress, Senate or House of Representatives, proposes a new law by introducing a bill containing the language of the proposed new law. Each bill is reviewed by both houses of Congress, and thereafter, changes are made to the wording, argued, and then further changed and argued over again. Once the language of the bill is approved by the Senate and House of Representatives, it goes to the president to either approve or veto. An approved bill becomes a new law and is then called an act or statute. Of course, this lawmaking process is much more complex than presented here, and I encourage you to learn more about this process as you continue your right of way journey.

On Jan. 2, 1971, a new law was passed that became the 42 U.S.C. Chapter 61 "Uniform Relocation Assistance and Real Property Acquisition Policies for Federal and Federally Assisted Programs" called the "Uniform Act" or "URA." The U.S. Department of Transportation was assigned by Congress to be the lead federal agency for the URA and to write "regulations." The regulations state exactly how this new law must be interpreted, the definitions of technical terms, the specific steps for approving relocation assistance program displacee status and how to determine eligibility and entitlement for program benefits.

The newly proposed URA regulations were then posted to the Federal Register, the official place for the daily listing of all rules and regulations, both proposed and final. It took several attempts at drafting and rewriting to create the final URA regulations. The final regulations implementing the URA can be found at 49 Code of Federal Regulations Part 24. The Federal Highway Administration (FHWA) is the lead agency for implementing the provisions of the Uniform Act regulations. It is noteworthy that there have been several amendments to the URA since the initial 1971 Act.

State Law and Regulations and the URA

Each state goes through a parallel process to create state regulations, rules or guidelines. States approve new laws and then direct a state agency to create regulations that implement those new laws. Once the URA became official, each state checked to determine whether they had similar laws governing relocation assistance. Each state then either modified existing laws, adopted the exact language of URA or created their own new versions that were different but not inconsistent with the URA. For example, some states decided that their limit on reestablishment payments in their relocation assistance programs should be higher than the \$10,000 identified in the URA. Next, each city, county, parish and township within each state was required to either opt to follow their state's regulations and rules or implement their own separate versions that are different but not inconsistent with the state's regulations. Relocation agents should

obtain copies for their files of the current URA regulations and the state and local regulations or guidelines before providing relocation assistance on projects causing displacement of persons and property.

In California, relocation assistance laws were created by statute in 1969 before the URA. California modified the existing state law (Government Code sect. 7260) to be consistent with the URA. They then directed their state agency, California Department of Housing and Community Development, to create the guidelines to implement, interpret and make specific provisions relating to relocation assistance, last resort housing and real property acquisitions. The California Guidelines can be found in the California Code of Regulations, Title 25, Chapter 6, Subchapter 1, "Relocation Assistance and Real Property Acquisition Guidelines."

Real Estate Law

Relocation agents will be called upon to find available properties for sale, lease, license and rental. Many projects traverse through areas with persons of low income and high population density. It is important to have a working knowledge of real estate law pertaining the ownership and use of land. Rental agreements for residential tenants are often complex. Assisting displacees in reviewing new agreements, good faith deposit requirements, local agency decent safe and sanitary inspection requirements and school district areas all require knowledge of state statutes and local municipal codes concerning real estate law. Within the relocation assistance process, there are real estate laws that provide for rent control or rent stabilization that affect the ability of displacees to find replacement properties.

Miscellaneous

Some other important areas of law include the Section 8 housing, zoning, conditional use permits and administrative relocation assistance appeal hearings. Continuing education for relocation agents should include learning about the administrative appeal hearing process, leasehold interest rights, tax assessors' valuation, and macro and micro economic trends, both local and regional.

The final article in this series will cover the three "Must Know" areas of the law for appraisers. 🌟



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