



# Commonwealth of Massachusetts EXECUTIVE OFFICE OF HOUSING & LIVABLE COMMUNITIES

## RELOCATION ASSISTANCE GUIDELINES

SUBJECT: Guidelines for Tenant In-Place Rehabilitation

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### 1. Introduction

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, in carrying out rehabilitation projects, such as when housing authorities are upgrading or modernizing facilities with state funds, day relocation of person(s) may be necessary for a short period of time. The Bureau of Relocation (“Bureau”) often receives questions about what type of assistance should be provided. Therefore, these guidelines are being issued to clarify what is expected of displacing entities when day relocation occurs due to tenant-in-place rehabilitation.

### 2. Applicability

For the purposes of these state guidelines, tenant-in-place rehabilitation occurs when there is planned construction activity using state and/or local public funding that will take place during daytime hours requiring tenant(s) to leave their housing unit(s) for several hours on one day or for several days, but tenant(s) are able to return to a safe and functional unit every night with a working bathroom, working kitchen, heat, or air conditioning, as applicable.

### 3. Relocation Planning

Tenant-in-place rehabilitation projects should be planned 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. Sometimes, construction activities may create odors, dust, debris, noise, or other conditions which may impact the safety and sanitary conditions of the residential unit. There may also be residents, such as persons with disabilities, that may not be able to vacate their residential unit for any period of time. For these situations and others, tenant-in-place rehabilitation may not be an option for the rehabilitation project.

When deemed feasible for a specific rehabilitation project, the following actions are recommended when planning for tenant-in-place rehabilitation:

- In order to minimize disruption, displacing entities should, to the extent possible, schedule construction work so as to minimize the number of times contractor(s) will need to access each individual unit for rehabilitation/construction work.
- Schedule meeting(s) to alert tenant(s) to the upcoming construction activities and notify the residents' or tenants' association or organization, if there is one.
- Meet with and talk 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 construction, including, but not limited to, accessibility requirements, medical requirements/appointments, meal deliveries or other in-home services, pre-scheduled travel plans, evening work schedules such that tenant(s) need to sleep during the day, pets/plants.
- Keep detailed, written records for each tenant household, including phone logs, correspondence, etc., respecting the privacy rights of tenant(s) when personal information is provided.
- Give to each tenant household advanced written notification<sup>1</sup> prior to the date the tenant(s) needs to leave the unit (consider, for example, a 30-day notice, 14-day notice, and/or a 48-hour notice depending upon the scope of rehabilitation work and complexity of the project), as well as information on the typical construction workday (e.g. weekdays between 8:00 a.m. and 4:00 p.m.) and duration (e.g. one day, several successive days, or days scattered over more than one week).
- Provide moving supplies (e.g. packing materials, protective plastic sheets,) or moving assistance, or both, to be paid at the displacing entity's expense, to person(s) requesting assistance when construction work in the unit may require that the furniture or household belongings be moved or stored away from an area where work may occur.
- Arrange for space, such as a community room or a functional unoccupied unit when possible, for tenant(s) to go during the day when construction is underway. Ideally, this space will have facilities for food preparation/consumption and phone/TV/internet access.
- At the displacing entity's expense, consider providing a delivered meal(s) when there are no facilities in the community room/unoccupied unit that can accommodate food preparation and consumption. In some circumstances, a per-diem meal allowance for the cost of a meal may be an option when such facilities are lacking.

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<sup>1</sup>All notices to affected person(s) are recommended to 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).

- Offer a secure storage space or area (e.g. lockers), at the displacing entity’s expense, for storage of sensitive items, or consider other options for persons(s) to safely bring sensitive items with them in the event they are uncomfortable leaving such property in their unit.
- Displacing entities are recommended to provide tenant(s) with the name of a contact person or persons, along with telephone number(s) and email(s), for questions before and during the period of construction.

#### **4. Relocation Advisory Agency Designation and Relocation Plans**

Generally, person(s) impacted by day relocation for a short period of time as a result of tenant-in-place rehabilitation are not considered “displaced” for the purposes of the Bureau’s interpretation of M.G.L. Chapter 79A, and 760 CMR 27.00. Therefore, unless the tenant(s) become displaced persons as defined in M.G.L. Chapter 79A, § 1, Relocation Advisory Agency designation and a Relocation Plan, as described in 760 CMR 27.02 and 27.03, respectively, will not be required to be submitted to the Bureau for review and approval.

#### **5. 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 Bureau recommends consultation with that agency or department about specific federal requirements for relocation assistance and payments.

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

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