

Relocation Assistance Program in Oklahoma

W. Howard Armstrong

The Oklahoma Department of Transportation has been involved in providing relocation assistance benefits and services to thousands of residential, business, nonprofit, and farm-operation relocatees displaced as a result of highway projects during the last 20 years. The program has grown from one of providing mere token advisory assistance to a program that now plays an integral role in the planning process of highway projects as well as in the acquisition of real property.

The state's relocation assistance program is considered a success. This success, however, is not measured by the number of people displaced or the expediency with which this is accomplished, but by the state's ability to minimize the impact and hardships created by a forced displacement. Although the overall objective of the Oklahoma Department of Transportation is to build transportation facilities, the importance of providing humane treatment and understanding for those whose lives and businesses must be disrupted in order to accomplish our objective is recognized. The job of the relocation assistance program is to ensure that each and every individual who is displaced receives the maximum benefits and assistance to which they are entitled. In doing this, the program is governed by federal laws, federal regulations, state laws, and state regulations, all of which deal with providing relocation assistance benefits and services.

It is also known that all these laws, rules, and regulations count very little unless the particular requirements that a relocatee may have or that a business may have are considered on an individual basis in order to minimize this impact. The importance is stressed to relocation agents of presenting a good public-relations image to displacees so that the agent and the program will be accepted and trusted by the displacee, and that the displacee will have every confidence in the state's ability to guide them through this maze of laws, rules, and regulations.

Perhaps the two major areas of shortcomings with the state's program as it now exists are in the areas of (a) excessive federal regulations and (b) the lack of equality for business displacees. In

dealing with the first area of concern, far too often the official positions and decisions that govern all of the relocation assistance programs are made without appropriate consideration for how this really impacts the administration and implementation of a relocation program at the grass-roots level. The relocation assistance program involves working with people in businesses and, as such, there is no way that any agency can adopt rules and regulations that can govern all possible events. The position has been taken for some time now that control of administration and implementation of relocation assistance programs should be left up to those people who are directly responsible for the programs with a minimum of interference and regulations from the federal level. Often these federal regulations, which are intended to protect displacees, eventually end up hurting them.

In looking at the second area, many people recognize the fact that commercial businesses have very little consideration given to them under the relocation assistance program. The fact that you are physically going to move the inventory of a business from point A to point B does very little to help that business, should it be necessary to buy a replacement site or to incur major expenditures in developing the replacement sites to meet their business needs. With all the amendments to the Uniform Act now before Congress, it is a concern that this area of real need has been neglected.

On the whole, anyone who has been involved in the relocation assistance programs from the standpoint of the displacing agency through the displacee has had the benefit of a very good program. While it is very rare that one would meet a displacee who really wants to move, it is always rewarding to look at displacees after they have occupied their replacement dwelling or replacement business site and see that they have assimilated into their new surroundings with a minimum of difficulty. These successful relocations uphold the Uniform Act's declaration of policy, which provides that persons shall not suffer disproportionate injuries as a result of programs designed for the benefit of the public as a whole.

Relocation Assistance in New Jersey

Joseph G. Feinberg

Among the more important changes suggested by any assessment of the Uniform Relocation Act are eliminating uneven eligibility requirements that have existed under the Uniform Relocation Act; increasing payments to a level more consistent with today's costs; re-sorting responsibilities for relocation payment between public and private partners in joint projects; and integrating relocation rental assistance with Section 8 rental assistance.

ELIGIBILITY

Of particular importance to those administering

relocation programs in New Jersey has been the need to extend uniform relocation benefits to those displaced through all publicly-assisted programs. New Jersey relocation statutes have always required this but have encountered implementation problems in federally-assisted projects due to conflict with the federal Uniform Relocation Act. The most glaring illustration of this problem has occurred in Section 8--substantial rehabilitation. Where a Section 8 sponsor was a public agency acquiring property for rehabilitation, uniform relocation benefits were awarded. If the sponsor was private and no public acquisition was involved, such benefits were not required. Inasmuch as both types of Section 8

rehabilitation programs relied on a public subsidy, precluding persons displaced through a privately sponsored Section 8 substantial rehabilitation from relocation benefits was a completely unacceptable position in New Jersey; the state's position was that there should be a broader interpretation of federal law and regulations by HUD and statutory change accordingly.

Initially there were many who expressed concern that our position would jeopardize the financial feasibility of rehabilitation projects by adding Uniform Relocation Act level relocation costs. However, the Senate bill S. 1108 and the prevailing sentiment of the conference have now clearly moved toward the position New Jersey has held since first confronting this problem a number of years ago. Adoption of those provisions of S. 1108 that eliminate what is felt to be very superficial distinctions in relocation eligibility between privately and publicly sponsored Section 8 rehabilitation projects will eliminate serious inequities that have presented very difficult interface problems for the state.

INCREASED BENEFIT LEVELS

While those involved with displacement in highway projects have, understandably, a somewhat different perspective on relocation than those in housing and community development, there certainly appears to be no argument about the need to increase benefit levels (as called for in S. 1108) that have remained the same since the passage of the 1970 act--despite what is by now very acute inflation. Particularly important and more pertinent to the housing programs that cause displacement, however, is the need to examine who pays for relocation when you have public-private collaboration (as in privately sponsored Section 8) and a very definite profit aspect involved.

PAYING FOR RELOCATION

New Jersey's situation has been considerably more complicated from this standpoint. When the federal community development program first started, state statutes and regulations could be applied to federally-assisted projects in the absence of HUD regulations. An opportunity was thus provided to invoke the state's position: Persons displaced by Section 8 substantial rehabilitation, irrespective of sponsor and acquisition, were eligible for uniform benefits. In the face of the state's position, developers and the state's own Housing Finance Agency (HFA) were greatly discomforted by this: The HFA was apprehensive over the prospect of having to provide for relocation costs as an item that could be mortgaged and possibly render a project financially infeasible as a consequence;

developers found this of even greater concern. While not desiring to jeopardize rehabilitation projects that would provide housing for those of low and moderate income (the New Jersey HFA had been a leader among state financing agencies in this respect), the state's relocation administrators held the position that the added income accruing to a project from the sale of the developer's equity interest for tax shelter purposes could be used, in part, to cover relocation expenses in conjunction with the public contribution. In this way, there would be a more equitable sharing of costs in a public-purpose project wherein private financial advantages could be realized.

With the subsequent development of initial federal regulations that still did not require equal benefits in all Section 8 rehabilitation projects (neighborhood strategy areas were an exception), the state's position was weakened because federal regulations took precedence over state law in federally-assisted projects. However, developers anxious to receive state grants-in-aid for relocation were disposed to negotiate with the state despite the primacy of the federal regulations in a federally-subsidized project. It now appears from recent HUD regulations that there are changes with respect to federally-subsidized rehabilitation that look for some of the relocation benefits to be assumed by the developer--i.e., the private owner would now be responsible for moving costs and a four-year rental assistance payment. New Jersey's prior efforts to assign these costs to developers, at least in part, helped point the direction for the recent HUD changes and similar proposals in S. 1108.

RENTAL ASSISTANCE

While there are many other dimensions to this particular relocation problem, I would close by singling out the state's agreement on changes in rental assistance with some of the sentiments expressed by Joseph Barry, a major developer of Section 8 substantial rehabilitation projects in New Jersey, in a 1979 hearing before the Congressional Subcommittee on Intergovernmental Relations, and H.J. Huecker of HUD in his paper for this conference. Rental assistance under the Uniform Relocation Act, which covers four years, should be the same as Section 8 rental assistance, which covers five years, and is renewable. As Barry advocates, New Jersey prefers annual payments as opposed to the one lump sum method. New Jersey has always made annual payments that ensure that this rental assistance is used for the purpose intended. Consistent with these purposes, the state recently advised relocation agencies to seek out Section 8 units for displacees in lieu of a four-year relocation rental assistance payment.

Relocation Needs As Seen by Portsmouth Housing and Redevelopment Authority

Michael A. Kay

With the implementation of the Uniform Relocation Assistance and Real Property Acquisition Policies

Act of 1970, all persons and businesses subject to displacement from a federally-assisted program or