



Memorandum

U.S. Department of Transportation
Federal Highway Administration

Subject: Guidance: Implementation of MAP-21 Uniform Act Benefit and Eligibility Changes

From:
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Director Office of Real Estate
Services

Date: March 25, 2014

Reply to: HEPR-10

To:
Division Administrators Directors
of Federal Lands ATTN: Division
and Federal Lands Realty Officers

The purpose of this memorandum is to provide guidance concerning the October 1, 2014 effective date for several of the amendments to the Uniform Act in Section 1521 of the Moving Ahead for Progress in the 21st Century Act (MAP-21). The MAP-21 amended the maximum statutory benefit for replacement housing payments for displaced homeowners to \$31,000 and replacement housing payments for displaced tenants to \$7,200. The length of occupancy requirement for homeowners was reduced from 180 days to 90 days in occupancy before the initiation of negotiations. The MAP-21 also amended the maximum statutory benefit for business reestablishment benefits to \$25,000, and the fixed payment for nonresidential moves to \$40,000. By law, these changes become effective on October 1, 2014.

The new eligibility standard will apply whenever the initiation of negotiations with a homeowner occurs on or after October 1, 2014. The application of the new benefit amounts presents a more complex question. We anticipate that there will be projects on which the initiation of negotiations for some parcels occurs before October 1, 2014, but relocation assistance activities may not be completed until sometime after October 1, 2014. Based on our research on the application of prior statutory changes in relocation benefits, we provide the following guidance on how to determine when the MAP-21 increased benefits may be provided.

On and after October 1, 2014, the higher benefit limits apply to an individual who qualifies as a displaced person under the definition in 49 CFR 24.2(a)(9)(i) if:

- For relocation benefits other than replacement housing payments for homeowners: The individual is not required to move from the acquired property before October 1, 2014, and has not moved before that date.
- For replacement housing payments for homeowners: On or after October 1, 2014, the displaced person holds title to the real property to be acquired.

The FHWA is in the process of drafting a Notice of Proposed Rulemaking (NPRM) that would incorporate the MAP-21 statutory changes into 49 CFR Part 24. We also will be revising the Frequently Asked Questions on our Website to be consistent with any changes to the regulations resulting from the rulemaking process.

If you have any questions please contact Mary Jane Daluge at 202-366-2035 or maryjane.daluge@dot.gov or Arnold Feldman at 202-366-2028 or Arnold.feldman@dot.gov.