

MAP-21 AND ITS EFFECT ON THE URA

Analysis and overview of this important new law



President Obama signed MAP-21 (Moving Ahead for Progress in the 21st Century) into law on July 6, 2012. MAP-21 is significant for the right of way professional as it makes changes to the current Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (URA).

The adjacent chart illustrates the changes made by Section 1521 of MAP-21 by contrasting them with the current law, the United States Code Title 42 - The Public Health and Welfare Chapter 61 - Uniform Relocation Assistance and Real Property Acquisition Policies for Federal and Federally Assisted Programs Subchapter II - Uniform Relocation Assistance.

As illustrated by the chart, Section 1521 contains the following significant changes, among others:

- Increases the maximum reestablishment expense payment from \$10,000 - \$25,000
- Increases the maximum amount of the fixed payment for nonresidential moves from \$20,000 to \$40,000
- Increases the maximum purchase price differential for homeowners from \$22,500 to \$31,000
- Increases the maximum rental supplement for 90-Day Tenants \$5,250 to \$7,200
- Changes the occupancy requirement for owner-occupants to 90 days instead of 180 days

According to Section 3 of MAP-21, with a few exceptions and/or unless specified elsewhere in the Act, the effective date of MAP-21 is October 1, 2012. However, the second paragraph under Section 1521(g) indicates that the amendments made by subsections a-c shall take effect two years after the date of enactment of this Act. This is to allow the regulations to be updated to implement these statutory changes. Subsections a-c are the Uniform Act related changes.

It is important to note that, to date currently it is not exactly clear when these changes to the URA will be implemented by the Federal Highway Administration (FHWA). FHWA will have to go through a rule making process similar to that which resulted in the new regulations in 2005. As always, it is very important to discuss any changes in the governing laws and regulations with your sponsoring agency before implementing any changes to procedures.

(A) MOVING AND RELATED EXPENSES

MAP-21 and Changes to URA	Current Law in United States Code
<p>Section 202 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4622) is amended—</p> <p>(1) in subsection (a)(4) by striking “\$10,000” and inserting “\$25,000, as adjusted by regulation, in accordance with section 213(d);” and</p> <p>(2) in the second sentence of subsection (c) by striking “\$20,000” and inserting “\$40,000, as adjusted by regulation, in accordance with section 213(d).”</p>	<p>Sec. 4622. Moving and Related Expenses</p> <p>(a) General provision: ..the head of the displacing agency shall provide for the payment to the displaced person of.....</p> <p>(4) actual reasonable expenses necessary to reestablish a displaced farm, nonprofit organization, or small business at its new site, but not to exceed \$10,000.</p> <p>(c) Displacement from business or farm operation; election of payments; minimum and maximum amounts; eligibility</p> <p>Any displaced person eligible for payments under subsection (a) of this section...may elect to accept the payment authorized by this subsection in lieu of the payment authorized by subsection (a) of this section. Such payment shall consist of a fixed payment in an amount to be determined according to criteria established by the head of the lead agency, except that such payment shall not be less than \$1,000 nor more than \$20,000...</p>

(B) REPLACEMENT HOUSING FOR HOMEOWNERS

MAP-21 and Changes to URA	Current Law in United States Code
<p>The first sentence of section 203(a)(1) of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4623(a)(1)) is amended—</p> <p>(1) by striking “\$22,500” and inserting “\$31,000, as adjusted by regulation, in accordance with 213(d);” and</p> <p>(2) by striking “one hundred and eighty days prior to” and inserting “90 days before.”</p>	<p>Sec. 4623. Replacement housing for homeowner; mortgage insurance</p> <p>(a)(1) ...the head of the displacing agency shall make an additional payment not in excess of \$22,500 to any displaced person who is displaced from a dwelling actually owned and occupied by such displaced person for not less than one hundred and eighty days prior to the initiation of negotiations for the acquisition of the property.</p>

(C) REPLACEMENT HOUSING FOR TENANTS AND CERTAIN OTHERS

MAP-21 and Changes to URA	Current Law in United States Code
<p>Section 204 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4624) is amended—</p> <p>(1) in the second sentence of subsection (a) by striking “\$5,250” and inserting “\$7,200, as adjusted by regulation, in accordance with section 213(d);” and</p> <p>(2) in the second sentence of subsection (b) by striking “except” and all that follows through the end of the subsection and inserting a period.</p> <p>(2) EXCEPTION—The amendments made by subsections (a) through (c) shall take effect 2 years after the date of enactment of this Act.</p>	<p>Sec. 4624. Replacement housing for tenants and certain others</p> <p>(a) ...the head of a displacing agency shall make a payment to or for any displaced person displaced from any dwelling not eligible to receive a payment under section 4623 of this title which dwelling was actually and lawfully occupied by such displaced person for not less than 90 days immediately prior to</p> <p>(1) the initiation of negotiations for acquisition of such dwelling, or</p> <p>(2) in any case in which displacement is not a direct result of acquisition, such other event as the head of the lead agency shall prescribe. Such payment shall...not...exceed \$5,250.</p> <p>(b) Any person eligible for a payment under subsection (a) of this section may elect to apply such payment to a down payment on, and other incidental expenses pursuant to, the purchase of a decent, safe, and sanitary replacement dwelling. Any such person may, at the discretion of the head of the displacing agency, be eligible under this subsection for the maximum payment allowed under subsection (a) of this section, except that, in the case of a displaced homeowner who has owned and occupied the displacement dwelling for at least 90 days but not more than 180 days immediately prior to the initiation of negotiations for the acquisition of such dwelling, such payment shall not exceed the payment such person would otherwise have received under section 4623(a) of this title had the person owned and occupied the displacement dwelling 180 days immediately prior to the initiation of such negotiations.</p>