



Exempt Action Final Regulation Agency Background Document

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| Agency name | Virginia Dept. of Transportation (Commonwealth Transportation Board) |
| Virginia Administrative Code (VAC) citation | 24VAC 30-41 |
| Regulation title | Rules and Regulations Governing Relocation Assistance |
| Action title | Revision to Comply with Changes in State Law |
| Date this document prepared | June 5, 2014 |

When a regulatory action is exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the Virginia Administrative Process Act (APA), the agency is encouraged to provide information to the public on the Regulatory Town Hall using this form.

Note: While posting this form on the Town Hall is optional, the agency must comply with requirements of the Virginia Register Act, Executive Orders 14 (2010) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Summary

Please provide a brief summary of all regulatory changes, including the rationale behind such changes. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

These regulations establish the rules and procedures VDOT will follow in providing relocation services and payment to property owners displaced by highway improvement projects in accordance with state laws and federal regulations. The General Assembly enacted Chapter 218 (HB 990) during the 2014 legislative session to amend the Code of Virginia to raise the authorized payment to a displaced homeowner from \$22,500 to \$31,000 and reduce from 180 to 90 the number of days that may pass between displacement and negotiations for the acquisition of property before such payment is authorized. The legislation also increases from \$5,250 to \$7,200 the maximum payment permitted to a person leasing or renting a comparable replacement dwelling for a period of 42 months. The provisions of the bill relating to such payments and time period have a delayed effective date of October 1, 2014.

The Office of the Attorney General examined the amendments and verified that the Commonwealth Transportation Board has the authority to amend the regulation as indicated; the statutory authority cited at the time of approval is §§ 33.1-12 (5) and 25.1-402 of the *Code of Virginia*. The OAG also concurred that the amendments are exempt from Article 2 of the Administrative Process Act because they are made pursuant to § 2.2-4006 (A) (4) (a).

The table below lists the changes made to the regulations due to enactment of Chapter 218:

| Section(s)/Titles | Revisions to existing language |
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| 24VAC30-41-30 Definitions | "Displaced person" - Removed language in 6. |
| 24VAC30-41-30 Definitions | "Financial means" - Removed 180 days and 180-day homeowner; inserted 90 days and 90-day homeowner. |
| 24VAC30-41-220 Moving expense schedule | D. - Revised effective date of guidance document to October 1, 2014. |
| 24VAC30-41-290 Actual direct losses of tangible personal property | C.2. - Revised effective date of guidance document to October 1, 2014. |
| 24VAC30-41-300 Searching expenses | B. - Revised effective date of guidance document to October 1, 2014. |
| 24VAC30-41-310 Reestablishment expenses | B. - Revised effective date of guidance document to October 1, 2014. |
| 24VAC30-41-320 Fixed payment in lieu of actual costs | F. - Revised effective date of guidance document to October 1, 2014. |
| 24VAC30-41-340 Fully eligible occupants | A. Removed 180 days, \$22,500 and not to exceed \$5,250; inserted 90 days, \$31,000 and subject to the conditions set forth in 24VAC30-41-510. |
| 24VAC30-41-340 Fully eligible occupants | A. Removed owner-occupant of between 90-180 days and \$5,250; inserted \$7,200 and subject to the conditions set forth in 24VAC30-41-570. |
| 24VAC30-41-340 Fully eligible occupants | B. Removed \$22,500 and \$5,250; inserted \$31,000 and \$7,200. |
| 24VAC30-41-360 Requirements to receive payment | A.1. Removed of 180 days or more; inserted 90 days or more. |
| Part VIII | Removed for 180 days; inserted of 90 days. |
| 24VAC30-41-390 General | First paragraph – removed \$22,500; inserted \$31,000. |
| 24VAC30-41-400 Eligibility | #2 – removed 180; inserted 90. |
| 24VAC30-41-430 Purchase supplement payment computation | A.1. - Revised effective date of guidance document to October 1, 2014. |
| 24VAC30-41-510 | Section title –removed for 180; inserted of 90. |
| Part IX | Removed and owners who choose to rent replacement housing. |
| 24VAC30-41-520 General | A. - Removed last sentence concerning owner displacee. |
| 24VAC30-41-520 General | B. – Removed displaced owner and \$5,250; inserted \$7,200. |
| 24VAC30-41-520 General | C. - Revised effective date of guidance document to October 1, 2014. |
| 24VAC30-41-540 Disbursement of rental replacement housing payment. | Removed in the amount of \$5,250 or less. |
| 24VAC30-41-550 \$7,200 limit on offers | Title – removed \$5,250; inserted \$7,200. |
| 24VAC30-41-550 \$7,200 limit on offers | Removed \$5,250; inserted \$7,200. |
| 24VAC30-41-570 Down payment benefit – 90-day tenants | Removed \$5,250; inserted \$7,200. |
| 24VAC30-41-580 Section 8 Housing Assistance Program for low income families | C.2. – Removed \$5,250; inserted \$7,200. |
| 24VAC30-41-620 Replacement housing payments; general | A. – Removed 180-day or; removed or 180. |

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| 24VAC30-41-620 Replacement housing payments; general | B. – Removed \$5,250, owner and, \$22,500, and 180-day; inserted \$7,200, \$31,000, and 90-day. |
| 24VAC30-41-630 Replacement housing payments; 90-day owner-occupant | Title – removed 180-day; inserted 90-day. |
| 24VAC30-41-630 Replacement housing payments; 90-day owner-occupant | A. – Removed 180; inserted 90. |
| 24VAC30-41-630 Replacement housing payments; 90-day owner-occupant | A. – Removed not to exceed \$5,250. |
| 24VAC30-41-630 Replacement housing payments; 90-day owner-occupant | E. – Removed \$5,250; inserted \$7,200. |
| 24VAC30-41-640 Replacement housing payments to tenants of 90 days or more | Title. – Removed of 90 days or more and owner occupants of 90-179 days; inserted of 90 days or more. |
| 24VAC30-41-640 Replacement housing payments to tenants of 90 days or more | First paragraph. – Removed owner and \$5,250; inserted \$7,200. |
| 24VAC30-41-640 Replacement housing payments to tenants of 90 days or more | 3. – Removed all language |
| 24VAC30-41-650 General | A. – Removed \$5,250 and \$22,500; inserted \$7,200 and \$31,000. |
| 24VAC30-41-650 General | B. - Revised effective date of guidance document to October 1, 2014. |
| 24VAC30-41-660 Utilization of last resort housing | 2. – Removed \$22,500 and \$5,250; inserted \$31,000 and \$7,200. |
| 24VAC30-41-680 Last resort housing alternative solutions | A.1. – Removed \$22,500 and \$5,250; inserted \$31,000 and \$7,200. |
| FORMS | Removed reference to outdated forms RW-65A(1) and RW-65B(1); inserted reference to updated forms RW-65A(1) and RW-65B(1). |
| Guidance Document | Revised text to reflect changes in dollar amounts allowed, new effective date. |

Statement of final agency action

Please provide a statement of the final action taken by the agency including (1) the date the action was taken, (2) the name of the agency taking the action, and (3) the title of the regulation.

On July 16, 2014, the Commonwealth Transportation Board approved amendments to the "Rules and Regulations Governing Relocation Assistance" implementing the provisions of Chapter 218 of the 2014 Acts of Assembly.

Family impact

Assess the impact of this regulatory action on the institution of the family and family stability.

This regulatory action is likely to have a positive effect on families that receive relocation assistance under these regulations, since the allowable payment amount will be increased, and the time frame between commencement of negotiations for property acquisition and authorization of these payments will be decreased.