



Commonwealth of Massachusetts  
**DEPARTMENT OF HOUSING &  
COMMUNITY DEVELOPMENT**

Charles D. Baker, Governor ♦ Karyn E. Polito, Lt. Governor ♦ Janelle Chan, Undersecretary

## **RELOCATION ASSISTANCE GUIDELINES**

**SUBJECT:** Guidelines for the Temporary Relocation of Person(s) from Residential Dwelling Unit(s)

**DATE:** May 2019

**CONTACT:** Bureau of Relocation (617) 573-1408

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### **1. Purpose**

The Massachusetts relocation statute, M.G.L. Chapter 79A and implementing regulations at 760 CMR 27.00 describe relocation assistance and payments available to eligible person(s), businesses, farms or nonprofit organizations which are permanently displaced as a result of an activity described in 760 CMR 27.01(3). Sometimes, however, an activity may require that person(s) move from their residential dwelling units for only a short period of time, after which they can return to their unit or a similar unit in the same building/portfolio. This may occur, for example, when public funds are used in a building rehabilitation or modernization project and there is no intent or need to permanently displace the resident(s). For the purpose of these guidelines, this would be considered temporary relocation.

The state statute and regulations do not specifically address temporary relocation. However, it has long been recognized that if public funds are being used, it would be fundamentally unfair to temporarily relocate residents of residential dwelling units without providing some type of assistance. In Massachusetts, state and federal relocation statutes and regulations work in tandem and, therefore, DHCD takes some cues from the federal laws in issuing these guidelines.

In general, by providing the relocation services and payments in these guidelines, displacing entities will be in compliance with DHCD's recommendations. Failure to provide reasonable and appropriate relocation services and payments might otherwise result in a resident becoming a displaced person pursuant to M.G.L. Chapter 79A.

### **2. Applicability**

These guidelines are applicable to public agencies, such as a state agency, a city or town, a local housing authority, etc. --- hereinafter referred to as a "Temporary Relocation Entity" --- which are using public funds, when carrying out rehabilitation, modernization or remediation activities which result in temporary relocation.

They apply to the temporary relocation of tenant(s) who are required to move out of their housing unit for one or more days for these publicly-funded activities but are not required to permanently leave the

project. In other words, continued occupancy of the tenant(s) is possible upon completion of the project in the same unit or a similar unit available and within their financial means in the same project/portfolio.

### **3. Covered Activities**

The following are examples of planned activities that may require a Temporary Relocation Entity to provide temporary relocation benefits:

- Construction of new and/or rehabilitation/substantial modernization of existing public housing, including major systems upgrading and remediation of mold/mildew and/or water infiltration.
- Conversion/rehabilitation of occupied dwelling unit(s) into low-income/moderate- income rental or home ownership units using public funds.
- Lead/asbestos remediation projects using public funds.

### **4. Temporary Relocation Planning**

The Temporary Relocation Entity is encouraged to plan rehabilitation and modernization projects with the intent to: (1) understand the needs of tenant(s); (2) recognize the existence of special circumstances that may exist; and (3) take steps to minimize impacts. Early planning and coordination with the design and construction team is recommended, particularly for situations when a construction contractor's access to units may be impacted, or if residential units are to be vacated, renovated, and re-occupied in phases.

Temporary relocation due to a covered activity should be for as brief a period as possible and the terms and conditions of the tenant(s) moves should be reasonable. Scheduling meeting(s) to alert tenant(s) to the upcoming construction activities and coordinating with a residents' or tenants' organization, if there is one, are advised.

### **5. Short-Term Temporary Housing Alternatives**

Unit(s) that residential tenant(s) are moved into temporarily must be decent, safe, and sanitary. The following are some housing alternatives which can be considered during a period of temporary relocation:

- Units in the same housing portfolio or building may be set-up as "hotel" units equipped with cooking facilities to accommodate relocated occupants.
- Occupants may be paid a daily stipend by the agency to find their own accommodations off-site during the temporary relocation period. The daily stipend should include a per diem meal allowance.
- Accommodations at a local motel/hotel may be made for occupants during the temporary relocation period. If the hotel/motel unit(s) does not include cooking facilities, the Temporary Relocation Entity should also provide a daily stipend for the cost of meals.

If Local Housing Authorities (LHA) "transfer" tenants in accordance with applicable DHCD and LHA policies, these types of moves generally would not be considered temporary relocation and would not be subject to these guidelines.

## **6. Temporary Relocation Assistance and Payments**

Relocation services and payments to be provided by the Temporary Relocation Entity for person(s) who are temporarily relocated include:

- Appropriate relocation advisory services, including, but not limited to, meeting with and talking with each tenant or the head-of-household, to determine if there are specific requirements of household members that will need to be addressed during the period of temporary relocation, including, but not limited to, accessibility requirements, medical requirements/appointments, meal deliveries or other in-home services, pre-scheduled travel plans, mail and package deliveries, pets/plants.
- Payment of the cost of actual, reasonable moving and related expenses for the move to and from the temporary location, including moving supplies and assistance (e.g. packing/crating and unpacking/crating), as necessary and reasonable.
- Payment of any increased interim housing costs, including an increase in rent and utility costs, during the period of temporary relocation.
- Payment of the cost for other actual, reasonable expenses incurred in connection with the temporary relocation, which may include, but are not limited to, temporary hotel/motel accommodations, the cost of disconnecting and reconnecting telephone or cable TV/internet services, or reasonable costs for the storage of household goods. For costs that are not paid directly by the Temporary Relocation Entity, it is advised that tenant(s) provide documented/receipted expenses.
- Written notification to tenant(s) about the temporary relocation and that they will not be permanently displaced. Notices should be personally delivered with documentation of delivery, or sent by certified mail, return receipt requested. Provisions should be made for appropriate translation or interpretation of notices for person(s) with disabilities or who are Limited English Proficient (unable to speak, read or understand English well).

The Bureau of Relocation (Bureau) suggests the Temporary Relocation Entity keep detailed written records of each tenant's relocation, including phone logs, correspondence, etc.

## **7. Notices to Tenants Temporarily Relocated**

Providing written information to tenant(s) as early in the process as possible is recommended to inform the temporarily relocated person(s) that a project has been proposed and that the Temporary Relocation Entity has determined that they will not be required to move permanently.

In all cases, generally *not less than thirty (30) days* before the actual date of the temporary relocation, it is suggested tenant(s) receive a written notice of the "move-out" date. Such notice should also explain that upon completion of the renovations, tenant(s) will be able to move back to their original unit or another suitable unit in the rehabilitated/renovated building or housing portfolio. The following information is commonly provided:

- The anticipated duration of the temporary relocation, including the beginning and end dates;
- Address of a suitable, decent, safe and sanitary dwelling unit to be made available for the temporary period.

- Information on the move and the assistance and payments expected to be made by the Temporary Relocation Entity for moving and other related costs and any increase in monthly rent/utility costs associated with the temporary relocation, if applicable.
- Terms and conditions for reimbursement for actual and reasonable out-of-pocket expenses incurred for moving to and from the temporary location, if applicable.
- Project contact person(s), including phone number(s) and email(s).

Further, as the end of construction nears, a written notice *approximately fifteen (15) to thirty (30) days* in advance of the “move-back” date is also advised to provide tenant(s) with specific information for returning to the project.

Depending on the complexity of the project, a Temporary Relocation Entity is encouraged to provide more than one advance notice and earlier notice for person(s) who will be relocated for an extended period of time.

If the project also includes federal financial assistance, it is advised to consult with the agency or department of the federal government providing the funding about policies and procedures for specific written notices to tenants, such as a General Information Notice (GIN), a Notice of Non-Displacement, etc. It is recommended that such written relocation notices for projects with both federal and state/local financial assistance include both federal and state regulatory citations when describing potential rights of displaced person(s) to relocation assistance and payments.

## **8. Temporary Relocation Plans and Relocation Advisory Agency (RAA) Designation**

These guidelines establish that Temporary Relocation Entities submit a Temporary Relocation Plan for Bureau review when an activity will result in the temporary relocation of the occupants of more than thirty (30) residential units, addressed to:

Bureau of Relocation  
 Department of Housing and Community Development  
 100 Cambridge Street, Suite 300  
 Boston, MA 02114  
 c/o Urban Renewal and Relocation Coordinator

The Bureau will also review Temporary Relocation Plans voluntarily submitted. Temporary Relocation Plans should be submitted as far in advance as practicable to ensure that adequate relocation assistance is provided, but *at least 45 days* before the anticipated date of the commencement of relocation. Temporary Relocation Plans will be reviewed for conformance with these temporary guidelines.

Local Housing Authorities (LHAs) or other entities subject to these guidelines which are unsure of staff capabilities for relocation planning and relocation assistance services may request temporary relocation training by the Bureau of Relocation. Displacing entities submitting a Temporary Relocation Plan may request designation as a temporary relocation advisory agency, or retain a relocation consultant to be the project’s temporary relocation advisory agency, under the procedure in 760 CMR 27.02 (2).

## 9. Contents of a Temporary Relocation Plan

When submitting a Relocation Plan for temporary relocation, include the following:

- Description of the project, including the project name, project address(es).
- Description of the project's secured and anticipated local, state, and/or federal funding source(s).
- Temporary Relocation Entity Contact Information during construction and period of temporary relocation, including names, addresses, phone numbers, and emails.
- Information on the number of individuals and families/households to be temporarily relocated, including unit size (bedrooms) and whether any person(s) require accommodation in the temporary unit for any specific needs<sup>1</sup>.
- Description of how the Temporary Relocation Plan will be implemented, including phasing as applicable, and the total project duration.
- Duration of the anticipated period of time person(s) will be temporarily residing in relocated unit(s), including projected beginning and end dates.
- Description of the temporary housing accommodations to be provided. Note: the temporary housing provided must be decent, safe, and sanitary on a nondiscriminatory basis for person(s) who will be moved temporarily.
- Description of the re-occupancy criteria for rehabilitated/renovated residential units;
- A general description of relocation assistance and payments, including advisory services and notices, to be provided by the Temporary Relocation Entity, along with payment procedures for reimbursements, as applicable.
- Description of the notification to residents that the Temporary Relocation Plan is available for review and establishment of a reasonable period of time for review. Written comments received by the Temporary Relocation Entity are requested to be forwarded to the Bureau at the end of the comment period.
- Description of the appeal process for aggrieved person(s) temporarily relocated. Such appeal is recommended to be made to an impartial person at the Temporary Relocation Entity.
- An estimate of the total costs of temporary relocation.

## 10. When Temporary Relocation Becomes Permanent Relocation

If a tenant who is temporarily relocated becomes a “displaced person” as defined by M.G.L. Chapter 79A, the tenant will be entitled to the full range of relocation benefits set out in M.G.L. Chapter 79A and 760 CMR 27.00. This may include, but is not limited to, replacement housing payments<sup>2</sup> (see 760 CMR 27.06 (3)).

In addition, if a Temporary Relocation Entity determines a tenant's household does not meet all the occupancy criteria associated with a funding program requirement (for example, maximum household income) to return to a project, the occupants of the household may also be considered permanently displaced.

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<sup>1</sup> Care shall be taken with respect to the privacy rights of person(s) temporarily relocated. Personal data which is in the Relocation Plan is requested to be provided in an addendum or otherwise formatted so that it will be kept confidential by the holders of the data. M.G.L. Chapter 66A and the provisions of 760 CMR 8.00, as applicable, shall be followed with respect to personal data.

<sup>2</sup> Please note that capped maximums for replacement housing payments may be exceeded under “Housing of Last Resort” when comparable replacement dwellings are not available under the monetary limits.

## **11. When a Project Also Includes Federal Funding**

For housing projects undertaken with federal financial assistance from an agency or department of the federal government, such as the U.S. Department of Housing and Urban Development (HUD), the Temporary Relocation Entity should consult with that agency or department about specific federal requirements for relocation assistance and payments.

**For additional information contact (617) 573-1408**