Introduction

"Not again!...Couldn't we watch 'Big Brother' just for a change?"
Introduction

• Introduction to FAA Order 5100.37B
• Outline General Requirements
• Planning / Budgeting / Implementing
• MAP-21 and its Future Effect on the Uniform Act (and your CIP Planning)
What Is The Uniform Act?

- Uniform Relocation Assistance and Real Property Acquisition Policies Act (Uniform Act or URA) (42 USC 4601 et seq)
- 49 CFR Part 24 (Uniform Act implementing regulation), Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally Assisted Programs (70 FR 590, January 4, 2005 and as may be amended)
What Is The Uniform Act?

The Uniform Act is a federal law that establishes minimum standards for federally funded programs and projects that require the acquisition of real property (real estate) and/or displaced persons from their homes, businesses, or farms. The Uniform Act's protection and assistance applies to the acquisition, rehabilitation, or demolition of real property for federal or federally funded projects.
Uniform Act Objectives

• To provide uniform, fair and equitable treatment of persons whose real property is acquired or who are displaced in connection with federally funded projects.

• To ensure relocation assistance is provided to displaced persons to lessen the emotional and financial impact of displacement.

• To ensure that agencies implement these regulations in a manner that is efficient and cost-effective.
Uniform Act Objectives

• To ensure that no individual or family is displaced unless decent, safe and sanitary (DSS) housing is available within the displaced person's financial means.

• To help improve the housing conditions of displaced persons living in substandard housing.

• To encourage and expedite acquisition by agreement and without coercion, minimize litigation and relieve congestion in the courts, and to promote public confidence in federal and federally-assisted land acquisition programs.
What Is FAA Order 5100.37B?

- FAA has specific duties under Uniform Relocation Assistance and Real Property Acquisition Policies Act (Uniform Act).
- The Order describes these mandates and provides the basis for FAA Airport monitoring and acceptance of airport sponsor real property acquisition and relocation assistance for AIP assisted projects and programs.
- FAA may not accept work that does not conform to the implementing Federal regulation, 49 CFR Part 24.
What Types of Projects Are Impacted?

Typical Airport Land Acquisition Projects
- Airport Runway Standards
  - Safety areas
  - Runway Protection Zone
  - Approaches (e.g., obstruction removal)
- Expansion
  - Extended or New Runway
- Noise Compatibility / Mitigation
  - Buy-out of homes within moderate / high airport noise contour
- New Airports
Outline of Requirements

- Subpart B  REAL PROPERTY ACQUISITION
- Subpart C  GENERAL RELOCATION REQUIREMENTS
- Subpart D  PAYMENTS FOR MOVING AND RELATED EXPENSES
- Subpart E  REPLACEMENT HOUSING PAYMENTS
- Subpart F  MOBILE HOMES

Land Acquisition
Relocation
FAA Order 5100.37B
Our annual hunting trip sure has changed since O.S.H.A. regulated ammunition.

I'm just hungry.
MAP-21 and the Uniform Act
### Moving and Related Expenses

<table>
<thead>
<tr>
<th>MAP-21 and Changes to URA</th>
<th>Current Law in United States Code</th>
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<tbody>
<tr>
<td>Section 202 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4622) is amended —</td>
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<tr>
<td>(1) in subsection (a)(4) by striking “$10,000” and inserting “$25,000, as adjusted by regulation, in accordance with section 213(d);” and</td>
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<tr>
<td>(2) in the second sentence of subsection (c) by striking “$20,000” and inserting “$40,000, as adjusted by regulation, in accordance with section 213(d).”</td>
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<tr>
<th>Sec. 4622. Moving and Related Expenses</th>
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<td>(a) General provision: the head of the displacing agency shall provide for the payment to the displaced person of……</td>
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<td>(4) actual reasonable expenses necessary to reestablish a displaced farm, nonprofit organization, or small business at its new site, but not to exceed $10,000.</td>
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<tr>
<td>(c) Displacement from business or farm operation; election of payments; minimum and maximum amounts; eligibility</td>
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<td>Any displaced person eligible for payments under subsection (a) of this section…may elect to accept the payment authorized by this subsection in lieu of the payment authorized by subsection (a) of this section. Such payment shall consist of a fixed payment in an amount to be determined according to criteria established by the head of the lead agency, except that such payment shall not be less than $1,000 nor more than $20,000…</td>
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### [B] REPLACEMENT HOUSING FOR HOMEOWNERS

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| The first sentence of section 203(a)(1) of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4623(a)(1)) is amended—  
(1) by striking “$22,500” and inserting “$31,000, as adjusted by regulation, in accordance with 213(d);” and  
(2) by striking “one hundred and eighty days prior to” and inserting “90 days before.” | Sec. 4623. Replacement housing for homeowner; mortgage insurance  
(a)(1)...the head of the displacing agency shall make an additional payment not in excess of $22,500 to any displaced person who is displaced from a dwelling actually owned and occupied by such displaced person for not less than one hundred and eighty days prior to the initiation of negotiations for the acquisition of the property. |
### (C) REPLACEMENT HOUSING FOR TENANTS AND CERTAIN OTHERS

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<td><strong>Section 204 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4624) is amended—</strong></td>
<td><strong>Sec. 4624. Replacement housing for tenants and certain others</strong></td>
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<tr>
<td>(1) in the second sentence of subsection (a) by striking “$5,250” and inserting “$7,200, as adjusted by regulation, in accordance with section 213(d);” and</td>
<td>(a) …the head of a displacing agency shall make a payment to or for any displaced person displaced from any dwelling not eligible to receive a payment under section 4623 of this title which dwelling was actually and lawfully occupied by such displaced person for not less than 90 days immediately prior to</td>
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<tr>
<td>(2) in the second sentence of subsection (b) by striking “except” and all that follows through the end of the subsection and inserting a period.</td>
<td>(1) the initiation of negotiations for acquisition of such dwelling, or</td>
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<tr>
<td>(2) EXCEPTION—The amendments made by subsections (a) through (c) shall take effect 2 years after the date of enactment of this Act.</td>
<td>(2) in any case in which displacement is not a direct result of acquisition, such other event as the head of the lead agency shall prescribe. Such payment shall...not...exceed $5,250.</td>
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<td></td>
<td>(b) Any person eligible for a payment under subsection (a) of this section may elect to apply such payment to a down payment on, and other incidental expenses pursuant to, the purchase of a decent, safe, and sanitary replacement dwelling. Any such person may, at the discretion of the head of the displacing agency, be eligible under this subsection for the maximum payment allowed under subsection (a) of this section, except that, in the case of a displaced homeowner who has owned and occupied the displacement dwelling for at least 90 days but not more than 180 days immediately prior to the initiation of negotiations for the acquisition of such dwelling, such payment shall not exceed the payment such person would otherwise have received under section 4623(a) of this title had the person owned and occupied the displacement dwelling 180 days immediately prior to the initiation of such negotiations.</td>
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Implementing FAA Order 5100.37B in your project could be complex, and it may be tempting to forego the “hassle.”

Remember -- **It is the law!**
Following the “spirit of the law” is not good enough and in some circumstances can jeopardize your project funding and lead to unexpected project costs.
FAA Airport Improvement Program Guidance

- FAA Order 5100.38 – AIP Handbook
  - FAA Work Acceptance Rules
    http://www.faa.gov/airports/aip/aip_handbook/

- Land Acquisition and Relocation Assistance Guidance
  http://www.faa.gov/airports/environmental/relocation_assistance
  - FAA Advisory Circular (AC) 150/5100-17
    - Uniform Act Procedural Guidance
    - Documentation Formats
    - Sponsor Certification / Quality Control
Authorization (Law)

- MN Statutes 505.1793
- “To facilitate the acquisition of right-of-way required for public transportation and public utility and drainage easements, the governing body of a statutory or home rule charter city or town may file for record ….”
Metes and Bounds
Metes and Bounds…

- Traditional Method – well accepted
- Works well with a ‘few’ parcels
- Does not legally require a sketch or drawing
- Cumbersome when descriptions get longer
Right of Way Plat
Why Use R/W Plat??

• Makes deed descriptions much simpler. Can use only Parcel number (by Statute)
• Overall airport boundary (most of the time)
• One drawing, all in one place – fewer chances for error
• Staked corners
• Can help negotiations – overall perspective
Tips and Pitfalls

• Use with ‘many’ parcels in close proximity to each other (think roadway)
• Don’t record until negotiations are “final.” This gets tricky……
• How about a County-owned airport….??
• Tie to your airspace coordinates!!
Thank You