

#### **50 WAYS TO LOSE YOUR MONEY**



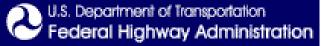
Federal Highway Administration
Office Of Real Estate Services



#### PURPOSE OF THIS PRESENTATION

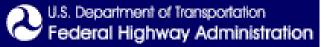
 To ensure federal funds are not lost due to actions taken in noncompliance with applicable laws and regulations.





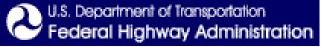
## "Are there REALLY 50 ways to lose my federal funds?"





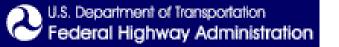
### YES—ACTUALLY, THERE ARE MORE THAN 50 WAYS. AND:

- You could lose the funding for a particular property or parcel; or,
- You could lose all federal funding in your project



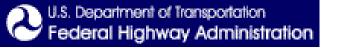
# FOLLOWING ARE 50 GREAT WAYS TO LOSE YOUR FEDERAL FUNDS





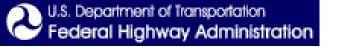
#### **APPRAISAL & ACQUISITION**

- 1. Don't give the property owner an opportunity to accompany appraiser [49CFR24.102(c)]
- 2. Don't base just compensation on an approved appraisal of the fair market value of the property [49CFR24.102(d)]
- 3. Don't offer just compensation to property owner [49CFR24.102(d)]
- 4. Don't give property owner written offer to purchase [49CFR24.102(d)]



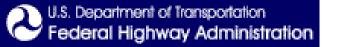
#### APPRAISAL & ACQUISITION CONTINUED

- 5. Don't give property owner reasonable opportunity to consider offer [49CFR24.102(f)]
- 6. **Don't offer to purchase uneconomic remnant** from property owner [49CFR24.102(k)]
- 7. Don't reimburse property owner for incidental expenses (closing costs, etc.) [49CFR24.106]
- 8. Don't offer to acquire buildings, structures, other improvements [49CFR24.105]



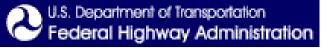
#### APPRAISAL & ACQUISITION CONTINUED

- Don't negotiate in good faith with property owner 9. [49CFR24.102(f)]
- 10. Don't provide written justification of an administrative settlement. [49CFR24.102(i)]
- 11. Don't inform donating property owner of the right to just compensation based on an appraisal of fair market **value** [49CFR24.108]
- 12. Don't make payment to property owner before requiring the surrender of possession of the property [49CFR24.102(j)]



#### RELOCATION ASSISTANCE

- 13. Don't give displacees 90-day assurance [49CFR24.203(c)]
- 14. Don't offer advisory services [49CFR24.205(c)]
- **15.** Don't explain relocation eligibility and entitlements [49CFR24.202]
- **16.** Don't provide relocation information in a timely manner [49CFR24.203]

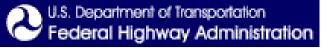


- 17. Don't offer comparable replacement housing [49CFR24.204]
- 18. Don't process claims expeditiously [49CFR24.207]
- 19. Don't provide an option for advance payment of claims [49CFR24.207(c)]
- **20.** Ask the displacee to waive their relocation entitlement [49CFR24.207(f)]

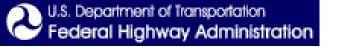
- **21.** Don't offer residential displacees the fixed moving schedule [49CFR24.302]
- **22.** Don't offer residential displacees a commercial move [49CFR24.301(b)(1)]
- 23. Don't offer residential displacees a self-move [49CFR24.301(b)(2)]
- 24. Don't offer non-residential displacees reimbursement for the actual, reasonable and necessary costs of moving [49CFR24.301(d)]

- **25.** Don't do inventories or monitor non-residential moves [49CFR24.301(d)]
- 26. Don't document "actual, reasonable, necessary" costs of nonresidential moves [49CFR24.301(a)]
- 27. Don't offer reestablishment expenses to eligible small business, farm or NPO [49CFR24.304]
- 28. Don't offer fixed payment in lieu of moving expenses to eligible nonresidential displacees [49CFR24.305]

- 29. Don't compute and offer replacement housing payment to displaced residential owner or tenant [49CFR24.401 and .402]
- **30.** Don't pay closing costs on replacement dwelling [49CFR24.401(e)]
- 31. Don't do DSS inspection of replacement dwelling [49CFR24.401(a)(2) and .402(a)(2)]
- 32. Don't allow tenant displacee to choose the down payment supplement option [49CFR24.402(c)]

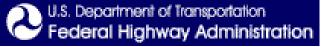


- 33. Don't allow a residential displacee adequate time to purchase or lease a replacement dwelling [49CFR24.204]
- 34. Don't justify use of Last Resort Housing options [49CFR24.404(a)]
- 35. Don't provide housing assistance to displacees who fail to meet length of occupancy requirements [49CFR24.404(3)(c)]



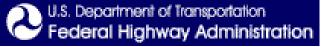
#### PROGRAM MANAGEMENT

- 36. Don't acquire adequate interest to construct, operate, and maintain highway facility [23CFR1.23(a)]
- 37. Don't maintain highway free and clear of unapproved uses [23CFR1.23(b)]
- 38. Don't certify that all right-of-way clearance, utility and railroad work is done before proceeding to construction [23CFR635.309(b)]
- 39. Don't have adequate staff or organization to carry out Uniform Act and related right-of-way responsibilities [23CFR710.201(a)]



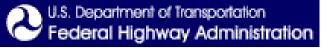
#### PROGRAM MANAGEMENT CONTINUED

- 40. Don't have an approved right-of-way operations manual [23CFR710.201(c)]
- 41. Don't provide adequate oversight of local public agency or consultant right-of-way activities [23CFR710.201(h)
- 42. Don't manage/preserve right-of-way assets [23CFR710.401]



#### PROGRAM MANAGEMENT CONTINUED

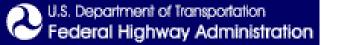
- 43. Don't have adequate property management procedures [23CFR710.401(b)]
- 44. Don't evaluate environmental impacts of disposals or leases [23CFR710.403(c)]
- 45. Don't evaluate safety impacts of disposals or leases [23CFR710.403(a)]
- 46. Don't charge fair market value for disposals or leases [23CFR710.403(d)]



#### PROGRAM MANAGEMENT CONTINUED

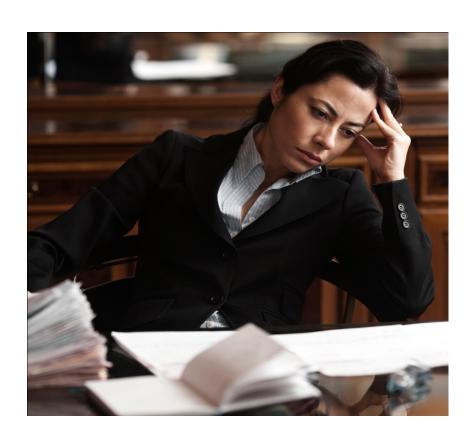
- 47. Don't comply with the Uniform Relocation Act
- 48. Don't comply with 49 CFR 24 and 23 CFR
- 49. Don't comply with State policies and procedures
- 50. Don't maintain adequate documentation—ignore:

The "Almost Golden" rule



#### The "ALMOST GOLDEN RULE"

#### "If it ain't documented, it didn't happen!"





#### THE LAW AND THE REGULATIONS

#### THE UNIFORM ACT

The Uniform Relocation
Assistance and Real
Property Acquisition
Policies Act of 1970, as
amended

[Public Law 91-646]

## CODE OF FEDERAL REGULATIONS

- 49 CFR Part 24
- 23 CFR Part 710
- 23 CFR 635.309
- 23 CFR 1.23
- 23 CFR 1.36





**FHWA** 

www.fhwa.dot.gov/real\_estate