



Land Acquisition Grant Program Uniform Act and Relocation of Displaced Persons Guidance

Oregon Watershed Enhancement Board
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Background

OWEB has certain responsibilities under the Relocation of Displaced Persons statutes (ORS 35.500-35.530) and the federal Uniform Relocation and Real Property Acquisitions Policies Act of 1970 (Uniform Act). Specifically, business and residential tenants that are displaced as a result of an OWEB-funded acquisition may be eligible for advisory services and relocation benefits. ***Landowners are not eligible for relocation services or benefits in association with OWEB-funded acquisitions, which are voluntary transactions.***

OWEB Responsibilities

OWEB is responsible for providing relocation services and benefits in accordance with applicable laws. Any relocation costs will be paid by OWEB outside of grant awards. Lawful tenants will be eligible for relocation services and benefits when the property is purchased or upon receiving a notice to vacate the property, whichever occurs sooner. ***Relocation-related costs incurred by tenants prior to the eligibility date may not qualify for reimbursement by OWEB.***

Grant Applicant Responsibilities

The grant applicant is required to:

1. Submit a fully executed Landowner Acknowledgement Form with the grant application. The form is structured to meet the requirements of the Uniform Act and applicable State law related to voluntary acquisitions. Specifically, to qualify as a voluntary acquisition, the landowner must: (i) be advised in writing that the property will not be acquired if negotiations fail; and (ii) be provided with a written estimate of the property value and the basis of that estimate. OWEB's Landowner Acknowledgement Form is structured to meet these requirements; and
2. Inform OWEB, in the grant application, of any tenants on the property and cooperate with OWEB in an effort to determine the estimated time, effort and cost that will be associated with OWEB fulfilling relocation obligations, if any, to tenants if the grant is awarded.
3. If the grant is awarded, agree to a condition in the grant that requires the grantee to allow any tenants to remain on the property until OWEB has fulfilled its statutory obligations, if any, regarding relocation of displaced persons.

Cooperative Efforts

Prior to closing, OWEB grantees must not act independently of OWEB on any matters pertaining to tenants on a property for which OWEB has granted land acquisition funds. If tenants exist on the property, or the potential exists for tenants on the property before the property is purchased (or conservation easement is purchased on the property), the grantee must cooperate with OWEB's efforts to:

1. Determine whether existing tenants may be eligible for relocation advisory services or benefits;
2. Provide initial information to tenants who may be eligible for relocation advisory services or benefits;
3. Advise existing tenants not to vacate the property until OWEB has fulfilled its statutory obligations, if any, regarding relocation of displaced persons;
4. Avoid relocation obligations under any new tenancies; and
5. Complete other efforts necessary to comply with relocation laws.

Local Government Grantees

If OWEB's grantee is a local government that has demonstrated the experience and capacity to provide relocation benefits to tenants, OWEB, subject to approval by the grantee and the Department of Justice, may elect to delegate all or a portion of relocation duties to the grantee. Details of any such arrangement would be specifically provided in the OWEB grant agreement.

Any questions should be referred to Miriam Hulst at 503-986-0026 or miriam.hulst@state.or.us.