

## Guidance on Relocation

The Lead Safe Housing Rule includes requirements for occupant protection during lead hazard reduction activities. These occupant protection measures often require that a resident leave the unit while work is being performed. Relocation to a temporary unit may be required.

The following are some frequently asked questions about relocation.

### 1. When is relocation required?

- ◆ Residents must be kept out of the work area during lead hazard reduction work and cannot return to the work area until it has passed clearance.
- ◆ If the residents cannot enter important parts of their home (e.g. bathrooms, kitchens) for more than a day, they need to be relocated temporarily.

### 2. When is relocation not required?

- ◆ The lead safe housing rule lists several situations that do not require relocation. These include the following situations:
  - Work will not disturb lead-based paint, dust lead hazards, or soil lead hazards.
  - Work on the interior of the unit will be completed within one period in eight daytime hours, the site will be contained, and the work will not create other safety, health, or environmental hazards.
  - Only the building's exterior is treated; the windows, doors, ventilation intakes, and other openings near the worksite are sealed during hazard reduction activities and cleaned afterward; and a lead-free entry is provided.
  - Treatment will be completed within five calendar days; the work area is sealed; at the end of each day, the area within 10 feet of the containment area is cleared of debris and cleaned; at the end of each day, occupants have safe access to sleeping areas, bathroom, and kitchen facilities; and treatment does not create other safety, health, or environmental hazards.
- ◆ HUD has advised that the relocation of elderly occupants is not typically required, so long as complete disclosure of the nature of the work is provided and informed consent of the elderly occupant(s) is obtained before commencement of the work. (See Form 13 in this manual for a sample form to be filled out by an elderly occupant.)

### 3. What constitutes an appropriate relocation unit?

- ◆ The Lead Safe Housing Rule requires that the relocation unit be lead-safe. The Interpretive Guidance provides two ways to demonstrate the lead-safety of a unit:
  - Use post-1978 units
  - Perform a clearance examination in the unit to ensure that there is no deteriorated paint or dust hazards

### 4. Does relocation for lead hazard reduction trigger the Uniform Relocation Act (URA)?

- ◆ The URA is triggered if tenants are not treated reasonably during temporary relocation.
- ◆ For tenants, this means that the agency must pay the out-of-pocket costs incurred by tenants during temporary relocation, such as the rent charged for the temporary unit above their costs for their existing unit, costs to move back and forth from the temporary unit, storage costs for personal belongings, and utility hookups at the temporary unit. In addition reasonable advance notice must be

provided to the tenant before the tenant is required to move into or out of the temporary unit. Further, the unit they move into must be suitable for their needs. (For more information on URA, consult HUD Handbook 1378.)

- ◆ Work in owner-occupied housing does not trigger the URA. However, agencies may choose to adopt optional policies that define “hardship” situations for homeowners and pay certain costs related to the temporary relocation, such as a per-day maximum for costs actually incurred for housing and meals. Form 30 (in this manual) provides an example of the kinds of costs that can be reimbursed. Any such policy must be written and must be applied consistently.

## 5. What should a relocation policy cover?

- ◆ Grantees and their subrecipients are encouraged to develop written relocation policies. Such policies serve as a useful guide to staff and program participants and help ensure that all program participants are treated consistently.
- ◆ The policy should cover:
  - When relocation is required under the program and how long temporary relocation will typically last
  - How much notice will be provided to move and return
  - What constitutes an appropriate relocation unit
  - Whose responsibility it is to identify a temporary unit
  - How much – if any – will be allowed for a meal allowance per person if the temporary unit has no cooking facilities.
  - How payment will be disbursed
  - What relocation benefits are available to the resident during the relocation period

## 6. How can relocation costs be minimized?

- ◆ Minimize the relocation time.
  - Stage work to minimize the time the residents need to be out of the unit. When staging the work, keep in mind that:
    - ✓ The worksite must be properly contained and the resident may not enter that area ever during the course of the work.
    - ✓ Work areas must pass interim clearance before a resident can reoccupy them.
    - ✓ A final clearance is still required at the end of the job, even after interim clearances have been done.
  - Look for ways to streamline standard rehab procedures to ensure that jobs move more quickly.
  - Offer financial incentives to contractors to finish the work and pass clearance ahead of schedule.
- ◆ Minimize associated costs.
  - Negotiate favorable rates with motel or apartment owners for temporary relocation units.
  - Obtain competitive bids from moving or storage companies and identify a mover and storage company that will provide services at the most favorable rate. (However, costs should be based on actual expenses, not a per unit rate.)