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Superfund Response Actions: Temporary Relocations Implementation Guidance

Superfund Response Actions: Temporary Relocations Implementation Guidance

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DISCLAIMER

This document provides guidance to United States Environmental Protection Agency (EPA) Regions concerning how the Agency intends to exercise its discretion in implementing one aspect of Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) response actions—the temporary relocation of residents.

Some of the statutory provisions described in this document contain legally binding requirements. However, this document does not substitute for any statutory provisions or regulations, nor is it a regulation itself. Thus, it cannot impose legally binding requirements on EPA, states, or the regulated community, and may not apply to particular situations based upon the circumstances. Any decisions regarding a particular temporary or permanent relocation issue will be made based on statutory provisions or regulations, and EPA decision makers retain the discretion to adopt approaches on a case-by-case basis that differ from this guidance when appropriate.

Interested parties are free to raise questions and objections about the substance of this guidance and the appropriateness of the application of this guidance to a particular situation. The Agency welcomes public input on this document at any time. EPA may change this guidance in the future.

I. PURPOSE AND OBJECTIVES

The purpose of this guidance is to provide On-Scene Coordinators (OSCs), Remedial Project Managers (RPMs), Community Involvement Coordinators (CICs), representatives from the Office of Regional Counsel (ORC) of the United States Environmental Protection Agency (EPA), and potentially responsible parties (PRPs) with policy and recommended procedures for temporarily relocating residents during response actions carried out under Sections 104(a) and 106(a) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). Limited information is also provided for temporarily relocating businesses, see Section VII, "Types of Assistance Available." This guidance also is designed to help implement the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA), as amended, and the Uniform Relocation Assistance and Real Property Acquisition Regulations for federal and federally assisted programs contained in 49 CFR Part 24.

The objectives of this guidance are to ensure the following:

- Temporary relocations are carried out in a way that is sensitive to the needs of the people being relocated.

- EPA is fair and consistent in the way temporary relocations are carried out.

- All temporary relocations comply with relevant laws and regulations.

In this guidance, all relevant terms are defined according to the laws and regulations from which they are derived. The forms and letters included in the attachments are examples, and should be modified to meet site-specific needs. A "Temporary Relocation Checklist" is included in Attachment 1. This checklist includes the tasks that may need to be performed; it is not intended to stand alone as guidance.

Temporary relocations are carried out under removal and remedial authorities and can occur as part of an emergency response or an action that has a longer planning period. They can affect one person, a family, hundreds of people, businesses, farms, churches, and other organizations. Because of the range and scope of actions where temporary relocation may be contemplated, and because each resident's life has unique circumstances, this document is unlikely to answer all questions. Relocation experts in the Office of Emergency and Remedial Response (OERR) and the Office of General Counsel (OGC) have experience working with temporary relocations conducted throughout the ten Regions and also have contacts at other federal agencies who can provide additional advice. Regions are encouraged to contact their OERR Regional Coordinator for assistance in identifying appropriate experts.

This document supersedes "Guidance on Temporary Relocations During Superfund Removal Actions," EPA Region 5, August 1996, and any previous guidance on temporary relocations performed by EPA under CERCLA authority. All temporary relocations conducted under CERCLA authority, whether funded by EPA or conducted by PRPs, should be undertaken consistent with this guidance.

In general, EPA does not provide temporary relocation assistance to potentially responsible parties because of their role in creating or maintaining the situation that caused the relocation in the first place. However, in cases where a person's contribution to the contamination of their own residence has been very minor (*de minimis*), the Region may make the determination that a resident who may be a PRP is eligible for temporary relocation assistance based on a review of the facts at the time.

II. AUTHORITIES AND GUIDING PRINCIPLES

In 1971, Congress enacted the Uniform Relocation Assistance and Real Property Acquisition Policies Act (URA), Public Law (PL) 91-646 at 42 U.S.C. Section 4601. This Act provides for uniform and equitable treatment of people whose homes or businesses are acquired by federal and federally assisted programs. Congress later amended this law and designated the Department of Transportation (DOT) as the lead agency for its implementation. Under its authority as lead agency, DOT issued uniform regulations. These regulations, published in 49 CFR Part 24, provide specific rules for conducting permanent relocations and useful guidance for temporary relocations. EPA should be consistent with these regulations when implementing a temporary relocation.

In 1981, Executive Order 12316 delegated the CERCLA Section 104(a) temporary and permanent relocation authority to the Director of the Federal Emergency Management Agency (FEMA). In July 1984, FEMA delegated to EPA the authority to determine the need for temporary relocation as part of removal actions, but retained the authority to actually conduct the relocations. FEMA promulgated regulations for implementing temporary relocations under CERCLA. In the fall of 1990, Executive Order 12580 redelegated to EPA the authorities originally delegated to FEMA to conduct temporary and permanent relocations. FEMA later withdrew its regulations.

A CERCLA response action may require that EPA relocate people temporarily to ensure their health and safety or to allow EPA to conduct cleanup activities. Unlike permanent relocation, which generally involves the acquisition of real property by the federal government or PRPs, temporary relocation does not involve the acquisition of real property. Appendix A of the DOT Uniform Regulations distinguishes between displaced persons (owners or occupants of real property being acquired for federal or federally assisted projects) and owners/occupants of real property who are required to relocate temporarily in connection with such projects.

Appendix A of the DOT Uniform Regulations urges agencies to ensure consistent treatment for people who are being temporarily relocated and to reimburse them “for all reasonable out-of-pocket expenses incurred in connection with the temporary relocation, including moving expenses and increased housing costs during the temporary relocation.” The URA and its implementing regulations provide the guiding principles for EPA and PRP staff when conducting temporary relocations.

A. Applicability to Potentially Responsible Party-Led Temporary Relocations

This guidance provides a framework for determining what financial or advisory assistance is provided to residents when they are temporarily relocated during a PRP-lead or Fund-lead (funded by EPA using Superfund) response action. The Agency is committed to ensuring that all temporarily relocated residents and businesses receive fair and equitable treatment and that assistance provided is consistent among Superfund response actions.

Sometimes, PRPs will be asked to conduct temporary relocations of residents and businesses. While the URA and its regulations set the standard for federal and federally assisted projects, they do not discuss relocations performed by a non-governmental entity. To ensure that relocations conducted by PRPs meet the same or similar standards, the relevant URA

requirements and this guidance should be incorporated into the Record of Decision (ROD) or Action Memorandum and other enforceable decision documents.

As part of any response action, whether Fund- or PRP-lead, residents and business owners should be advised of the relocation procedures and assistance available very early in the process. Residents and business owners should be told that if they are not satisfied with a PRP's decisions regarding assistance, they should contact EPA in writing and provide a detailed description of their claim. The EPA OSC or RPM should contact his/her colleague in ORC and, when appropriate, his/her OERR Regional Coordinator at Headquarters regarding the claim. EPA should work with the PRP to ensure that affected parties are treated fairly and consistently (see Section VIII, "Termination of Assistance and Resolution of Disputes," for additional guidance).

The remainder of this guidance addresses the policies and implementation of temporary relocation operations during CERCLA response actions, as well as the parameters and the administration of temporary relocation assistance.

B. Guiding Principles

The URA regulations, 49 CFR Section 24.2, Appendix A, provide requirements for temporary relocation. The following requirements serve as guiding principles to help OSCs and RPMs make decisions about appropriate temporary relocation assistance for residents:

- The Agency should ensure fair and equitable treatment of people who are being temporarily relocated.

- Residents should be compensated for actual, reasonable, and necessary out-of-pocket expenses. In most cases, residents must first incur expenses to be entitled to reimbursement. Residents are not entitled to compensation for expenses that are never incurred.

- Residents are entitled to temporary housing that is, at a minimum, decent, safe and sanitary (see Attachment 2).

In addition to these principles, the Agency emphasizes the following:

- Regions should use a team approach to relocation planning and decision making to ensure clear communication and timely responses by the appropriate experts. The site team, led by an OSC or RPM, may be as small or large as needed given the complexity of the temporary relocation, and should include relocation support experts to ensure a successful relocation. The team approach is described in Section III of this document.

- Generally, temporary relocations are considered voluntary. In situations where the health or safety of residents is threatened by the contamination, the local government may use its own authority (e.g., authority to condemn property) to force a temporary relocation of occupants. Contact your OERR Regional Coordinator for additional support if residents refuse to relocate temporarily.

- Temporary relocation assistance is not intended to compensate individuals for expenses or losses associated with contamination at a Superfund site.

- Efforts should be made to limit the disruption of the residents' personal lives.

- EPA and its relocation support experts should avoid suggesting that specific assistance will be provided until it is known that the individual resident qualifies for the assistance.

III. TAKING A TEAM APPROACH

Historically, temporary relocations have consumed more of the OSC's/RPM's time than anticipated. Most OSCs and RPMs with experience implementing relocations strongly recommend forming a Temporary Relocation Team (the Team) to efficiently manage the temporary relocation. This team approach brings together people with a mixture of technical, outreach, and legal expertise to effectively support the affected community, while allowing the OSC/RPM to focus on implementing the cleanup. However, it is very important for the OSC/RPM to remain actively involved as a key member of the Team even as he or she implements the cleanup. The OSC/RPM may have to make key decisions that affect residents' lives and will need to know the community and each resident well.

The Team should be organized early to help the OSC/RPM determine if temporary relocation is a viable option. The size and composition of this Team will depend on the scope and complexity of the temporary relocation being considered. Some Team members may never meet one-on-one with the residents, while others may work closely with the community while serving as technical experts for the temporary relocation.

It is important for each agency or organization to understand EPA's leadership role and to have its own role clearly defined at the beginning of the project. The Team should immediately assign responsibility for its various functions. It is especially important for the Team to select one or two members to be the community's primary contacts on temporary relocation issues to ensure consistent communication between the community and the Team. It is often best to have more than one Team member attend meetings with the residents and to document these meetings fully and accurately. If not already done, the OSC/RPM should notify his or her Headquarters OERR Regional Coordinator that a temporary relocation is planned. Headquarters can provide additional guidance on implementing temporary relocations.

At first, Team members generally include:

- An OSC or RPM.
- A CIC.
- An attorney from the ORC.
- A relocation expert from another federal agency or an EPA contractor.

If the temporary relocation being considered is large or complex, other Team members may be added to the Team to offer specific expertise. These members may include:

- Representatives from the Region's offices responsible for external affairs/media relations.
- Representatives from the Region's office responsible for environmental justice concerns.
- Representatives from local government.

- State or tribal government representatives.

- Officials from local health and social service agencies.

- Officials from the Agency for Toxic Substances and Disease Registry (ATSDR), the Department of Housing and Urban Development (HUD), and other federal agencies.

The Team also may draw on the expertise of the OGC and OERR. It also helps to have a Team member with expertise on health and safety issues available to address residents' concerns. A list of key Team functions is included in Attachment 3.

For PRP-led temporary relocations, it is recommended that the PRP's team include members with expertise similar to those who would be involved in a fund-led response. The OSC/RPM overseeing a PRP-led temporary relocation should work closely with the PRP's team to ensure that people are treated fairly, consistently, equitably, and in accordance with this guidance, and to provide technical assistance where necessary.

EPA staff and relocation support experts must be sensitive to the needs of all affected residents, including those who live near the site but are not temporarily relocated. Even a small relocation may require hundreds of decisions. Temporary relocation disrupts everyone's lives, especially those residents with special needs, including:

- The elderly and families with small children requiring community services or special housing arrangements.

- People with pets needing special housing arrangements or kenneling.

- Families with school-age children who have after-school activities and require special transportation arrangements.

- People with complicated health problems who require special services.

- Owners of small businesses and farms who find temporary relocation especially difficult and potentially financially devastating.

- Community members who are opposed to the implementation or the scope of the response action.

- People who need to live near public transportation to get to work, school, or day care providers during the temporary relocation.

- People who find the temporary relocation particularly stressful and need extra support.

A. Getting Help From Other Sources

To support implementation of a temporary relocation, an OSC/RPM may request technical assistance from the United States Army Corps of Engineers (USACE), other federal agencies, and contractors. Technical assistance from relocation specialists is especially important for

large or complex relocations and for relocations that are expected to last more than a few weeks. Relocation experts should be consulted at key milestones in the decision-making process, such as when the availability of adequate temporary housing is being determined.

A.1. USACE Support

EPA has a Memorandum of Understanding (MOU) with USACE, under which USACE has agreed to provide technical assistance to EPA. USACE relocation support is usually provided by USACE's real estate experts. Such technical assistance may include relocation support services, such as:

- Identifying available temporary housing.
- Documenting each resident's unique needs.
- Determining relocation assistance payments.
- Arranging for rental furniture.
- Arranging for storage of personal property, if necessary.
- Arranging transportation for residents who are temporarily relocated away from their work or school.
- Arranging the moves to and from the temporary residence.
- Maintaining temporary relocation files.
- Obtaining temporary access agreements on real property affected by the response action (for an example of an access agreement, see Attachment 4, "Consent for Entry and Access to Property.").
- Answering resident's questions about the temporary relocation.
- Helping residents prepare their applications for assistance.
- Reviewing disputes and making recommendations to EPA (additional information on resolving disputes is available in Section VIII.B. of this guidance).

A Regional office may enter into a site-specific Interagency Agreement (IAG) with USACE to obtain technical support services. Regions also have access to an umbrella IAG that is managed in the Region or at Headquarters. These umbrella IAGs can be accessed quickly to obtain support for initial decision making and getting started with the temporary relocation. It may be necessary to put additional funds into the IAG before the USACE can fulfill all the requirements of the Statement of Work (SOW).

The Team may contact its OERR Regional Coordinator to access the Headquarters umbrella IAG. The IAG process should be started as soon as there is an indication that temporary relocation support from USACE will be needed. Funding for relocation support services will come from extramural resources. Each IAG must contain a SOW that describes the type(s) of

services to be performed (Attachment 5 contains a sample SOW for relocations). It is important that the SOW provides clear, well-defined expectations and that it emphasizes that this guidance is to be used for all fund-led temporary relocations. The OSC/RPM must stay closely involved in the effort by working directly with USACE and overseeing its work.

A.2. Contractor Support

Sometimes it is not possible to obtain on-site support from USACE relocation specialists at the earliest stages of a temporary relocation. In these cases, the OSC/RPM may use the Emergency and Rapid Response Services (ERRS) and Superfund Technical Assistance and Response Team (START) contractors, or the Superfund Analytical Technical Assistance Contractors (SATA) or their subsequent replacement contracts. However, there are limitations on the use of ERRS/START or SATA contractors:

- The ERRS/START or SATA contractors generally should be used only in emergency situations (contact a Regional Contracting Officer for additional input). The OSC/RPM should discuss the extent of the ERRS/START or SATA contractors' role in the temporary relocation with the appropriate Regional Contracting Officer. If the ERRS/START or SATA contractors are used for the duration of the temporary relocation, the OSC/RPM must be available to monitor its actions. For long-term (more than a few weeks) or complex temporary relocations, the OSC/RPM should arrange for the services of USACE or a contractor with relocation expertise as soon as possible.

- Generally, contractor involvement should focus on performing initial relocation tasks, including identifying potential temporary housing, tracking costs, moving the residents to hotels, reimbursing residents for expenses, and handling routine procedures.

- Generally, the ERRS/START or SATA contractors may provide administrative support during the temporary relocation (e.g., tracking costs and paying temporary relocation expenses).

- The ERRS/START or SATA contractors never should be asked to do anything that will require making decisions regarding relocation assistance beyond what is clearly described in this guidance or involves EPA's discretion. The OSC/RPM should provide the contractor with very clear instructions regarding EPA's expectations.

A.3. Public Affairs

CERCLA actions involving temporary relocations are likely to generate considerable public interest, resulting in greater demand for public affairs and community involvement activities than is normally necessary for Superfund actions (see EPA Publication 9360.3-05, "Superfund Removal Procedures, Public Participation Guidance for On-Scene Coordinators: Community Relations and the Administrative Record"). It may be desirable to have an experienced CIC help the Team identify public information and community needs, and perform the appropriate outreach to the media and Congress. EPA should coordinate development of the appropriate public information materials—including statements to the press or interviews with the media—with USACE and other federal, state, and local officials.

A.4. Congressional Relations

A temporary relocation may attract congressional attention. In these cases, the Team should coordinate with the appropriate Regional and Headquarters representatives in all Congressional activities. This includes notifying the appropriate Congressional liaison in the Region before making any Congressional contacts concerning sites where relocation activity is involved. The timing of news releases and media events should be coordinated with the release of information to the Congressional delegation.

A.5. Additional Support Options and Funding Tools

Additional tools are available to OSCs and RPMs for getting temporary relocation support and for quickly acquiring necessary goods and services. Some of these tools are most appropriate for removal actions; others are useful for both removal and remedial actions. Procedures for using these tools are described in the “On-Scene Coordinator Toolbox Guide,” EPA Directive 9242.2-12. For assistance, contact your Regional Contracting Officers.

IV. DEVELOPING A RELOCATION STRATEGY

A. Making the Relocation Decision

There are three primary reasons why a Region may select temporary relocation as part of a response action:

- *Health threats*—The contamination may pose an unacceptable threat to human health, or implementation of the response action may pose an unacceptable health risk to residents (e.g., there could be an increased chance of exposure during sampling, bulking, and excavation).

- *Safety of residents*—The response action itself may pose an unacceptable risk to residents (e.g., use of heavy construction equipment too near a house could threaten the integrity of the structure or pose an attractive nuisance to children).

- *Efficiency of the response action*—The response action can be implemented more quickly and at a lower cost if residents are not in the area (e.g., work hours can be extended to include early morning and late evening hours when residents would normally be at home).

Temporary relocation should not be selected if health and safety risks or circumstances that pose an unreasonable inconvenience can be adequately addressed by other means without significantly increasing the overall cost or duration of the response action. However, on a case-by-case basis, in unusual situations, Regions may select temporary relocation when they think the response action creates too much of a disruption to residents (e.g., use of heavy, noisy equipment may keep them awake at night, they may not be able to easily access their homes during the response action, and they may have concerns over strong odors from the contaminated area).

B. Gathering and Analyzing Resident and Household Information

Before selecting temporary relocation, the Region should form a small Temporary Relocation Team to gather information necessary to implement a temporary relocation, and in cases where the Region has some flexibility in response options, to determine whether temporary relocation is viable given site specific circumstances. The Team will be led by the OSC/RPM. For emergency actions, the OSC may ask an EPA contractor to join the team to locate appropriate accommodations and provide other support as time permits. For response actions with more planning time, the OSC/RPM may ask USACE or an EPA contractor to join the team to determine if temporary housing is available. A CIC may also join the Team at this time. The OSCs/RPMs are encouraged to solicit support from others as early in the decision-making process as possible.

The information the Team gathers should be analyzed carefully. ***This analysis should be done before an announcement is made to offer temporary relocation.*** Depending on site circumstances, this analysis can be done using information that is already available to the Team. However, the Team may find it necessary to gather additional information. Whenever

possible, the Team member(s) who will perform the temporary relocation should be involved in gathering this information to begin establishing consistent relationships with the residents.

In most instances, detailed discussions with residents about the possibility of temporary relocation should be avoided at this stage. If questions arise, it is better to be clear that the scope of the response action is still being considered.

The analysis, which may be streamlined in emergency situations, may include the following information about the overall community:

- An estimate of the number of households to be temporarily relocated, including information on owner/tenant status, family characteristics, and special considerations of the impacts on minorities, the elderly, large families, and residents with physical or mental disabilities, where applicable.

- An estimate of the number of decent, safe, and sanitary temporary replacement apartments, houses, or hotels/motels available in the area that are expected to be available and can fulfill the needs of households being temporarily relocated.

- An estimate of the number, type, and size of any businesses, farms, or nonprofit organizations to be temporarily relocated and the approximate number of employees that may be affected.

- The residents' feelings and concerns about the temporary relocation and their willingness to allow EPA and its representatives access to their homes and property.

From this and other information, the Team should answer the following questions:

- Does the temporary relocation have a clear ending date, or would it be more appropriate to consider permanent relocation?

- Are there alternatives to temporary relocation?

- Is there enough temporary housing available (e.g., hotels, apartments, rental homes) at reasonable rental rates to support the housing demand? (USACE, a local real estate agent, or an appropriate contractor can help determine housing availability).

- Are there residents with special needs (e.g., who require housing with wheelchair access or have a large number of pets) that cannot be accommodated by available temporary housing?

- Will the temporary relocation cause undue stress to any residents, specifically persons with disabilities, the elderly, or school-age children?

- How will relocated residents get to schools, work, and shopping? Is adequate public transportation available?

- Is the community likely to resist temporary relocation?

- Does the community have unique cultural needs that must be considered?

- Are non-residential properties (e.g., businesses, farms, and schools) located within the relocation area? Temporarily relocating businesses may severely hinder their ability to remain economically viable. It is often impossible to relocate farms temporarily. The OSC/RPM may consult their OERR Regional Coordinator at Headquarters for advice.

- Can any other authority, such as the state or local government, take the lead or play a significant role in implementing a temporary relocation?

If the answers to any of these questions pose potential problems for a successful temporary relocation, and there is some flexibility in response options, the Region should carefully examine other options, such as a change in the planned removal or remedial action. Examples of such changes may include:

- Altering the hours of site operations.

- Limiting the use of noisy equipment at times when residents are home.

- Arranging for children to attend day-time activities (e.g., day camp) to keep them away from heavy equipment being used at the site.

- Organizing a demonstration of heavy equipment being used at the site for parents and creating a booklet that emphasizes the dangers associated with heavy equipment for children.

- Increasing use of noise reduction, dust suppression, and odor control technology.

- Providing air conditioners or other equipment so residents can keep windows closed.

Once the Region makes the decision to offer temporary relocation to residents, this decision is documented in the Action Memorandum or ROD. In cases where the need for temporary relocation is not known at the time the decision document is signed, the relocation decision should be documented in an amendment to the action memorandum or a pollution report (polrep) in the case of a removal action. In the case of a remedial action, refer to “A Guide to Preparing Superfund Proposed Plans, Records of Decisions, and Other Remedy Selection Decision Documents,” EPA Directive 9200.1-23P for guidance on post ROD changes.

The OSC/RPM also should notify the appropriate Regional Coordinator in OERR. OERR can provide assistance in determining relocation eligibility, as well as information on relocation experiences in other Regions.

C. Site-Specific Relocation Plan

Once a decision to offer temporary relocation is made, the Temporary Relocation Team may develop a site-specific temporary relocation plan, especially for large or complex projects. A relocation plan will speed up decision making during the implementation of the temporary relocation and clarify expectations of Team members' roles and responsibilities. A well thought-out plan also will help Team members provide residents with accurate information. This plan may include the information gathered in the pre-decision analysis and can include the following information:

- A description of how information will be communicated to the residents.
- A description of community support activities, which may include relocation advisory services provided by EPA or other cooperating agencies (see Section V.A., "Communication is a Key to Success").
- The project budget, including estimated outlay schedules.
- Time frames for completing tasks.

Sometimes Temporary Relocation is Not Possible

A Superfund site in a residential neighborhood in New Jersey was once the location of a wood treatment facility where railroad ties and telephone poles were sent through canals filled with creosote and soaked in creosote lagoons. In the early 1960s, a developer bought the property, lightly covered the site with soil, and built 137 homes. In the mid-1990s, problems in the development came to EPA's attention after a sump pump in the basement of one of the homes began pulling up creosote into the basement.

EPA acquired and demolished several of the homes that sat over the lagoons or canals to facilitate the necessary excavation work on the lagoons and canals. Creosote has a strong smell, and EPA was concerned that odors released during the excavation could be objectionable to many of the nearby remaining residents.

Although EPA planned to take action to control odors, residents who lived next door to and across the street from the proposed excavation area asked for temporary relocation because they were concerned about effects of the odors on their health. EPA and ATSDR tried to assure residents that the odor would not pose a significant health threat, but residents were not convinced.

Before making the decision to offer temporary relocation to the affected residents, the Team conducted a real estate study. The study showed that private rentals in the area were almost non-existent and hotels wouldn't work because of the length of time needed for the relocation. The extremely tight housing market in that area had been made even tighter by a hurricane, which had struck a year earlier. Even if a few rentals could have been found, it would have been almost impossible to find an equitable way to decide who would go and who would stay.

The Agency decided it could not offer temporary location to any residents unless work being conducted on a property required shutting off utilities, which would make it temporarily uninhabitable.

By evaluating the options before making the decision to offer temporary relocation, the Agency was able to determine that temporarily relocating a large number of residents from this site would not be successful. Providing residents with conflicting information and ill thought-out plans was avoided.

- Responsibilities assigned to the Temporary Relocation Team members, including state and local agency participants (see Attachment 3, “Key Team Functions).

- Methods for notifying affected residents and receiving applications for assistance (see Attachment 7, “Notification Letter,” and Attachment 12, “Needs Determination”).

- A method for determining fair market rental rates (FMR) for the area (see Section VII.A.2, “Fair Market Rent for Houses or Apartments).

- The number of hotel/motel rooms needed and any special needs (e.g., adjoining rooms for families with children and refrigerators for baby milk and medications). If apartments and/or single family housing will be utilized, these requirements should be clearly described (see Section VII.A., “Temporary Housing”).

- Kenneling, rental furniture, and special transportation arrangements.

- Methods for documenting the condition of the primary residence (see Section V.D., “Documentation of the Primary Residence and Personal Property”).

- Procedures for allowing residents access to their primary residences while in temporary housing. Where necessary, residents should be warned before they vacate their property that they may not return until the response action is completed.

- Site security arrangements (see Section V.E., “Site Security”).

- Procedures for contracting.

- A description of how disputes will be addressed (see Section VIII.B., “Disputes”).

- The expected date when residents will be able to return to their homes and a description of the condition of their home, yard, and neighborhood they should expect upon return (especially if the response work will continue after they return). Include a description of how residents will be notified of the termination of their assistance (see Section VIII.A., “Termination of Assistance”).

Once the plan is finalized, each Team member should be given a copy for his or her reference.

D. Temporary Relocation Notification to Residents

Once a decision has been made to offer temporary relocation, EPA should immediately notify affected residents in writing where practicable. Where written notice is not practicable, EPA may notify residents verbally, as long as this notice is followed-up in writing with a notice letter. The notice letter should include the following information:

- Rationale for the decision to offer temporary relocation assistance.

- The government’s intention to meet with residents one-on-one to discuss their concerns and any unique or specific needs.

- Start date and approximate length and end date of the temporary relocation.
- Location of the suitable and decent, safe, and sanitary dwelling to be made available for the temporary period, if known.
- Description of the relocation assistance for which residents may be eligible and the procedures for obtaining that assistance.
- List of contacts and advisory services available to help residents file for temporary relocation assistance.
- Notification that residents may or may not be able to gain access to their primary residence during the temporary relocation.
- Reminders to residents to take important documents they may need while in temporary housing, such as tax and medical records, copies of leases and mortgage papers, school records, birth certificates, proof of a pet's vaccinations and passports.
- The terms and conditions under which residents may return to the primary residence or to another decent, safe, and sanitary location.

All notifications recommended under this guidance should be personally served or sent by certified or registered first-class mail, return receipt requested, and documented in Agency files. Notices should be written in plain, understandable language and should include the name and telephone number of a Team member who can be contacted for further information or assistance. Appropriate translation and counseling should be provided to people who cannot read or understand the notification. The Team is encouraged to maintain a careful file system to keep track of various correspondences that are mailed to residents. Attachment 7 is an example of a notice letter.

V. PROMOTING A SUCCESSFUL TEMPORARY RELOCATION WITH THE COMMUNITY

A. Communication is a Key to Success

Effective communication is the key to a successful temporary relocation. This communication can be done by the Team in two ways: through public meetings or one-on-one interviews. Public meetings are best for notifying residents of general plans; one-on-one interviews are best for discussing family-specific assistance and individual concerns. It is best if more than one, but not more than two or three, Team members attend both public meetings and the one-on-one interviews to assure that the discussions are recorded fully and accurately and to assure that consistent information is provided. These Team members should serve as the community's primary contacts for relocation issues.

During the first few public meetings and one-on-one interviews with residents, many Regions have found it best to spend more of the time listening to residents' needs and concerns, rather than just presenting the types of assistance that EPA can provide. It is also important during these meetings for EPA to:

- Inform residents about the role and responsibilities of key Team members.
- Be cautious when answering questions about specific temporary relocation assistance without a complete understanding of each resident's unique needs.

Communication is a two-way street. EPA staff and community members need to get to know each other. To help make this happen, consider doing the following:

- Introduce key members of the Temporary Relocation Team—including contractors or other agencies' relocation specialists—at the first public meeting to help residents become familiar with them.
- In addition to holding group meetings with community members and attending community meetings, meet separately with each household that is a candidate for temporary relocation to identify specific relocation needs and to explain the assistance available and the procedures for obtaining it. Uncertainty about the availability of financial support can significantly increase stress and can lead to unnecessary resistance to the relocation.
- Communication techniques that work well in one community may not be effective in others. Avoid a cookie cutter approach.
- Conduct public availability sessions, especially at key milestones in the process, so residents can ask questions in a one-on-one setting.
- Responsibility for the site rests with the OSC/RPM; therefore she or he is strongly encouraged to meet the affected residents and be aware of their individual needs and concerns.

- Avoid suggesting that specific assistance can be provided unless it is clear that the residents will qualify.

Team members should never discuss residents' personal circumstances during public meetings or with other residents. These discussions should be handled during one-on-one interviews. Residents may have someone from outside their household participate in these meetings. This may be especially important for senior citizens who feel more comfortable when a son or daughter is at their side.

B. Dealing with Stress and Disruption

Temporary relocation is a stressful experience and a major disruption to people's lives for many reasons:

- People have to leave their homes, gardens, neighbors, and neighborhoods.
- Residents may have a different and possibly longer commute to work.
- Children may need to be driven to school or bus service may need to be provided.
- The stores people are used to shopping in may no longer be convenient. This can be particularly difficult for the elderly.

Reaching residents living in a large geographic area can be very challenging.

At a pesticide-contaminated site in Ohio, Region 5 rented a van and equipped it to serve as a mobile community resource center. The van carried all the necessary forms and guidance that residents might need.

This approach might be helpful at other sites to increase community access to important information.

- The temporary homes may not be able to accommodate pets.
- Residents may harbor fears about potential exposure to the contamination.
- Once the cleanup is over, people will have to move back and try to re-establish their old connections and routines.

By the time a temporary relocation decision has been made, residents often have been dealing with a variety of site-related concerns for a considerable period of time, including their families' health, loss of their property values, and possible responsibility for damages. These concerns may come on top of personal difficulties people may be facing:

- Couples may be having marital difficulties.
- Families may be trying to cope with a member's drug or alcohol addiction.
- A family member may be experiencing mental or physical health problems.
- An elderly resident may be physically incapacitated.
- Residents may be experiencing financial hardships.

It is important to recognize that dealing with these difficulties may leave residents with relatively little capacity to deal with the additional stress of the relocation. Indeed, for some, the stress of the relocation may be the last straw.

When people's resources are stretched beyond their capacity, they may react unpredictably. EPA and other agency staff or contractors may become the target of residents' reactions even though they may not be the cause of the problem. Residents may become hostile in meetings, have difficulty understanding the explanations offered, be unable to make decisions in a timely manner, and become very anxious or depressed. It is important for the Team to remember that these negative reactions may not be targeted directly at them. Patience and compassion are helpful tools in these situations. Holding regular group meetings or open houses where residents can vent their frustrations can help to relieve the tension. It may be helpful to develop a reference guide for each resident that includes a list of social service providers in the community.

Helping Residents is More About Listening to Them Rather Than Telling Them What You Can Do

Region 1 successfully addressed an elderly resident's reluctance to be relocated by taking the time to listen to her carefully. Baffled by her reluctance, Team members met with her several times and eventually understood that she would feel more safe and comfortable staying with her daughter in another state than in temporary housing. Once her feelings were clear, a round trip airline ticket was purchased for her. Arranging for this resident to stay with her daughter reduced her concerns over the temporary relocation and eliminated the need for EPA to find a temporary residence near the site.

It is important to be consistent when communicating with the public. To ensure this:

- Limit the number of people who are responsible for contacting residents; the greater the number of people, the more likely that inconsistencies will creep into messages.
- All members of the Team should have the same information as that provided to the community. For example, if residents will not be permitted to return to their homes during the temporary relocation, they should be told this before they move.
- Community support staff should be in place at the time of the notification and application procedures so they can assist in obtaining information about each household and its housing needs. This will help EPA to match each household's needs with the appropriate temporary housing.
- Community support personnel should be available regularly to answer questions and provide support. Availability may be necessary during evenings and weekends when residents are home from work or school.
- To ensure that language barriers do not cause misunderstandings, have translators available if residents speak a different first language. Remember to provide translated written documents.
- Residents who are living in relocation housing should be given the names and phone numbers of EPA contacts, and staff should develop procedures for staying in contact with these relocated residents.
- Remember that communications do not stop once the residents are occupying temporary housing; they only just begin.

Here are some possible ways to explain the temporary relocation process and assistance available to residents:

- Provide a site-specific relocation booklet that explains the kinds of assistance available and the logistics of the relocation in an easy-to-understand style. A template for this booklet is available from your OERR Regional Coordinator.
- Hold a series of public availability sessions that provide opportunities for residents to get information about the cleanup, followed by one-on-one individual meetings with each household to allow time for personal questions.
- For large relocations, set up a toll-free number and/or a Web page with information about the clean-up and relocation.
- Place a bulletin board in a central location and post information on the status of the response action. Include the names and phone numbers of key contacts.
- Give each household a binder for relocation documents and information.
- Be sure to explain clearly the proposed clean-up activities and how and when the decision will be made to return the residents to their homes.
- Clearly describe the site conditions residents should expect to find when they return to their homes, especially if additional work on their property or in their neighborhood needs to be done.

C. Anticipate the Residents' Needs

It is important to recognize that temporary relocation disrupts people's lives. Therefore, the Team should make every effort to minimize these difficulties and inconveniences, especially if the relocation is going to last more than a couple of weeks. Besides resolving their relocation issues, other efforts that might ease residents concerns include:

- Helping residents file "Change of Address" forms with their Post Office so their mail will be forwarded to their temporary address during the relocation.

- Helping residents find acceptable accommodations for their pets. (Try to avoid temporary accommodations that require pets be kenneled for many weeks).

- Working with local social service agencies to ensure that any relocation assistance provided to residents is exempt from income considerations for food stamp, Medicaid, and Head Start programs.

- Helping residents connect with local organizations that can provide additional assistance, such as the American Red Cross, the Veterans' Administration, local churches, United Way organizations, and other nonprofit organizations.

The OSC/RPM or ORC also may work with landlords to minimize or prevent the increase of rents after the temporary relocation due to unavoidable improvements made to the rental property during the clean up (contact your Region's OERR Regional Coordinator at Headquarters for additional information).

Finally, it takes time to build a good working relationship with residents. Early and meaningful community involvement is one way to get off to a good start. This will set the tone for future relationships with residents and send a clear message to them that they have a role to play in decisions that affect them. Another way to build trust with residents is to avoid making promises that cannot be kept. Finally, remember that effective community involvement does not mean pleasing everyone all of the time. It may be necessary to "agree to disagree" with residents from time to time.

D. Documentation of the Primary Residence and Personal Property

While the primary goal of any response action is to mitigate the hazards at the site, it is also important to document the condition of personal and real property at the primary residence to prevent or settle disputes, protect everyone involved, and potentially increase residents' satisfaction with the results. The documentation needed depends on the nature and complexity of the response action and the temporary relocation.

Documenting the conditions of property at residential or commercial locations serves the following purposes:

- Provides a record of any pre-existing damage.

- Documents the existence and condition of items that will be disposed of or destroyed during the cleanup.

- Allows for more efficient restoration.
- Provides evidence in case of a dispute.
- Provides a record of any valuables that residents elect to leave behind.

Documentation of any pre-existing damage will allow EPA to determine any responsibility for the cost of repairs. It also can be used in discussions with property owners to settle damage claims. Videos and photographs can be very effective documentation, especially when they are accompanied by a survey of the land contours and drainage.

The following features should be documented in videos or photographs:

- Foundations of buildings
- Sidewalks and driveways
- Trees, shrubs, gardens, and other landscaping features
- Sprinkler systems and drainage pipes
- Pots, ornaments, and other detached fixtures
- Patio furniture and playground equipment
- Fences and gates
- Lights
- Exposed piping and plumbing
- Wet or barren areas
- Furniture, appliances, and electronic equipment
- Interior walls, wood work, carpets and other flooring
- Visible cracks in the walls, or inside or outside the structure
- Window air conditioning units and central heating/cooling units
- Dog houses
- Any other significant conditions or damage

It also is advisable to check electrical outlets, water spigots, and natural gas connections to ensure that they are in working condition. This information also can be recorded with video and photographs.

When videotaping, move the camera slowly to cover the entire area. As you film, talk into the camera's microphone to provide a detailed description of what you are filming. Whenever possible, ask the residents to participate in the video/audio recording. Describe the location of the camera and the direction from which the picture is being taken. This information also can be recorded in a logbook, and a map showing the general layout of the yard and the location of the camera can be included.

All appliances and electronic equipment in the homes should be checked to see if they are running properly during the documentation phase. Regions should consider videotaping the interiors of each home even if the cleanup may not require working inside the homes. This will help protect EPA and residents against future damage claims. The videotape footage of each residence should be accompanied by a catalog of the items videotaped, which could include the model numbers of electrical equipment, sales receipts, and other important information. Items

can be grouped together when videotaping or photographing them, but all items to be appraised should be fully visible, and their condition should be apparent in the videotapes or photographs.

When EPA assumes responsibility for reimbursing residents for items that will be disposed of or destroyed during the site cleanup, it is particularly important to gather sufficient documentation to allow for the proper appraisal of their value. Where interiors of buildings will be involved in the cleanup, appraisers may not be allowed to enter because of contamination. Thus, videos/photos of the interior and its contents can be useful tools for the appraiser.

For unique items, it is important that a value be established by an independent appraiser. Historically, EPA has used the services of local appraisers, as well as appraisers made available by the USACE. The type of appraisal expertise necessary may depend on the cost and uniqueness of the item being appraised. Once an independent appraiser establishes an appraised value, the Region should not make adjustments to the value without cause. For example, a resident may disagree with the appraised value and provide substantive support for their position. The Region then could agree to adjust the appraised value. The Team also can provide for the full replacement value of certain essential items (see Attachment 8 for a list of essential furniture items).

In addition to the videotape and photographs, documentation can include actual samples of the material that was removed. Small squares of carpet, wallpaper, cabinets, floor tile, and molding can be stored in sealed plastic bags to show their quality or color (videos and photographs do not always show the correct color or texture). Bags should be labeled to identify the sample, which residence it came from, and where in the residence it came from. These samples and the photo-documentation should be made available to the restoration contractor. It can be helpful to have a combination TV/VCR available at the residence so contractors can view the videos as the restoration progresses.

View the entire videotape and have photographs developed to make sure the images are clear and captured the necessary details before work begins. A sample form that can be used for recording this information can be found in Attachment 9, “Personal Property Appraisal Record.”

E. Site Security

Some residents may be reluctant to move temporarily if they fear that their property (both real and personal) may be vulnerable to vandals, fire, or other damage. The Team should describe to residents the security that will be provided at the site, and remind residents whenever practicable to take valuables—including those of sentimental value—with them when they move. Residents also should be reminded that they are responsible for maintaining existing insurance at their primary residence.

Providing site security can help residents build their confidence in EPA and ease their reluctance to move. OSCs and RPMs should make a site-specific decision regarding the type of security that will be provided and acknowledge that not all sites need the same level of security. OSC/RPMs should evaluate the following factors when making decisions about site security:

- Insurance companies may cancel an existing policy or raise the policy rates if a building is expected to be unoccupied for a lengthy period of time. The amount of the increase in insurance rates may be a reimbursable out-of-pocket expense.

- Residents may have particularly valuable or meaningful personal property that can be placed in a safety deposit box rather than being left behind at the primary residence or moved to the temporary residence. A reasonable fee for a safety deposit box may be considered a reimbursable out-of-pocket expense.

- Media attention that mentions relocation may spark the interest of burglars, especially when large blocks of unoccupied homes are involved.

- Residents may feel that their homes and personal property are irreplaceable.

- Residents, especially tenants, may not have insurance.

- Residents may want to return to their homes during the response action to check for problems if the area is not secured. In some cases, it may be difficult or impossible to allow residents to return to their homes.

Site security may include:

- Installing alarms in unoccupied homes.

- Working with the local police to arrange for increased patrol in the area.

- Arranging for a security guard or police officer to be on-site whenever there are no response personnel working at the site.

VI. DETERMINING ELIGIBILITY FOR RELOCATION ASSISTANCE

Eligibility for relocation assistance is limited to people who live in the affected residence on the date residents are notified that EPA will offer temporary relocation assistance. Because the amount of assistance is based on the number of people in each household who will live in the temporary housing, the Team should carefully document and verify the number of occupants in each residence. To do this, the Team can use information obtained through conversations with residents. Proof of residence can be shown by:

- Driver's licenses.
- Current lease or rental agreements.
- Deed of trust or sales contract for the home purchase.
- The first page of tax returns.
- Copies of the previous three months' checks (front and back) or money order payment stubs to show payment of rent or mortgage.
- Proof of public assistance.

At a minimum, the Team should obtain a driver's license or a social security number for all adult residents who will be receiving relocation assistance. The Team must be notified of any changes in the number of residents (e.g., the birth of a child) that may occur after the assistance determination has been made. This information must be included in the family's file. Attachment 11 provides a list of additional information/documents that residents may need to provide the Team when applying for assistance.

Early Documentation is Critical

It is critical that the Team document the number of family members living in each house, as soon as the temporary relocation is announced.

One Remedial Project Manager had first hand experience with the importance of documenting the number of residents living in a house as soon as possible. On his first visit to a home, he found a single family with three children living in a home with very sparse furnishings. On a subsequent visit, after EPA announced its intention to temporarily relocate the residents and acquire their contaminated contents, he found that the residence was well furnished and occupied by two families, with a total of six children.

Residents may need to sign several forms to document their eligibility for assistance, their understanding of the scope of the assistance provided, the procedures for receiving assistance, and when assistance will be terminated. Attachment 12, "Application for Superfund Temporary Relocation Assistance—Needs Determination" is a form that can be used to document this information. Attachment 13A, "Meals and Incidentals Computation Sheet" and Attachment 13B, "Rental Assistance Computation Sheet", can be used to compute the amount of temporary relocation assistance needed. The Team's ORC member should review the forms before giving them to residents.

VII. TYPES OF ASSISTANCE AVAILABLE

People who are temporarily relocated as part of a CERCLA response action are eligible for reimbursement of ***reasonable out-of-pocket expenses*** incurred in connection with the temporary relocation. This includes the cost of moving to and from the temporary housing and the monthly rent and utility costs at the temporary housing. Applicants are eligible only for reimbursement when expenses are actually incurred. EPA should not reimburse residents for temporary relocation expenses incurred before the Agency initiates the temporary relocation or for expenses that were not initially approved by EPA. Some Regions have worked with residents to determine what relocation or damaged personal property costs can be covered by the resident's homeowner's or renter's insurance. If insurance coverage is available, the Team may first ask the residents to seek reimbursement from their insurance company. In some cases, EPA may reimburse residents who agree to assign their insurance coverage to the Agency. (Attachment 14 an example of this kind of agreement, and Attachment 15 is a sample claim letter to an insurance company.)

Residents are not eligible for temporary relocation payments if they receive a payment under federal, state, or local law that ORC/OGC determines is for the same purpose as payment provided under this guidance. EPA will not provide financial assistance to residents if they receive reimbursement for the same purpose from their insurance company or from a nonprofit organization.

EPA will not be responsible for damages to personal property transported to a temporary residence by the resident, for damages or losses caused by theft from the temporary residence, or for damages at the temporary residence that are determined to be the resident's responsibility. Residents should be encouraged to check their own homeowners' or renters' policies and arrange for any additional coverage that may be needed.

Homeowners and renters are responsible for paying their mortgages, including taxes and insurance, or rent for their primary residences, even though they will not be living in them. This should be explained to residents, and they should be asked to sign a statement indicating that they have been informed that these payments remain their responsibility and that they understand that their temporary relocation assistance may be reduced or terminated if they fail to continue paying their mortgage or rent (Attachment 10 is an example of this kind of agreement). In addition, if a tenant terminates the lease on the residence from which he or she was relocated, or if a homeowner sells his/her primary residence, the relocation assistance should be terminated The rest of this section covers the various types of expenses covered under temporary relocation assistance.

A. Temporary Housing

Temporary housing can include transient accommodations (hotels or motels without cooking facilities), locally available private rentals (houses, apartments, or mobile homes), or accommodations provided by family or friends. Eligible expenses associated with temporary housing may include:

- Rent.
- Credit-check fees required by landlords of temporary housing.

- Broker fees if a realtor is used to identify available housing.
- Maintenance fees required by landlords of temporary housing.
- Security deposits.
- Kennel/pasturing fees and any vaccinations required by kennels.
- Moving/storage fees.
- Connection and disconnection fees for utilities, cable TV, and basic telephone service.
- Furniture rental.

Expect the Unexpected; Allow Time for Planning

While conducting an emergency response to the threat posed by a stockpile of weapons, including explosives and chemicals, Region 9 temporarily relocated a tenant and her 22 pets. The pets ranged from cats to horses and had many special care needs. Because no suitable housing was available that would accommodate all of the pets, some of them had to be boarded. Before the relocation could be completed, the arrangements required extended planning and coordination.

For short-term relocations lasting a few days to weeks, transient accommodations (hotels or motels without cooking facilities) may be most appropriate, but whenever possible, stays in transient accommodations should be limited to no more than a few weeks. For long-term relocations lasting more than a few weeks, private rentals may be more cost-effective and comfortable for residents. Depending on the circumstances, it may be necessary to place people temporarily in hotels or motels until more appropriate housing becomes available.

Anticipate Problems, Find Creative Solutions

Keeping small children occupied can be challenging for parents even under the best of circumstances. Parents may find this even more difficult while staying in hotels or motels for several weeks. One EPA Region arranged for children who were relocated for several weeks to a motel to attend day camp and other day-time activities. These day-time activities kept the children active and reduced complaints from the motel management and other motel guests. The Region avoided damaging its relationship with the hotel management, which may have led to the eviction of some of the residents. The cost of the day-time activities was less than the potential cost of moving the residents a second time.

To the extent possible—given time constraints and availability of temporary housing—the Team should try to find temporary housing that is: functionally equivalent to the resident's primary residence; close to the resident's work, schools, and shopping facilities; and accessible to public transportation, if needed [see 49 CFR Section 24.2(d)(2)]. At a minimum, the Team should be sensitive to the number, age, and sex of each family member when making sleeping room arrangements. For example, in hotels and motels, children under the age of 18 should be in the same room or in connecting rooms with a responsible adult. Additionally, girls and boys may need to have separate sleeping rooms. Further difficulties may arise when hotels do not have the appropriate number of connecting rooms.

For long-term temporary relocations, residents should be encouraged to help identify their own temporary relocation housing after being informed by the Team about the types of housing and the amount of rent that would be eligible for reimbursement. Local real estate sales offices are often good sources of information on available temporary housing and can help EPA and

residents find housing in a limited market. While residents may help identify their own temporary housing, it is EPA's responsibility to ensure that they are provided appropriate housing. Regardless of who identifies the temporary residence, the Agency or its designated agent should inspect the housing to determine that it is decent, safe, and sanitary before the move is scheduled.

If it is necessary to enter into a lease for apartments or houses, the Team has two options: 1) the residents can sign the lease; or 2) EPA or its representative can sign the lease (see footnote below for further information).[1] Whenever possible, the residents should sign the lease. This helps make it clear to the residents that they are liable for any damage made by themselves or their guests to the rental property. When residents sign leases, landlords should be notified that EPA or the PRP will reimburse the residents for the rent. In some cases, the Team may arrange with the landlord to bill EPA, USACE, or the PRP as appropriate. If that is not possible and the resident cannot wait for reimbursement of rent, or a landlord will not rent to a tenant with poor credit, or if the Team determines that it is more cost effective, the Team can arrange to issue the rent check in both the resident's and landlord's name. Generally, residents moved to hotels or motels should sign the agreement with the hotel or motel and agree to comply with their rules (see Attachment 16, Example of Hotel Rules).

A.1. Cost of Transient Accommodations

The government bases allowable costs for temporary housing in transient accommodations (hotels or motels without cooking facilities) on the federal per diem rates that are paid to government employees on official travel in the community. The government rate for lodging should be considered a maximum amount the Agency will reimburse for transient housing. In the rare case when the only available transient accommodations are priced higher than the government rate, the Region may approve an amount that is up to 150% of the maximum government rate for the area where the temporary relocation is taking place. The reason for such a decision should be well documented and should include information on the availability of similar temporary housing in the program or project area and the person's circumstances (e.g., access to school transportation). If an OSC/RPM determines that there is little, if any, appropriate temporary housing available to affected residents within an entire project area and more expensive temporary housing is needed for the area as a whole, it may be appropriate to consider whether waiting for less expensive temporary housing to become available would justify a delay of the project.

Residents Engaging in Illegal Activity

Whenever possible, residents should sign hotel/motel and rental agreements themselves. By doing so, they agree to comply with the rules of the landlord. In one case, a hotel evicted a temporarily relocated resident due to allegations of drug activity on hotel property. Since the hotel evicted the resident, EPA was not in the position of denying assistance based on alleged criminal activity. The evicted resident was responsible for finding a new hotel and paying his own moving costs. EPA continued to reimburse the resident for his lodging and daily allotment.

[1] Since entering into a lease is a form of acquiring an interest in real property, the Regions do not have the authority to sign a lease. If a Region or its representative needs to sign a lease, the Region must contact an OERR Regional Coordinator to get Headquarter's approval. This includes getting concurrence from OGC and having the lease signed by the Director of the Facilities Management Services Division (FMSD). If the estimated amount of the lease is greater than $25,000, the Region also needs to get approval from the Assistant Administrator (AA) of OSWER or his/her delegated representative.

A.2. Fair Market Rent for Houses or Apartments

When residents temporarily relocate to apartments or houses, the allowable cost for temporary housing is based on the rent charged for a similar apartment or house. In some communities, temporary housing may be limited. The Team should make sure the temporary housing offered is decent, safe, and sanitary as described in Attachment 2, and, at a minimum, has the necessary number of bedrooms to accommodate the residents. The rent should be reasonable for the size and type of residence in the local area. This may be determined by averaging the cost of available residences per bedroom size for each locality where temporary housing will be provided. A fair market rent (FMR) for an area will depend on supply, demand, and types of available housing resources. Determining the FMR is appropriate to ensure cost-effectiveness and to discourage inflation of rents in the affected area. Assistance in determining FMR may be available from local real estate agencies or USACE relocation support experts.

While FMR guidelines reflect the desired maximum reimbursement, it also is likely that housing can be obtained at lower prices. The use of housing that is priced higher than provided in the FMR guidelines may be authorized for full reimbursement only when other existing resources are not available. When fewer than 10 families are being relocated, FMR guidelines may be established using a less time-consuming means. Acceptable methods include using an estimate provided by real estate agencies or conducting a sampling instead of a comprehensive survey. A copy of the established guidelines should be placed in each applicant's file.

A.3. Lodging Provided by Friends or Family

Occasionally residents prefer to find temporary accommodations with friends or family. EPA cannot require that they do so and must offer these residents the same option as offered to other residents. Residents who choose to stay with friends or family should not receive reimbursement for lodging unless the host actually incurs additional costs in accommodating the resident. In such instances, the additional costs must be well documented and determined to be reasonable by EPA. Only additional costs may be compensated. Neither costs based on room rates for comparable conventional lodging in the area nor flat "token" amounts will be considered as reasonable (Regions should refer to the Federal Travel Regulations for additional advice). However, they may qualify to receive reimbursement for meals and incidentals depending on the type of temporary housing they were offered by EPA.

Residents who are offered the option of temporarily relocating to hotels or motels without cooking facilities and elect to stay with friends or family are eligible to be reimbursed for meals and incidentals similar to government employees on official travel. Even though cooking facilities may be available at the home of their friend or family member, the resident should have the option of eating out as if they were if staying in a hotel or motel in order to reduce the impact on the family or friend. In this case, the cost to EPA for meals and incidentals would be the same, regardless of the choice the resident makes.

Residents who are offered the option of relocating to an apartment or house with cooking facilities and elect to stay with family or friends should not be reimbursed for meals and incidentals unless clear documentation is provided to show the option to be more cost effective as compared to relocating to an apartment or house offered by EPA.

Residents who elect to stay with family or friends, and find it necessary to move, should be given the option to move to the same type of temporary housing as originally offered by EPA if they find it necessary.

B. Furniture Rental/Moving Costs

B.1. Furniture Rental

Whenever possible, residents should be encouraged to take with them any personal items they will need while away from their homes. In some cases, however, personal possessions may be contaminated and will have to be left behind.

If residents are being placed in short-term transient housing, furniture will not be needed. For short-term temporary relocations to apartments or rental houses, it may be less expensive to rent furniture or to rent a furnished apartment, rather than to reimburse the costs associated with moving furniture from and back to the primary residence. For longer-term temporary relocations in apartments or rental houses, the Team should determine the most cost-effective and least burdensome way of providing furnishings. For longer-term temporary relocations, it may be more cost-effective to move residents' furniture into their temporary housing. Sometimes, this will require the decontamination of the furniture (if possible) at the primary residence before it is moved. In some cases, furniture may be placed into storage while work is being done at the permanent residence.

If the Team decides that rental furniture is the most cost-effective way of meeting residents' needs, a furniture rental assistance payment or rental of a furnished apartment may be authorized. Rental furniture is provided on a loan basis for the duration of the temporary relocation. Keep in mind the following guidelines when considering the provision of rental furniture:

- Rental furniture items are to be provided in accordance with family size and needs (See Attachment 8 for a list of essential furniture items for temporary housing).

- Generally, residents should sign the rental agreement with the furniture store and receive reimbursement for the rental fees. In some circumstances, the Team may determine that it is more cost-effective or otherwise appropriate to pay the furniture rental store directly.

- The furniture items provided should be of average construction and quality; EPA will not reimburse residents for luxury items.

- Residents should be informed in writing (and asked to sign a receipt for this information) that they are responsible for any damages—other than normal wear and tear—done to the rental items. (See Attachment 10, "U.S. EPA Temporary Relocation Agreement").

- If possible, residents should be allowed to pick out their rental furniture based on a limited selection of essential furniture approved as eligible for reimbursement. This may make them more comfortable in their new living arrangement and help to reduce any additional stress caused by the relocation.

- The Team should reimburse a reasonable rental fee for each item or approve a total fixed amount for all essential items.

- The Team should make sure that the rental furniture is ordered and delivered before residents must move into their temporary housing.

B.2. Moving Costs

There are several options for moving personal items to and from temporary residences:

- *An EPA-arranged Move*—Under this option, EPA's contractors or the USACE (if USACE is providing relocation support) take responsibility for all aspects of moving the resident's personal property to and from the temporary residence, including packing personal possessions. In this situation, residents incur no costs and receive no compensation. EPA's contractors or USACE will obtain bids from several moving companies and select a company, taking costs, reliability, and other factors into consideration. It is important to be sure that the selected moving company is insured and, if necessary, bonded, especially when moving expensive or unusual items. Some moving companies have limited coverage for replacement of lost or damaged property. The Team should review the coverage carefully and be sure that the coverage is for the replacement value of the property. It also is important to note that most movers will not insure items they do not pack themselves. Thus, residents who choose to pack their own possessions may be responsible for any damage done as a result of the move and they should be informed of this in writing.

- *EPA and Resident Share Move*—Residents may choose to pack their own property and have EPA move the property to and from the temporary address. EPA can provide the residents with packing materials and pre-printed packing labels at no cost to the residents, or the residents can purchase their own packing materials. If they purchase their own materials, they can be reimbursed for their expenses, as determined by EPA to be reasonable and necessary (49 CFR 24.301). In this case, EPA's contractors or USACE (if USACE is providing relocation support) may be responsible only for damage that occurs during the actual transportation of the property, not for damage associated with inadequate packing. If residents decide to pack their own possessions, they should sign waivers acknowledging that they understand their responsibility if damage occurs.

- *Resident-arranged Move*—Residents may choose to move their own property to or from the temporary residence or to hire a mover on their own. In this case, EPA will reimburse them for reasonable actual moving expenses. Residents should obtain three bids from legitimate (as determined by EPA) moving companies and select the best bidder based on consideration of cost and reliability. Under this option, EPA is not responsible for any damage suffered by the property or for any performance failures on the part of the moving company. Therefore, residents should be encouraged to ensure that their mover provides adequate insurance (e.g., replacement value of the property) to cover loss or damage to personal property. Residents should be made aware that insurance coverage varies among moving companies and may be an optional expense that would be reimbursed.

- *Fixed Payment for Moving Expenses*—Residents may be offered a fixed payment rather than reimbursement for the actual moving expenses incurred when moving personal property to and from the temporary residence. A payment schedule, organized by state

and number of rooms at the primary residence, is provided by the Federal Highway Administration (49 CFR Part 24.302) and provides guidance for determining an appropriate fixed rate.

When time and resources permit, residents should be allowed to select the option that is best for them. If that is not possible, however, the Team should select the option that is the most cost-effective for the Agency and least burdensome for residents. Attachment 17 includes general packing instructions for residents. At the time this decision is made, it is important to document the condition of the residents' personal property that will be moved and that will remain in the residence (see Section V.D., "Documentation of the Primary Residence and Personal Property").

Residents who request a transfer to another temporary residence solely for their own convenience or for reasons brought about by their behavior may be responsible for all expenses associated with the move, including any increase in rent. If, however, EPA initiates a second relocation or if the second relocation is necessary for reasons not the fault of the resident, all essential moving costs should be reimbursed, and the move should be accomplished with as little inconvenience to the residents as possible.

C. Utilities

Residents should be compensated for additional out-of-pocket expenses associated with utilities. The Team should consider several factors in determining which utilities EPA will pay. Those factors include the anticipated duration of the temporary relocation, the utilities EPA may actually use while implementing the response action, the rental agreement at the temporary address (some rental costs includes utilities) and other factors discussed below. In general, as with other expenses, residents should pay all utility expenses and seek reimbursement where appropriate.

C.1. Primary Residence

In general, residents are responsible for continuing to pay for the utilities at the primary residence. Generally, the major utilities (e.g., trash collection, water, electricity, gas) should be continued throughout the response action. If the relocation is for a short period of time (e.g., a few days to a few weeks), it also is cost-effective to leave telephones, cable television, and other utilities connected. If the relocation will last more than a few weeks, the Team may decide that it is more cost-effective for the government to pay for the disconnection and reconnection of some utilities, even if the utility companies will not waive these fees. EPA should be cautious, however, about disconnecting electricity, gas, and water utilities, because these may be necessary to protect the property. In some cases, heat may be necessary to keep pipes from freezing and dehumidifiers may be necessary to prevent damage from molds and mildew. If utilities are disconnected for any reason, residents should be reminded to move refrigerated/frozen foods to their temporary residence. If this is not possible, residents may be compensated for their losses.

In some cases, the Team may need to use the utilities to implement the response action for a limited period of time. In this situation, EPA is responsible for paying the cost of the utilities and should carefully document the time period (meter readings) for which the utilities are used for the response action. The Team should consider meeting with each resident and discussing expectations regarding utilities. Documenting this in writing may help clarify expectations.

C.2. Temporary Residence

The Team may authorize reimbursement of costs for essential utilities at the temporary residence when they are not covered in the rent. Reimbursement for essential utilities can include gas, electricity, oil, water, and sewer. The Temporary Relocation Team also can approve reimbursing the resident for costs associated with the connection of cable TV if the residents had cable TV at their primary residence or if it is needed for television reception.

There are three types of costs associated with telephone service: disconnection/reconnection fees, monthly local service fees, and long-distance service fees. EPA will reimburse the telephone disconnection/reconnection fees at both the primary and temporary residences, but only will reimburse for monthly local telephone service at the temporary residence if the service has not been disconnected at the primary residence (the cost for local telephone service at the temporary residence is considered an out-of-pocket expense associated with the relocation). The Team may negotiate with the hotel to waive these charges. The reimbursement is limited to the same type of service that the resident has at the primary residence. EPA generally will not reimburse for long-distance service or collect calls. Reimbursement of long distance or collect calls must be approved by the Team in advance of incurring the cost. These calls are eligible for reimbursement only if the expense can be clearly documented as an out-of-pocket expense. An example of an allowable reimbursable long-distance phone call would be a local call that was routinely made or received prior to the relocation that becomes a long-distance call since the relocation. Given the high charges hotels and motels impose for placing phone calls, it may be worthwhile to encourage people to purchase calling cards to make their long distance calls.

Residents are responsible for any damages to the temporary housing or rental furniture caused by them or their guests. Residents should be informed of this and asked to sign an agreement indicating that they have been informed of their responsibilities, (see Attachment 10 for an example of this agreement). OSCs/RPMs have found it helpful to withhold a portion of residents' final reimbursements until these types of outstanding debts are paid.

D. Daily Allotments for Food, Incidentals, and Laundry

Residents relocated to hotels or motels that do not have cooking facilities should be reimbursed for their reasonable out-of-pocket expenses just as government employees are when on official travel. Compensation for food and incidentals should be based on the appropriate government employee per diem rate for the geographic area. Adults and children should be covered at different rates. Residents who are 12 years and older should receive the full per diem rate and children under age 12 should receive half that amount. (See Section VII.A.3. for guidance on daily allotment for residents who choose to stay with family or friends).

Residents who have a washer and dryer at their primary residence but not at their temporary residence may be reimbursed for their laundry expenses every fourth consecutive night they are temporarily relocated. Consistent with federal travel regulations, the daily allotment should be used for laundry needs when residents are relocated less than four days. Dry cleaning generally is not an out-of-pocket expense associated with the relocation and is not reimbursable.

When families have limited resources, the Team may find it is necessary to provide them their daily allotment before their expenses are incurred. Relocated families may not be able to pay for restaurant meals and then wait for reimbursement. Special arrangements will have to be made with the real estate experts (ERRS or USACE) or with the financial experts in the Regional

office. The advance payment for the daily allotments should not exceed two weeks. Attachment 18 includes examples of forms that can be used to document receipt of advanced payments and other compensation. Additionally, many hotels/motels are located in areas that provide limited restaurant choices. Severely limiting resident's restaurant options for an extended period of time is generally not practical, particularly if there are dietary needs/restrictions or cultural concerns. Some OSCs/RPMs have worked with local hotels to provide alternative restaurant arrangements, such as asking the hotel to provide shuttle bus service to nearby restaurants.

E. Household Staples

In some situations, residents may not be able to take any of their household staples—including cooking products like flour, spices, sugar, condiments, or cleaning products like bleach, laundry soap, brooms and mops—to their temporary apartment or house. Since these items are not purchased and consumed weekly, the cost of replacing all of them at once may be considered a reasonable out-of-pocket expense as residents set up housekeeping at their temporary residences. In these situations, the Team may decide to reimburse residents living in temporary housing for the reasonable replacement expense for routinely used household items. The actual amount should be based on the types of items that must be replaced (e.g., in some situations, food may need to be destroyed, but items such as cleaning and personal hygiene products may be taken to the temporary residence; in other situations, it may not be possible for the residents to remove any household staples from their homes).

F. Insurance Premiums for the Temporary and Primary Residences

Residents are responsible for maintaining insurance at their primary residence. Temporary increases in insurance costs resulting from the relocation should be treated as an eligible out-of-pocket expense (e.g., increased premiums for vacant dwelling and insurance at the temporary residence). In some situations, to limit insurance cost increases, the Team may contact the insurance company to advise them of the government's responsibilities regarding provision of site security. Residents should be encouraged to obtain renters' insurance at the temporary residence to protect their possessions. If renters' insurance is an out-of-pocket expense, it is eligible for reimbursement.

Finding Temporary Housing Near Schools Presents a Special Challenge

Sometimes it is impossible to find temporary housing that is near the schools where temporarily relocated children are currently enrolled. However, these children must have transportation to get to school.

To address this problem at a pesticide-contaminated site Ohio, Region 5 contracted with a local social service organization to provide vans and drivers to transport the relocated children to their schools. This required monitoring by a Team member. In one instance, a driver dropped a child off at the wrong hotel after school. To alleviate such problems in the future, Region 5 developed an application for school bus transportation. For an example of this application, see Attachment 19.

G. Personal Transportation Costs

Personal transportation costs are not ordinarily considered expenses incurred as a result of relocation. However, the Team may recommend that certain expenses be considered reasonable out-of-pocket expenses directly related to relocation. For example, if the temporary housing is located far away from residents' schools or work, the Team may authorize the payment of personal transportation costs or make

arrangements for transportation to be provided. Regions should take great care to make sure standards are in place when selecting drivers and vans.[2]

If the resident elected to move to a temporary residence that is farther from schools or work than a location EPA provided, EPA should not be responsible for any additional transportation costs beyond those associated with the temporary residence offered by EPA.

H. Damaged or Contaminated Personal Property

Costs associated with damaged or contaminated personal property are not a temporary relocation expense, but they often occur at sites where EPA is conducting a temporary relocation. In general, EPA has the discretion to compensate residents for personal property that is damaged in the course of the cleanup or that cannot be decontaminated. In most situations, EPA should provide replacement value for essential furniture items (see Attachment 8 for a list of essential furniture items) and depreciated value for non-essential personal property.

Several methods can be used to reimburse residents. A third party draft can be used for reimbursement up to $5,000. Treasury checks can be issued for larger amounts. Issuing treasury checks may take time because there is a built in time delay in EPA's procurement procedures. The Team should work with their financial management office to determine if treasury checks are feasible and if they can be issued in a timely manner. This guidance, however, is not intended to fully outline the assistance available to compensate residents for contaminated personal property. Contact the OERR Regional Coordinator for assistance. Additional guidance on funding options is available in the "On-Scene Coordinators Toolbox Guide," EPA Directive 9242.2-12, EPA Publication 540-K-00-003.

I. Reimbursement for Non-Residential Relocations

Temporarily relocating farms, nonprofit organizations, businesses with special permits (such as bars and hotels), or large or specialized operations can have devastating effects on their success. Therefore, the OSC/RPM should explore every available option to avoid temporarily relocating them. However, if these types of businesses have to close down temporarily during a response action, they may be entitled to some assistance. ORC and the Region's OERR Regional Coordinator should work with OGC to determine what assistance, if any, can be provided.

Other types of businesses may be easier to temporarily relocate. For example, if a relocated resident had set aside part of his/her residence to operate a small business and had phone or fax lines, EPA may provide such arrangements at the temporary residence. Determinations for the types of relocation assistance EPA can provide are made on a case-by-case basis, and consider factors such as essential equipment needed to continue operation, special hook-ups,

[2] Bus driver qualifications and standards are established by state and federal regulations. All drivers must comply with federal regulations and any state regulations that exceed federal requirements. At a minimum, the Team should insist that school bus drivers pass a background investigation to uncover any criminal convictions or a history of mental illness. Drivers must not have been convicted of a felony involving the use of a motor vehicle; a crime involving drugs; or driving under the influence of drugs or alcohol. The Team may want to consult with the local school board for additional advice. Additional information is also available in the US Department of Labor's Occupational Outlook Handbook, http://www.bls.gov/oco/ocos242.htm#training.

disconnections, and the potential for CERCLA liability of the business for the contamination. Costs associated with loss of goodwill, loss of profits, and loss of trained employees are not reimbursable. It is EPA's policy to provide business owners the same opportunity for the resolution of disputes as provided to residents. See Section VIII, "Termination of Assistance and Resolution of Disputes."

Assistance for non-residential relocations is different from assistance for residential relocations. The URA includes caps on certain types of assistance. This guidance document is not intended to fully outline the assistance available for non-residential relocations. The Temporary Relocation Team should work with OGC/ORC, the Region's OERR Regional Coordinator, and relocation specialists from the supporting agencies to determine the appropriate scope of relocation assistance for each non-residential operation requiring relocation.

J. Other Expenses Directly Related to Relocation

When appropriate, the Temporary Relocation Team may determine that other potential expenses directly related to the temporary relocation are eligible expenses. These expenses should be approved by the Team before costs have been incurred. In making determinations about other eligible expenses, the Team may consult ORC and/or their Headquarters Regional Coordinator for assistance.

K. General Requirements for Reimbursement of Expenses

During a temporary relocation, residents should incur expenses and seek reimbursement from EPA. Any claim for reimbursement made by residents during a temporary relocation should be supported with bills, receipts, certified prices, appraisals, or other documentation. EPA should provide reasonable assistance in the completion and filing of any required claims for reimbursement to persons temporarily relocated. It is important to keep the following requirements in mind when dealing with requests for reimbursement:

- *Timeliness of EPA reviews*—EPA should review claims in an expeditious manner and promptly notify claimants if additional documentation is needed to support their claims. Payment for a claim should be made as soon as feasible after the supporting documentation has been received.

- *Timeliness of claim filing*—It is EPA's policy that all claims for relocation reimbursements should be filed with EPA/PRP within four months of the date that residents are allowed to return to their primary residence. This deadline can be extended; however, if residents can show the need. Residents should be notified of all deadlines in writing.

- *EPA disapproval of claims*—If EPA disapproves all or part of a claim for reimbursement for any reason (e.g., the claim was not filed in a timely manner, residents requested reimbursement for ineligible goods or services), the Agency should promptly notify the claimant in writing of its decision, of the basis for its decision, and the procedures for additional review of the dispute by an EPA official not involved in the response action at the site (see Section VIII, "Termination of Assistance and Resolution of Disputes"). This written notice should be sent via certified mail.

L. Public Housing Considerations

Residents living in public housing should receive the same types of temporary relocation assistance as residents living in private homes and apartments. The Team should be aware that temporary relocation assistance should not count against the residents' public assistance since it is not income. The Team should become knowledgeable about the requirements of various public housing programs before discussing temporary relocation assistance with public housing residents.

In most cases where a response action affects public housing, the Region should have been coordinating with the appropriate public housing authority (PHA) before the relocation is announced. The PHA may be able to provide residents with temporary housing in other available public housing units or may wish to minimize the disruption in residents' lives by providing permanent alternative housing to residents. It is important that the Team work closely with the PHA as arrangements are being planned. It also might be necessary to contact the appropriate public assistance agency if problems develop. Attachment 20 provides a brief description of the United States Housing and Urban Development (HUD) Section 8 Housing Choice Voucher Program.

M. Tax Implications and Eligibility for Other Federal Programs

Under 49 CFR 24.208, payment of relocation assistance is not considered income for the purpose of the Internal Revenue Code or for the purpose of determining eligibility for assistance under any other federal law, except for federal laws providing low-income housing assistance. EPA also should not withhold any part of a relocation payment from a relocated person to satisfy an obligation to any creditor other than the Agency.

N. Temporary Relocation Assistance Records Management

To support EPA cost recovery efforts, thorough documentation of assistance provided under CERCLA must be maintained. The OSC/RPM must ensure that relocation administrative personnel establish and maintain files for each applicant receiving temporary relocation assistance. At a minimum, these files should contain the following:

- The completed "Application for Superfund Temporary Relocation Assistance—Needs Determination," which can be found in Attachment 12.
- Photocopies of all assistance checks issued to the applicant.
- A copy of the applicant's eligibility determination.
- Documentation of any change in the applicant's eligibility status.
- Photo and video documentation and appraisals of contaminated personal property that is being acquired and replaced as part of the response action.
- Any additional documentation that the OSC/RPM thinks is needed.

As stated in the "Application for Superfund Temporary Relocation Assistance—Needs Determination" (Attachment 12), the information requested on the application may be disclosed

to federal, state, local, and private agencies for use in providing relocation assistance. The Team should be careful not to violate rules of privacy protection (regarding, for example, individual financial information or social security numbers). Applying for and accepting temporary relocation assistance is voluntary; however, if a resident is seeking this assistance, failure to provide any of the information requested can result in delay or rejection of the application.

Records on temporarily relocated people should be retained for future claims and cost recovery purposes. These include any records relating to assistance provided, decisions about eligibility for assistance, documents indicating any unique circumstances, disputes, video documentation of property conditions, or any other materials that support EPA decisions.

VIII. TERMINATION OF ASSISTANCE AND RESOLUTION OF DISPUTES

A. Termination of Assistance

The Team should be reasonably flexible with the residents when terminating temporary relocation assistance. Special circumstances that could affect the re-occupancy of the primary residence or business facility should be considered. This includes removing items or personal property from storage.

EPA should provide each person reasonable notice before terminating their temporary relocation assistance. Generally, this is thirty days. In cases where the temporary relocation is very short-term (a few days to a few weeks), the notice should be provided as soon as practical.

At a minimum, the notice should include the date and time that residents can reoccupy their primary residences or business facilities, as well as the date and time when temporary relocation assistance will cease. The notice also should describe the expected conditions of the residence and the nearby neighborhood on the date that residents will return to their homes, especially if response work stills needs to be done. The notice also may include relevant sampling data to demonstrate that the residence is ready for re-occupancy.

The notice of termination of assistance should be given in writing. Where written notice is not practicable, oral notice should be given, followed by a written notice. The notice should inform residents that they are responsible for any additional charges beyond the date and time of the termination of assistance if they do not vacate their temporary accommodations (See Attachment 21 for a sample termination letter).

There are several scenarios that may call for ending some or all financial assistance:

- The OSC/RPM determines that the primary residence from which the occupant was relocated is now ready for occupancy.
- The Team determines that the temporary housing occupant has not complied with the terms of the lease or the reimbursement agreement.
- The Team determines that the residents provided EPA with false information when applying for relocation assistance.
- An offer is made to acquire the primary residence from which the person was relocated, and the person has permanently relocated as a result of this offer (Headquarters can provide additional information on implementing permanent relocations).
- A tenant has found permanent replacement housing and wishes to move from the temporary location.
- The homeowner has sold the primary residence and permanently relocated.

- The landlord at the temporary residence determines that the resident has violated his or her rental agreement.

- The resident has failed to take care of the temporary residence.

- The resident has failed to pay for the mortgage/rent at the primary address, utilities, or other charges for which he or she is responsible.

B. Disputes

It is EPA's policy to provide all temporarily displaced persons the opportunity to have any decisions about their eligibility for, or the amount of, a temporary relocation assistance payment reviewed by an Agency official who is not directly involved in the relocation. Persons who disagree with any such determinations by EPA or a PRP may submit to EPA a written description of the dispute and a detailed justification to support their claim. This process applies to disputes regarding temporary relocation assistance only; it does not apply to disputes involving damage to personal property. Persons who will be temporarily displaced should be advised of the process for resolving disputes prior to being relocated.

Requests for review must be submitted in writing to a member of the Temporary Relocation Team no later than 60 days from the date a claim is initially denied. Requests submitted after this date will be considered if the Agency determines that the person's failure to request a review in a timely manner was caused by circumstances beyond that person's control. The affected person should explain the circumstances that caused the delay in submitting the request for review. The affected person may be represented by legal counsel or another representative, but solely at the person's own expense.

A Region may agree to participate in non-binding dispute resolution to reach agreement with a temporarily displaced person. If USACE is providing relocation support to a Region, EPA may ask USACE to make a recommendation regarding resolution of a dispute. The Region and the District should agree upon a detailed process for reviewing disputes in advance. EPA's expectations regarding the review process should be clearly set forth in the statement of work in the Interagency Agreement with USACE. The goal should be established for USACE to complete its review within 60 days. If USACE requires additional time to research a complicated dispute, a justification for the time extension should be provided to EPA. Whenever a disputed matter is referred to USACE for review, the Region should notify the appropriate OERR Regional Coordinator that a dispute is under review by the USACE.

The process used by the Region and USACE should afford temporarily displaced persons an opportunity to provide evidence in support of their claim. USACE should prepare a document that provides the pertinent facts, legal and policy analysis, and a recommendation. This document should be prepared by someone at USACE who has not been involved with the relocation. USACE should provide the Region with status reports at key milestones during the review process. An example of a key milestone is the elevation of the dispute within the USACE command structure. If USACE recommends approval of the claim and the Region agrees, no additional review is needed. If, however, USACE recommends that the claim be denied and the Region agrees, or if USACE and the Region disagree as to the appropriate disposition of the claim, it should be forwarded to the Director of OERR at EPA Headquarters for a final decision.

At sites where USACE is not providing relocation support, the Region must have an internal process for handling disputes. The Regional process should allow the resident or business owner the same opportunity to provide evidence in support of the claim. Any final decision to deny a claim shall be made by the Director of OERR.

In all cases, decisions on disputed matters should be communicated to the resident by EPA. All decisions should be sent to the affected person by certified mail

Regions should contact the appropriate OERR Regional Coordinator for additional advice on resolving disputes.

IX. PROVISION OF PERMANENT ALTERNATIVE HOUSING

This section provides a brief outline of some issues and requirements that should be considered when the Team is considering providing alternative housing or permanent relocation. It is not intended to serve as complete guidance on either alternative housing or permanent relocation. Regions considering either option should contact the appropriate OERR Regional Coordinator at Headquarters for additional guidance**.**

A. Renters

It is sometimes appropriate to provide alternative housing or rental space for residential tenants or businesses (see EPA Directive 9355.0-71P, "Interim Policy on the Use of Permanent Relocation as Part of Superfund Remedial Actions"). The Temporary Relocation Team may consider arranging alternative housing for tenants who may be temporarily relocated for an extended period of time (six months or more). In making this decision, the Team should consider several factors, including the availability of desirable rental property, the cost of alternative housing compared with the cost of temporary relocation, and the desire of the residents to return to their primary residences. If the Team decides to offer permanent alternative housing to tenants, there are several options, which are outlined below.

A.1. Renters Who Have Occupied Their Primary Residence Less Than 90 Days

Renters who have lived at the rental property for less than 90 days before the announcement of the temporary relocation assistance offer may be eligible for the following assistance:

- Moving costs to relocate to housing outside the contaminated area.
- One month of rental assistance at the new housing if they are required to provide their landlord with 30 days notice of their intention to vacate.
- The deposit needed for the new rental residence.

A.2. Renters Who Have Occupied Their Primary Residence 90 Days or Longer

Renters who have been at the rental property for at least 90 days are eligible for rental assistance payments or a down payment assistance payment, as provided in 49 CFR 24.402. Renters who are offered permanent alternative housing are entitled to rental assistance payments up to a maximum of $5,250 over 42 months if they:

- Have actually and lawfully occupied the primary residence for at least 90 days immediately before the offer of temporary relocation was announced.
- Have rented or purchased and occupied a decent, safe, and sanitary replacement residence within one year (unless the Agency extends this period for a good reason) after they moved from the primary residence.
- Can certify that they are lawful residents of the United States, as required by a 1997 amendment to the URA (Contact your OERR Regional Coordinator to get forms for residents to use to certify their legal residency in the United States).

To determine the amount of the rental assistance, the average base monthly rental and utility costs (using twelve months of actual bills if available, and a minimum of three-months if fewer bills are available) are subtracted from the cost of the replacement residence and estimated average utility cost, and the result is multiplied by 42. It is important for the Team and the residents to understand that EPA's relocation assistance is intended only to compensate residents for actual losses. Thus, if residents choose to relocate to less costly housing identified by the Team, the rental and utility costs for the actual housing to which they relocate are the costs used to calculate the amount of relocation assistance rather than the costs for the comparable dwelling. It also is important to ensure that any replacement housing for which residents will receive relocation assistance meet the "decent, safe, and sanitary" criteria.

There are three ways to determine the base monthly rental cost:

- Use the family's actual monthly rent and utility costs using twelve months of actual bills if available, and a minimum of three-months if fewer bills are available. Be sure to use data from the same time of the year so that air conditioning or heating costs are included. For residents who pay little (i.e., significantly less than the FMR) or no rent for the primary residence, use the FMR as the base monthly rental unless this would cause hardship to the resident because of low income or other circumstances (see 49 CFR 24.402 for additional information).

- Calculate 30% of the household's combined average gross income. The assumption is that the average family should pay approximately 30% of their average household income for rent. If the resident refuses to provide appropriate evidence of income (e.g., tax returns) or is a dependent, the base monthly rental is established by using one of the methods described above.

- For families receiving welfare assistance payments that designate amounts for shelter and utilities, take the total monthly amount designated for shelter and utilities.

You must use the method that results in the lowest base monthly rent and utility cost.

Once the base monthly rent for the primary residence has been identified, subtract this amount from the total monthly rent and an estimated average utility cost for a comparable temporary replacement residence.[3] Then multiply this amount by 42 (the maximum number of months for which rental assistance can be provided):

Comparable replacement dwelling costs of $1,100 minus $1,000 base monthly rental= $100 X 42 = $4,200 total rental assistance amount.

When making these calculations, consider whether the amount calculated will cause hardship to the family because of their income level or for other reasons. If so, adjustments may be made

[3] If residents have chosen to relocate to less costly dwellings than the identified comparable dwellings, the rental and utility costs for that dwelling are used to calculate the amount of relocation assistance rather than the costs for the comparable dwelling.

(See 49 CFR 24.402 for additional information). It is EPA's policy to distribute rental assistance funds in installment payments rather than a lump sum when the rental assistance is greater than $!0,000, unless the resident elects to use the money as part of a down payment on a home (49 CFR 403 (f) provides guidance on making payments after the death of the resident).

If the Team decides to offer a tenant alternative housing and no comparable replacement housing is available at the fair market rent (FMR), the Region may provide a housing-of-last-resort payment (49 CFR 24.404). This payment should be based on the same calculation described above, but may exceed the $5,250 ceiling. The justification for exceeding that ceiling should be well-documented and based on a careful search for comparable homes. The housing-of-last-resort payment should not exceed the anticipated cost of temporarily relocating the tenant. The Team should keep in mind that Section 24.404 describes this type of assistance, but is based on the assumption that the tenant cannot return to the home.

In situations where temporary relocation is being offered, provision of permanent alternative housing is at the discretion of EPA. Offering permanent alternative housing might be more cost-effective than offering temporary relocation. However, the Temporary Relocation Team might want to reconsider a temporary relocation assistance offer if a housing-of-last-resort payment is necessary. The inconvenience to the residents of a long-term temporary relocation, the tenants' interest in permanent alternative housing, and other factors also should be considered.

A.3. Down Payment Assistance

Tenants who occupied their primary residence for at least 90 days before they were offered temporary relocation may be entitled to a down-payment assistance payment if they want to become homeowners. This payment is calculated the same way as the rental assistance payment, but can be increased to $5,250 at EPA's discretion if it is applied specifically to the purchase price of the replacement home. If the Agency decides to increase the payment, it is important that all affected residents be treated the same way. The full amount of the down payment assistance must be applied to the purchase price of the replacement dwelling and related incidental expenses.

If the Team offers a housing-of-last-resort payment, the down-payment assistance payment would be equal to, but never more than, the housing-of-last-resort payment and thus could exceed $5,250. This payment should be provided at the time the tenant closes on the sale of a house. The tenants must agree to vacate their primary residence when requested by EPA. The residents should not receive rental assistance while searching for a home to buy. The tenants may be entitled to a reimbursement of their moving expenses or other temporary relocation assistance.

This document is not intended to provide complete guidance on calculating and documenting a decision to offer down payment assistance. The Temporary Relocation Team should contact the appropriate OERR Regional Coordinator for additional assistance.

B. Homeowners

When a temporary relocation at an NPL site continues for one year or longer (see EPA Directive 9355.0-71P, "Interim Policy on the Use of Permanent Relocation as Part of Superfund Remedial Actions"), EPA has the discretion to convert the temporary relocation into a permanent

relocation. Such decisions are made on a case-by-case basis, and should consider a number of other factors, including:

- Project length.
- Amount of time the Region thinks it would take to acquire the property and permanently relocate the residents.
- Availability of suitable housing.
- Comparative costs of a permanent relocation over a temporary relocation.
- Disruption of resident's lives.
- The wishes of the residents.
- Whether or not the state will accept title to the acquired property and provide a cost share.

Guidance for making this decision can be found in "Interim Policy on the Use of Permanent Relocations as Part of Superfund Remedial Actions," EPA Directive 9355.0-71P. The Team should note that the policy makes it clear that EPA prefers to address the risks posed by the contamination by using well-designed methods of cleanup so people can remain safely in their homes and businesses. Approval from the Assistant Administrator of the Office of Solid Waste and Emergency Response (OSWER) and concurrence from the Office of General Counsel (OGC) is required to acquire property.

ATTACHMENTS

The following attachments provide additional information to assist the Temporary Relocation Team in implementing the temporary relocation. Many of these attachments are templates that can serve as useful forms for recording important information or for correspondence between EPA and the residents. The templates are designed with the expectation that they will be modified to meet site specific circumstances.

ATTACHMENT 1

Temporary Relocation Check List

Activities To Do (Not necessarily in chronological order)	Section/ Attachment # (if applicable)	✔
✎ **Assemble a small Temporary Relocation Team to determine if temporary relocation is feasible** Include the following members on the Team: • OSC or RPM • ERRS/START or SATA contractors or USACE representatives...(see Attachment 5) • CIC	III, Attachment 3, Attachment 5	
✎ **Answer the following questions:** • Can you anticipate community support? • Is there enough available temporary housing? • Is there a clear start and end date? • Are there residents with unique health needs? • Is transportation to and from schools and workplaces available at temporary residences? • Are there any business, nonprofit organizations or farms that may need temporary relocation?	IV.B.	
✎ **Expand the Temporary Relocation Team** Once the decision is made to offer temporary relocation, the Team may need to add members, such as: • An attorney from ORC • Regional media relations and environmental justice experts • State/Local Government Officials	III	
✎ **Coordinate as necessary with the following:** • Local and State officials • Community leaders • Local social service agencies • ATSDR • Media • Headquarters Regional Coordinators	III	
✎ **Document the decision**	IV.B.	
✎ **Notify residents verbally, document eligibility status as soon as possible, and determine unique family needs.**	IV.D., Attachment 12	

Activities To Do (Not necessarily in chronological order)	Section/ Attachment # (if applicable)	✔
✎ **Send formal notification letter to residents**. (For emergency removal actions, provide a verbal notice followed by a written notice.)	IV.D., Attachment 7	
✎ **Explain relocation assistance to residents:** • Provide general information at a meeting of all residents. • Meet with each family to discuss specific assistance if appropriate. • Develop site specific booklet or pamphlet for the residents that explains what will happen and when.	V.A., Attachments 12, 13A, & 13B	
✎ **Obtain a signed agreement from each household accepting the offer of temporary relocation and agreeing to comply with the expectations of the agreement.**	Attachment 10	
✎ **Arrange for the following as necessary:** • Movers...(VI.B.) • Utilities disconnect/reconnect...(VI.C.) • Documentation of primary residences (IV.F. and Attachment 9) • Kennels/pasturing fees • Transportation for residents...(VI.G.) • Rental furniture selection and delivery ...(VI.B.1.) • Storage facility for resident's personal property • Maintenance of residence's primary residence • Payment of daily allotment when appropriate ...(VI.D.) • Establishment of a records keeping system including tracking of all relocation expenses for reimbursement ... (VI.O.) • Payment of resident's expenses ... (III.A.5., VI.I., VI.J., and Attachment 5) • Site security ...(IV.G.) • A process for resolving disputes ...(VII.B.) • A system to encourage residents to have their mail forwarded		
✎ **Be available throughout the temporary relocation to residents for questions and problem solving**	V.A.	
✎ **Keep residents informed of the project's status throughout the temporary relocation**.	V.A.	

Activities To Do (Not necessarily in chronological order)	Section/ Attachment # (if applicable)	✔
✎ **Send written letter to residents announcing when they can return to their homes. As time permits, work with resident to find a move date that is convenient to them**.	VIII.A. Attachment 20	
✎ **Notify landlords of the termination of the temporary relocation assistance**.	VIII.A. Attachment 20	
✎ **Make arrangements for the residents' return:** • Return of stored personal property to the primary residence and/or movers to move personal property from the temporary to the primary residence. • Reconnection of utilities at the primary residence. • Airing out of the primary residence if needed. • Notify residents to have their mail delivery returned to their primary residence.	VII.B., VII.C.	

ATTACHMENT 2

Decent, Safe, and Sanitary Standards

The term “decent, safe, and sanitary dwelling” means a dwelling that meets applicable housing and occupancy codes. Housing must meet all of the following standards, even if not required by the building codes, unless waived for good cause by the federal agency funding the project.

The dwelling shall:

1. Be structurally sound, weather tight, and in good repair.

2. Contain a safe electrical wiring system that is adequate for lighting and other devices.

3. Contain a heating system that is capable of maintaining a healthful temperature (of approximately 70 degrees Fahrenheit), except in those areas where local climatic conditions do not require such a system.

4. Be adequate in size with respect to the number of rooms and area of living space needed to accommodate the relocated person or family. There shall be a separate, well-lighted and ventilated bathroom that provides privacy to the user and contains a sink, bathtub or shower stall, and a toilet, all in good working order and properly connected to the appropriate sources of water and to a sewage drainage system. In the case of a housekeeping dwelling, there shall be a kitchen area that contains a fully usable sink that is properly connected to potable hot and cold water and to a sewage drainage system, and adequate space and utility service connections for a stove and a refrigerator.

5. Contain unobstructed egress to safe, open space at ground level. If the replacement dwelling unit is on the second story or above, with access directly from or through a common corridor, the common corridor must have at least two means of exit.

6. For a relocated person who is disabled, be free of any barriers that would prevent reasonable entry, exit, or use of the dwelling.

SOURCE: 49 CFR SECTION 24.2 OF THE UNIFORM REGULATIONS

ATTACHMENT 3

Key Team Functions

Throughout the project, members of the Temporary Relocation Team will serve as the contact for the relocated residents and will arrange all aspects of the relocation. Below are some of the activities that may be necessary during a temporary relocation (this list is not in chronological order or in order of importance):

- Identifying the type of relocation assistance needed from other federal agencies, and/or private contractors, including EPA contractors, and/or the PRP.
- Developing a clear and detailed statement of work that documents EPA's expectations.
- Reviewing legal documents.
- Conducting community interviews, including interviews with residents and businesses.
- Keeping residents informed about moving dates and projected dates for re-occupancy of the primary residence.
- Answering questions about the progress on decontamination of residents' homes.
- Conducting risk communication and providing information about the contaminant to residents.
- Distributing termination of assistance notices and related information.
- Developing replacement item agreements with owners/tenants when property is damaged.
- Distributing leaflets to each household in neighborhoods before mobilization of the decontamination crew and equipment.
- Drafting documents used to administer the relocation.
- Developing a site-specific communications strategy.
- Responding to public and media inquiries.
- Arranging press conferences and media events.
- Issuing press releases at milestones in the project.
- Arranging neighborhood information sessions and public meetings.

- Identifying community needs and coordinating with other government agencies.
- Developing community information materials, including fact sheets, leaflets, postcards.
- Developing the site-specific community involvement plan.
- Establishing local information repositories at public libraries in the affected communities.
- Scheduling speaking engagements throughout the community.
- Trouble-shooting problems that occur during temporary relocations.
- Obtaining access agreements and assisting residents in completing the Application for Superfund Temporary Relocation Assistance.
- Finding suitable temporary housing for families being temporarily relocated.
- Making hotel/motel reservations.
- Making kennel arrangements for pets.
- Making plans for moving and storage of personal property.
- Providing moving assistance, including packing materials.
- Coordinating activities on residents' moving day.
- Arranging school transportation for children of temporarily relocated households.
- Arranging site security.
- Maintaining site relocation files and updating relocation database information.
- Paying all lodging costs, including tax.
- Arranging for payment of temporary relocation assistance and delivering relocation assistance checks where applicable.
- Making arrangements for an independent appraiser to appraise furniture disposed of because of contamination.
- Establishing and maintaining a system for cost documentation.
- Documenting condition of real and personal property at the resident’s primary residence.
- Helping residents adjust to temporary housing.

- Identifying key contacts at local, state and other federal government agencies.
- Identifying support from local social service agencies.

The OSC/RPM is responsible for:

- Ensuring the fair and equitable treatment of the residents, in accordance with URA and DOT regulations.
- Ensuring that the Temporary Relocation Team is functioning effectively as a team.
- Maintaining close contact with the relocation support experts and ensuring that they are complying with this guidance and are sensitive to community needs.
- Coordinating and interfacing with county health departments and other local and support agencies.
- Ensuring appropriate distribution of government relocation monies.
- Ensuring appropriate financial management and documentation by contractors assisting with the relocation operation.
- Ensuring effective communication and coordination with residents and business owners.
- Reviewing and processing disputes of residents regarding relocation assistance decisions.

ATTACHMENT 4

SAMPLE
Consent for Entry and Access to Property
United States Environmental Protection Agency—Region *XX*

Name: _____ Residence No.: _____

Address: _____

_____

Temporary Address: _____

_____

Phone: ( ) _____

Address of property for which consent to access is granted (the "Property"):

_____

_____

_____

Relationship to Property: _____

(e.g., owner, 5 year tenant, etc.)

I grant consent to officers, employees, and authorized representatives of the United States Environmental Protection Agency ("EPA") to enter and have continued access to my property at all reasonable times for the following purposes:

(Examples. Alter to make site specific.)

- Air and wipe sampling.
- Communication with residents and other people on the property.
- Inventory, sampling, decontamination, stabilization, and/or disposal of items of personal property contaminated by ***[specify the contamination***].

- Decontamination, stabilization and disposal of structures and furnishings contaminated by ***[specify the contamination***].

- Removal and disposal of carpets, baseboards, furnace filters, drapes, blinds, and other window dressings, in accordance with health department recommendations.

- Removal and disposal of food products in accordance with health department recommendations.

- Oversight and verification of privately conducted remedial activities.

- Demolition and disposal of contaminated trailer homes.

- Such other actions as EPA determines are necessary to protect human health or welfare or the environment.

I realize that EPA is authorized to undertake these actions pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (CERCLA), 42 U.S.C. §9601 et seq.

I realize that there may be loss of or damage to property during these actions. In addition, I realize EPA will be using utilities, including heat, water, and electricity, while taking the actions permitted in this document.

I certify that I have the authority to permit the actions authorized in this document. This written permission is given by me voluntarily, without threats or promises of any kind, and I understand that I have a right to refuse.

I have not intentionally applied the ***[specify the contamination]*** in order to obtain assistance related to a government response action. I have not requested or permitted anyone else to apply ***[specify the contamination]*** in order to obtain assistance related to a government response action. I understand that intentionally applying (or arranging for the application of) the ***[specify the contamination]*** in order to obtain assistance related to a government response action is a crime punishable by a fine and/or imprisonment. I understand that making any misrepresentation in order to obtain assistance related to a government response action is a crime punishable by a fine and/or imprisonment.

All statements in this document are true and correct to the best of my knowledge. I understand that intentionally making false or fraudulent statements in this document is a criminal offense punishable by a fine and/or imprisonment.

Date: _____Signature:_____

ATTACHMENT 5

SAMPLE
Statement of Work

The U.S. Army Corps of Engineers (USACE) will provide real estate services to EPA in support of actions performed by EPA under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended. Specifically, USACE will provide trained relocation services to people identified by EPA as needing relocation assistance because of a release, or the threat of a release, of hazardous substances or other pollutants or contaminants covered by CERCLA that may pose an imminent threat to public health and the environment.

[Add a brief description of the project here.]

Section I. Preliminary Relocation Tasks

a. USACE will comply with EPA's guidance, "Superfund Response Actions: Temporary Relocations Implementation Guidance" OSWER Directive 9230.0-97, when conducting fund-led temporary relocations for EPA under CERCLA authority. USACE will coordinate with EPA before making decisions about assistance that are outside the scope of this document.

b. USACE will provide a schedule for the work described in this document.

c. USACE will provide EPA with a cost estimate for the work described in this document.

d. USACE will consult with EPA in choices of contractors, contract types and contract details.

e. USACE will have a clause in their contracts that makes contractors liable for liquidated damages or for slow or unacceptable progress.

f. As soon as practicable, USACE personnel responsible for providing real estate services will hold a meeting with all affected landowners/tenants. EPA will participate in the meeting to respond to technical questions concerning the scheduled work at the site. USACE, along with other Temporary Relocation Team members, will meet individually with each resident and business owner to discuss their unique needs, and will document the number of individuals living in each residence.

g. Throughout the temporary relocation, USACE will coordinate with other Team members to provide residents and business owners with a detailed explanation of relocation assistance and services, as outlined in EPA's guidance.

h. USACE will provide EPA with progress reports on a monthly basis or on a schedule established by the EPA Project Officer.

i. USACE will provide EPA a point of contact for all the items under this Statement of Work.

Section II. Relocation Tasks/Assistance

a. USACE will provide relocation services and assistance to affected occupants consistent with the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA) (PL 91-646), as amended, and the regulations promulgated thereunder, and EPA's Directive 9230.0-97 "Superfund Response Actions: Temporary Relocations Implementation Guidance."

b. USACE will process and pay all appropriate relocation assistance claims deemed appropriate.

c. All documents furnished by USACE to residents (including access agreements, letters, assignments of claims, releases, etc.) will be subject to EPA review.

d. USACE will provide EPA with technical assistance related to real estate, temporary relocation assistance, and the requirements of the URA and "Guidance on Temporary Relocations During Superfund Response Actions." Those activities may include:
- Identifying available temporary housing.
- Determining relocation assistance payments.
- Arranging for rental furniture.
- Arranging for storage of the resident's personal property.
- Arranging transportation for residents who are temporarily relocated away from their work or school.
- Helping residents prepare their applications for assistance and other forms.
- Reviewing disputes and making recommendations to EPA.

e. USACE will maintain separate files for each resident and assure that all personal information will be kept confidential.

f. USACE will make a temporary relocation expert available on site throughout the temporary relocation to address resident's concerns. *(Specify the Region's expectation regarding the USACE's availability, including evenings and weekends when residents are more likely to be home).*

g. USACE will notify the Temporary Relocation Team as soon as possible of any issues residents may have or potential relocation problems that may develop.

h. In communications with individual residents, at public meetings, and in written communication, USACE will make clear that EPA is the lead agency for the response action, including the temporary relocation.

[*EPA should carefully document its expectation regarding the dispute process USACE will provide. That process should be consistent with the expectations described in "Superfund Response Actions: Temporary Relocations Implementation Guidance," EPA Directive 9230.0-97].*

ATTACHMENT 6

Comparable Replacement Housing

The term “comparable replacement housing” means a dwelling that is:

1. Decent, safe, and sanitary.

2. Functionally equivalent to the original dwelling. The term “functionally equivalent” means that it performs the same function, provides the same utility, and is capable of contributing to a comparable style of living. While a comparable replacement dwelling need not have every feature of the original dwelling, the principal features must be present. In determining whether a replacement dwelling is functionally equivalent to the original dwelling, the Agency may consider reasonable trade-offs for specific features when the replacement unit is “equal to or better than” the original dwelling.

3. Adequate in size to accommodate the occupants.

4. In an area not subject to unreasonable adverse environmental conditions.

5. In a location that is not less desirable than the relocated person’s dwelling with respect to public utilities, commercial and public facilities, and access to place of employment.

6. On a site that is typical in size for residential development with normal site improvements, including customary landscaping. The site need not include special improvements such as outbuildings, swimming pools, or greenhouses.

7. Currently available to the relocated person on the private market; however, a comparable replacement dwelling for a person receiving government housing assistance before relocation may reflect similar government housing assistance.

SOURCE: 49 CFR SECTION 24.2 OF THE UNIFORM REGULATIONS

ATTACHMENT 7

EXAMPLE
Notification Letter

(Modify for residents relocated to rental units)

Date:

Name/Address:

Re:

Dear:

As you may know, the U.S. Environmental Protection Agency (EPA) is decontaminating your residence because it was contaminated with *[specify the contamination]*. You and your family will need to be temporarily relocated for about ___weeks during the cleanup.

This letter is to inform you that your application for Superfund Temporary Relocation Assistance has been reviewed and approved by EPA. EPA will provide the following assistance to you and your family during your period of temporary relocation:

1. A daily allotment for food and incidental expenses. The daily allotment is based on the federal per diem rate for _____, which will be calculated as follows:

Adults and children age 12 years and older	$_____ per day
Children age 11 and younger	$_____ per day

   * *Please note that if similar or equivalent assistance is provided to you, EPA will not provide such assistance. For example, if you receive reimbursement from your insurance company for meals and/or temporary housing or if you receive free meals from some other source you will not be reimbursed by EPA.*

2. Cost of temporary housing (like apartments, hotels, and motels) arranged by EPA will be reimbursed by EPA. If you are making other arrangements, please contact us to obtain prior approval and a determination as to our allowance, if any.

   * *Please note that in order to be eligible for EPA temporary housing assistance, you must continue your tenant or ownership status and pay your rent/mortgage at your primary residence.*

3. Costs for essential utilities (gas, water, and electricity) at your temporary residence during your temporary relocation.

* *Please note that in order to be eligible for EPA temporary housing assistance, you must continue your tenant or ownership status and pay your bills for essential utilities at your primary residence.*

4. Cost of the monthly basic telephone service will be paid. This does not include long-distance phone calls.

5. A one-time moving-out-of-residence allowance of $_____ and a one-time moving back into residence allowance of $_____ will also be provided.

6. Cost for kennel fees.

* *Please note, you must keep all receipts for expenses incurred during your relocation for which you plan to seek reimbursement. EPA will assist you in completing the enclosed claim forms. All claims for payment must be submitted within four months of the date you are allowed to return to your primary residence.*

Temporary relocation assistance will begin on *[date]* and will terminate upon notice from U.S. EPA.

Please be advised that if EPA determines at a later date that you received an inappropriate payment or that the information you provided to calculate these payments were based on incomplete, inadequate, or incorrect information, EPA may change its determination and could possibly seek a refund of money disbursed upon notice.

If you have any questions concerning this temporary relocation assistance, please contact *[Designated Team Member]* at *[telephone number, Temporary Relocation Office]*.

If you wish to dispute this determination or the amount of assistance received under this determination, you can submit a written description of your dispute to the following address within 60 days of receipt of this letter:

U.S. Army Corps of Engineers Relocation Specialist
c/o *[Name of OSC for Relocation Operations]*
[Address]

Sincerely,

EPA On-Scene Coordinator

Enclosures

*Note: When handed to residents instead of mailing in certified mail, the Team may add a signature line for indicating receipt***.**

ATTACHMENT 8

Essential Furniture Items

# Needed	Type of Furniture
1	Sofa
1	Living room chair
1	Coffee table
2	End tables
2	Table lamps
1	Dining table
*	Dining chairs
1	Range
1	Refrigerator
*	Beds (mattress, box springs, frame)
*	Crib w/mattress when required
1	Night table (per bedroom)
1	Table lamp (per bedroom)
*	Chest of drawers
1	Television
1	Alarm clock

* One per person or as needed

ATTACHMENT 9

EXAMPLE

PERSONAL PROPERTY APPRAISAL RECORD

Residence # _____ Page ____ of ____
Address: _____
_____

Contact _____ Phone # _____
_____

[at temporary residence] *[at this address]*

Item #	Description	Appraised Value	Full Replacement Value *(if requested)*

Subtotal (this page):	
Total:	

Appraised by:	Printed Name	Signature
Of:	Company	Date

ATTACHMENT 10

(This temporary relocation agreement must be modified to site specific circumstances. All residents over the age of 18 should sign this form.)

Applicant Number: _____ EPA/USACE Interviewer(s): _____

_____

Environmental Protection Agency
Temporary Relocation Agreement

This is an agreement between the United States Environmental Protection Agency (EPA), the United States Army Corps of Engineers (USACE), an agent of EPA, and Mr. _____ and Mrs./Ms. _____ ("Residents"), as representatives for the household located at_____.
(address of primary residence)

EPA has determined that a response action is necessary to *[describe response action to be taken that warrants temporary relocation]*. During the time that the response action is underway, *[list the names of all residents living in the household who will be offered temporary relocation]* will be offered temporary relocation.

Residents hereby accept temporary relocation from their primary residence to *[name of hotel or address of apartment/house]*, and acknowledge that any related increase in their out-of-pocket expenses, as described below, will be reimbursed by EPA.

Residents agree that all household members will leave their primary residence on *[date]*. Residents understand that EPA estimates the temporary relocation will be for *[X]* days/weeks.

Residents understand that they are responsible for continuing to make their mortgage/rent payments while they are temporarily relocated by EPA. Residents are further aware that if they do not continue to make these payments, some or all of their temporary relocation assistance may be terminated.

Residents understand that they are responsible for continuing to make payments on their homeowners insurance at their primary residence.

Residents agree to make appropriate payments to the various utility companies providing service to their primary residence.

Residents understand that EPA will provide them with a list of things they should do before leaving their primary residences, such as disposing of garbage, removing and safely storing

valuables, taking items that will be needed during temporary relocation, and turning down the heat, without turning it off.

Residents also agree to abide by the rules of the motel/hotel, or the apartment management at the temporary residence, and understand that failure to do so may result in their being asked to leave and may result in a reduction of their temporary relocation assistance. In the event that EPA seeks to terminate the temporary relocation assistance under this program, EPA will first provide written notice to the residents that explains the Agency's decision.

At check out from the hotel, residents agree to pay for any long distance phone calls, pay per view television, and any other charges not covered by the basic room rate being paid by EPA. Residents understand that if they fail to pay these hotel expenses, EPA may withhold part of their temporary relocation reimbursement.

Residents understand that they are responsible to the landlord and rental company for any damage to the temporary residence and rental furniture done by themselves, their family, or their guests. Residents understand that EPA may withhold part of their temporary relocation reimbursement if they fail to compensate the landlord or rental company for damages.

Residents understand that EPA will notify them when their temporary relocation assistance will end. If residents choose not to return to their primary residence after that date, they are responsible for any additional expenses they incur.

Residents understand that if EPA becomes aware of any potentially illegal activity at their primary or temporary residence, EPA will contact the appropriate authorities.

Residents understand that if EPA determines that they purposely contributed to the contamination of their residence, they may not be entitled to relocation assistance.

Residents understand that if any information they provide EPA for determining eligibility for assistance is found to be false, temporary relocation assistance may be terminated. Also, if family circumstances change while they are temporarily relocated, (e.g., the birth of a child, the moving out of an adult child from the temporary residence), or if they choose to sell their primary residence or to terminate the lease at their primary residence, residents will notify EPA. Residents understand that changes in the family circumstances may result in increases or decreases in temporary relocation assistance.

Residents understand that, for safety reasons, they will not be able to return to their primary residence while they are temporarily relocated, and they should take all necessary personal property and records to their temporary residence.

Residents understand that EPA will reimburse them for the following expenses:

1. Rent at the temporary residence (including monthly maintenance/condo fees) $_____ (monthly)

2. Rental deposits $_____ (one time payment)
(If a rental deposit is returned to a resident by the landlord at the end of the temporary relocation, residents agree to return this deposit to EPA.)

3. Utilities at the temporary address

electric	
gas	
cable TV	Total of monthly bills
trash pickup	(generally, EPA will not reimburse for
basic telephone service	late fees)
water	$_____

4. Daily meals and incidentals $_____ (daily rate)
(for transient accommodations)

5. Kenneling fees $_____(daily rate)

6. Household staples $_____ (one time payment)
(for setting up apartments/houses)

7. Moving expenses $_____(two payments)
(to and from primary residence)

8. Tenant insurance $_____(as required)

9. Storage fees $_____(monthly)

(Add other appropriate reimbursements)

Residents understand that EPA may pay for other expenses associated with the temporary relocation only if the expenses are approved in advance by EPA/USACE and receipts and/or other evidence of the expenditure are presented, and the reasons for the expense are documented.

Residents understand that EPA/USACE has offered to reimburse them for any expenses associated with renting a safety deposit box at a hotel or bank for storing small items of value such as jewelry, important papers, etc. and in secured storage facilities for larger items of value such as televisions, VCRs, other electronic items, etc.

Residents understand that EPA/USACE will arrange for transportation of their children from the motel/hotel/apartment to and from schools and that they must fill out an application for school bus transportation.

Residents agree to allow EPA and/or USACE to videotape their primary residence and personal property before they depart and again just before they return to the residence to verify what property is left behind and the condition of all real and personal property. Residents also agree

to sign an inventory form detailing all items to be placed in storage by EPA. Residents understand that they will receive a copy of the video free of charge.

Residents understand that it is EPA's policy to provide them an opportunity to have their disputes reviewed by an EPA official not involved in the disputed issue, and that they must describe their dispute in writing to EPA.

As representatives of my/our household, I/we have read this agreement and understand and accept the terms and conditions of this temporary relocation agreement. I/we request that the temporary relocation assistance checks be made payable to:_____.
(resident or guardian)

Signature(s) of agreement:

Resident(s):	_____	Date:	_____
	_____	Date:	_____
	_____	Date:	_____
	_____	Date:	_____
EPA:	_____	Date:	_____
USACE:	_____	Date:	_____

ATTACHMENT 11

Information Needed to Apply for Relocation Assistance

Proof of Size of Household—information that clearly documents who lives at your primary residence.

A. First page of your two most recent tax returns
B. Proof that you are receiving public assistance
C. Medicaid/Medicare card(s)
D. Section 8 papers

Proof of Residency—Bring the following that apply to you:

A. Copy of current lease
B. Rent receipt or copies of past three months rent checks (front and back), money order payment stubs, or mortgage bills
C. Name, address, and phone number of landlord/mortgage company
D. Mail addressed to you at primary residence
E. Deed of trust or sales contract for home purchase

Homeowners or Renters Insurance Information

a. Name of company and policy number
b. Copy of Policy
c. Copy of Declarations Sheet or other correspondence with insurance company
d. All applicants who have renters' or homeowners' insurance may execute notice of claim and assignment forms *(see copies attached with this package)*

Note: For additional assistance, contact your EPA contact.

ATTACHMENT 12

Application for Determining
Superfund Temporary Relocation Assistance

Shaded area to be filled out by EPA	Please provide all applicable information
Applicant Number:	Head(s) of Household (select one or two adults to represent the family. This is the name of the person(s) that reimbursement checks will be made out to):
Primary Residence Address:	
Verified by: □ Utility bills, □ Drivers license, □ Other _____	

Occupancy Basis at Primary Address:	Owner	Tenant	Living with Friend or Family. No rent paid	
Type of Primary Residence	House	Apartment	Mobile Home	Other
Name and Address of Landlord/Mortgage Holder at Primary Address:				

Phone Numbers of Residents		
At Primary Address:	Adult at Work:	Other Adult at Work:

Occupants at Primary Address			
Name	Age	Sex	Relationship to Head(s) of Household
1.			
2.			
3.			
4.			
5.			
Verified by: □ Tax returns, □ Other_____			

Special Needs? (e.g., handicap accessible, special provisions for health concerns)

Hotel Needs *(Delete if not relevant)*		
Smoking: No / Yes	Number of Rooms: _____ Adjoining Rooms: ❑ No ❑ Yes Explain:	Refrigerator: ❑ No ❑ Yes Explain:
	EPA will provide guidelines for when multiple rooms may be provided	EPA will provide guidelines for when a refrigerator may be provided
How many cars/trucks do you currently have that will require parking at the temporary address?		

Apartment Needs *(Delete if not necessary*)	
Number of bedrooms needed:	Other Needs:
How many cars/trucks do you currently have that will require parking at the temporary address?	

Staying With Friends or Family *(Delete if not necessary*)	
Address of friend or family:	Phone number of friend or family:

Pet Needs		
Do you have pets that will need to be temporarily relocated? ❑ No ❑ Yes	How many pets and what type?	Do your pets have all their appropriate shots? ❑ No ❑ Yes You may have to verify this if the pet is kenneled. Be sure to bring proof.
Do any of your pets have unique needs? (e.g., horses that require boarding) ❑ No ❑ Yes If yes, explain:		

Transportation Needs
How many children do you have who will require transportation to school? _____ What is the name of the school(s) your children attend: If so, have you completed a application for school bus transportation form? ❑ No ❑ Yes
Do you have other transportation needs? ❑ No ❑ Yes If yes, explain: (EPA will provide guidelines on which out-of-pocket expenses are eligible for reimbursement.)

Required Furniture or Other Household Items that Must be Rented
1. 2. 3. 4. 5. 6. 7. 8. 10. EPA will provide guidelines on what may be eligible for reimbursement. Include need for Internet access and cable TV if you had either or both at your primary address.

Storage of Valuables
Would you like the use of a safety deposit box for valuables that you do not want to take with you to your temporary residence? ❑ No ❑ Yes
Do you have any large expensive items (e.g., electronic equipment including TVs, VCRs, and stereos) that you would like to put in storage while you are staying at your temporary residence? ❑ No ❑ Yes Describe:

Additional Information
Other information you believe would be helpful to assist EPA in identifying appropriate temporary housing:

I certify that the above information is accurate. I understand that if any information on this form changes, I need to inform EPA. I also understand that if EPA determines that the information on this form is found to be inaccurate, some or all of my temporary relocation assistance may be denied or withdrawn.

Name: _____

Date: _____

Based on information provided by the resident and available resources, the following assistance will be provided to this resident/family. (To be filled out by EPA.)

Applicant Number:	Applicant Name(s):	Applicant phone number at the temporary address:
Hotel/Motel where this resident/family will stay (include room number):		
Temporary Residence Address:		
Name of resident, EPA, or USACE who signed agreements with furniture rental companies		
Kennel where the family pets are staying (Name, Address, and Phone Number):		
Name and Address of company that provided rental furniture:		
Rental furniture provided: 1. 2. 3. 4. 5. 6. 7. 8. 9. 10.		

Residents will be reimbursed for the following expenses:

Rent/Hotel/Motel Charges	$_____
Per diem	$_____
Furniture	$_____
Transportation	$_____
Phone calls	$_____
Renter's insurance	$_____
Utilities	$_____
Cable TV service	$_____
Kennel fees	$_____
Other (_____)	$_____

Attach assistance computation sheet and any other expense justifications

Residents received a one-time reimbursement for household staples? No / Yes / NA
Amount received: $_____

Storage provided for the following:

Storage provided by: (Company name and address)

Safety box provided by: (Company name and address)

ATTACHMENT 13 A

EXAMPLE

Meals and Incidentals Computation Sheet For Households Offered Relocation to Hotel or Motels Without Cooking Facilities

Applicant No:_____

Applicant's Name:_____

No. of persons age 12 and older: _____ @ $ _____ /day = _____

No. of persons age 11 and below: _____ @ $ _____ /day = _____

Total Meals and Incidental per day = $ _____

Pets
No. of pets requiring boarding: _____ @ $ _____ /day = _____

Total Relocation Assistance per day = $ _____

Renter's or Homeowner's Insurance at primary residence: Yes/No

Insurance Company:_____ Policy No._____

Note:This computation sheet can be used for households that were offered temporary relocation to hotels or motels without cooking facilities, but that decided to live with friends or families instead.

ATTACHMENT 13B

EXAMPLE
Rental Assistance Computation Sheet

Applicant Number: _____ Name: _____

Type of Residence Rented (check one): House ❑ Apartment ❑ Mobile Home ❑

	Monthly Expenses	
Dwelling Rent:	$	
Furniture Rent:	$	
Utilities: *(when out-of-pocket expenses)*	$	
Pet Boarding:	$	
Other: *(e.g., cable TV and Internet access if applicable)*	$	**Total**
Total Monthly Expenses:	$	$

	One-Time Expenses	
Dwelling Security Deposit:	$	

(Note: The applicant is responsible for damages to temporary residence and furniture. The security deposit will be returned to the Government when the applicant vacates the temporary residence.)

Telephone Transfer: *(Reconnect and disconnect fees)*	$	
Shots for Pets:	$	
One-Time Household Staples Replacement Expense:	$	
Moving Expenses *(to and from temporary residence)*	$	
Credit Checks	$	**Total**
Other One-Time Expenses: *(Explain)*	$	$

ATTACHMENT 14

EXAMPLE
Assignment of Insurance Claim

This Assignment of Insurance Claim ("Assignment") is made on the _____ day of _____ month, _____ year, by _____ ("Insured").

WHEREAS:

The U.S. Environmental Protection Agency ("EPA") found that an imminent and substantial endangerment to the public health, welfare or the environment was posed by the presence of *[specify the contamination]* at Insured's property;

Under the authority of the Comprehensive Environmental Response, Compensation, and Liability Act "CERCLA", 42 U.S.C. §9601 et seq.), EPA is providing for the cleanup and restoration of Insured's property and for temporary relocation of the residential occupants of Insured's property;

Regulations relevant to the provision of relocation assistance during EPA's cleanup action (44 CFR § 220.4) provide that any insured applicant for relocation assistance must agree to repay the cost of relocation assistance to the extent that any insurance proceeds are available for this purpose; and

Insured has an insurance policy (the "Policy") with_____ Insurance Company (Policy Number: _____), including any declarations thereto, which may entitle Insured to coverage for the expenses of cleanup, restoration, and/or relocation;

NOW, THEREFORE, in consideration of the cleanup, restoration, and temporary relocation of the residents of Insured's property, Insured assigns the Policy to EPA, under the following terms and conditions:

1. Insured assigns to EPA all rights Insured has under the Policy, including the right to make demand upon the Insurer and to pursue any remedies, legal and otherwise, to the extent of coverage available for cleanup and restoration of the Insured's property and for temporary relocation of the residential occupants of the Insured's property.

2. This assignment must be limited to the amount spent by EPA for cleanup and restoration of Insured's property and for relocation assistance to residential occupants of Insured's property.

3. Insured authorizes the above-named insurance company, and its successors and assigns, to make payments due to EPA under the Policy.

4. Insured agrees to provide to EPA a copy of the Policy and copies of any other correspondence with that insurance company relating to claims arising from the presence of [specify the contamination] at Insured's property.

5. Insured agrees to cooperate with EPA in EPA's attempt to pursue any insurance claim assigned to EPA pursuant to this Assignment. This cooperation includes signing a letter prepared by EPA for the purpose of notifying the insurance company of a claim under the Policy, and also includes signing any other documents necessary or useful to accomplish this Assignment or collect any assistance in connection with it.

AGREED:

_____
Signature (Insured)

_____
Print Name

_____
Date

ATTACHMENT 15

Sample Insurance Claim Letter to Insurance Company

Insurance Company Address:

_____

_____

_____

Attn: Claims Department

Re: Policy Number _____

Dear Sir or Madam:

This letter notifies you of a claim under my (homeowners) (renters) (company name) insurance policy based on the presence of *[specify the contamination]*, at my property at _____*[address]*. The U. S. Environmental Protection Agency (EPA) has determined that the presence of contamination at my property poses an imminent and substantial endangerment to the public health, welfare or the environment.

EPA is carrying out a response action at my property. EPA's response action involves the cleanup and restoration of my property, and the provision of temporary relocation assistance to residential occupants of my property. Accordingly, I have assigned my rights under the above-referenced policy to EPA to the extent of coverage available for cleanup and restoration of my property and for temporary relocation of the residential occupants of my property. Please direct copies of any correspondence concerning this claim to:

United States Environmental Protection Agency
Region XX
Address

Thank you.

Sincerely,

_____
(Name) (Insured)

ATTACHMENT 16

Example of Hotel Rules

If you are temporarily relocated to a hotel or motel, you should be aware of some typical hotel policies that will make your hotel stay more comfortable. The U.S. Environmental Protection Agency (EPA) appreciates your cooperation throughout your temporary relocation period.

- Please be courteous to all other guests in the hotel. No loud music or noise is allowed in guest rooms or in public areas.

- All children must be accompanied by an adult or guardian at all times. No running or playing is permitted in the hallways or public areas.

- You will be responsible for paying the hotel for long-distance telephone calls, bar bills and room service. EPA will reimburse you for any hotel fees associated with outgoing local calls. Incoming phone calls are free. You may need to ask the hotel's front desk to activate your telephone.

- No pets or animals are allowed inside or outside of the hotel unless permission is given from the hotel management.

- Cooking or food preparation is not allowed inside hotel rooms. Hot plates, microwave ovens, or other cooking devices are not permitted. Before outdoor barbecue grilling, please check with the hotel management to see if it is permitted.

- No extra furniture is allowed in hotel rooms unless you have obtained permission from the hotel management.

- Please observe all "No Smoking" signs in public areas, and do not smoke in non-smoking rooms.

- Housekeeping service is provided in most hotels; however, you are still responsible for the general condition of your room. You must allow the housekeeping attendant to enter the room daily to clean and provide fresh linens.

- Please leave wet towels and dirty bed linens in your hotel room. Do not place these items in the hallway. The housekeeping service will pick up these items daily during their rounds.
- You are responsible for any damage that occurs in your room during your temporary relocation, such as broken furniture and staining of carpets or linens. If the hotel charges a replacement fee for these items, you will be responsible for paying it directly to the hotel.

- Please put litter in appropriate trash containers. Trash cans are provided in the laundry rooms, and dumpsters are located outside the building. If you have excess trash in your room, leave it in the wastebasket in your room or take it to a dumpster. Do not leave it in the hallway.

- Many hotels have swimming pools that may or may not have lifeguards in attendance. Please observe the hotel rules for use of the pool. Also check at the main desk of your hotel or motel to see if you need to pay a fee to use the pool or other recreational facilities.

- There may be an additional charge for any persons staying with you in your room who were not members of your household on the date of your relocation. EPA will not pay this extra charge.

- When your temporary relocation ends, you must check out of the hotel. On the day that you leave, go to the main desk and inform the clerk that you are checking out. Give the desk clerk the keys to all rooms used by you and your family.

- Please keep in mind that you are required to pay for any additional charges to your hotel room (such as room service, video rentals, or pay-per-view television events).

- EPA has hired a 24-hour security guard at some of the hotels. To reach the security guard, please call the front desk of the hotel.

PLEASE NOTE: Any complaints that EPA receives from the hotel management about any resident could result in your eviction from the hotel. If you are asked to leave the hotel for any reason, EPA will not provide you with another hotel and your relocation assistance may be terminated. Anyone engaged in illegal activity may be removed from EPA's temporary relocation program.

I have read and agree to comply with this list of hotel rules, and any other rules imposed by the hotel at which I am staying during my temporary relocation.

Resident Signature_____ Date: _____

Resident Signature_____ Date: _____

ATTACHMENT 17

General Packing Instructions

(Modify for relocations to transient housing)

If U.S. Environmental Protection Agency (EPA) is temporarily relocating you to a furnished apartment, you will need to pack up your belongings in a special way. In addition, there are a number of personal items you will need to bring with you to use in the apartment.
Pack the belongings you won't need during the cleanup for storage. Clearly mark these boxes and bags with the word "STORAGE." Remember, once you pack these items and the cleanup begins, you cannot get to them until the cleanup is finished. Once you close and seal your boxes, EPA and its workers will not open them.

Pack everything you are going to need while you are in your temporary furnished apartment separately. Place the items that you will need to take to the temporary apartment (an example list is provided below) in boxes or bags and clearly mark them with the word "APARTMENT." All boxes also should be numbered (e.g., 1 out of 8) and include your name. If EPA provides you with pre-printed labels to mark your boxes or bags, please use them.

You will remain in the apartment until the cleanup and restoration of your residence is complete. During your stay in the furnished apartment, EPA will provide you with essential furniture.

Items Provided to You in Your Furnished Apartment:

EPA will ensure that the following items are provided for you in your furnished apartment: one sofa, one living room chair, one coffee table, two end tables, two table lamps, one dining table with dining chairs, one range, one refrigerator, one bed and chest of drawers per person as needed, one night table and table lamp in each bedroom, one television, and one alarm clock.

Items You Might Want to Bring to the Apartment:

- Bed linens (sheets, pillowcases, and comforters)
- Towels and wash cloths (kitchen and bathroom)
- Toiletries (shampoo, soaps, makeup, hair dryers), and personal items (hair and toothbrushes)
- Non-perishable foods that you are sure are not contaminated (flour, sugar, and spices)
- Clothing you will need for your stay
- Microwave, can opener, or other small appliances
- Electronic items (TV, clocks, computers, VCR, and stereo)
- Cleaning items (vacuum and dish soap)
- Important medical and/or legal documents, including birth certificates, passports, wills, school registration forms, proof of pet vaccinations, and information to file tax returns if the relocation will extend beyond April 15.
- Laundry supplies (clothes basket, soap, and fabric softener)
- Valuables, jewelry, and sentimental items
- Plants
- Cooking and eating utensils

ATTACHMENT 18

EXAMPLE
Check Receipt Acknowledgment Form
U.S. Environmental Protection Agency

Applicant No. _____ Date: _____

I agree to vacate the premises at _____(address)_____ beginning on _____(date)_____ until the end of the decontamination process on my home.

I elect to stay at the _____ in accommodations provided by EPA. Accordingly, I agree to receive a food allowance of $_____ per day *(see EPA's Temporary Relocation Agreement–Attachment 10)* for me and my family. I understand that if my eligibility for certain assistance changes, those changes may increase or decrease my payments. Relocation assistance will end on the date on which I re-enter my home or for any other reason listed on the *Grounds for Termination of Relocation Assistance* document that I have signed.

Total allowance for this period is $_____ (check # _____). This covers the period from _____ through _____, which is a total of _____ days.

_____ Interviewer

_____ Applicant (Print)

Date: _____

_____ Applicant's Signature

ATTACHMENT 19

EXAMPLE
Application for School Bus Transportation

The U.S. Environmental Protection Agency (EPA), through its contractors, provides school bus transportation for children who are relocated in homes and apartments while their homes are being cleaned and restored. There is no charge for this service.

If you would like to provide your own school transportation for your children instead, you must get pre-approval from EPA. If approved, EPA will reimburse you for miles traveled at $___ per mile. Please contact *[Temporary Relocation Team Contact]* at *[telephone]* if you are interested in this option.

To apply for EPA-provided bus service, please provide the following information by (Date).

NOTE: *For young children, EPA may require that a parent/legal guardian, or an alternate adult approved by the parent/legal guardian, deliver the child to the school bus and receive the child from the school bus each day. This person will be required to sign a sheet when the child boards the bus for school in the morning and when the child gets off the bus after school in the afternoon. Many states have laws that hold parents responsible for the supervision of their children. Check the state laws to determine at what age children can board and get off the school bus without adult supervision.*

Children Needing School Bus Transportation	
Child's Name:	Age:
School Name:	School Year: ____/____/____ thru ____/____/____
Time School Starts:	Time School Ends:
Special Instructions For This Child:	
Child's Name:	Age:
School Name:	School Year: ____/____/____ thru ____/____/____
Time School Starts:	Time School Ends:
Special Instructions For This Child:	

Child's Name:	Age:
School Name:	School Year: ____/____/____ thru ____/____/____
Time School Starts:	Time School Ends:
Special Instructions For This Child:	

Parents or Legal Guardian	
Name:	Relationship to Child:
Permanent Address:	
Temporary Address:	
Daytime Phone:	Evening Phone:
Name:	Relationship to Child:
Permanent Address:	
Temporary Address:	
Daytime Phone:	Evening Phone:

Alternate Adults Approved to Deliver Your Children to and Pick Up Your Children from the School Bus	
Name:	Daytime Phone:
	Work Phone:
Name:	Daytime Phone:
	Work Phone:
Name:	Daytime Phone:
	Work

The school transportation service provided includes a school bus or van, driver, and a security guard.

I understand that the transportation provided is contingent upon good behavior by my child/children riding on the school bus and that my child/children must follow instructions from the school bus driver and/or security guard while using the transportation service.

I further understand that if my child/children misbehaves, or if there are difficulties with receiving my child/children from a responsible adult or delivering my child/children to a responsible adult, this service will be terminated and I will be responsible for school transportation for such child/children.

Name of Parent or Guardian:
(please print) _____

Signature of Parent or Guardian: _____

Date: _____

Witness Signature: _____

(Regions should take great care to make sure standards are in place when selecting drivers and vans. Bus driver qualifications and standards are established by state and federal regulations. All drivers must comply with federal regulations and any state regulations that exceed federal requirements. At a minimum, the Team should insist that school bus drivers pass a background investigation to uncover any criminal convictions or history of mental illness. Drivers must not have been convicted of a felony involving the use of a motor vehicle; a crime involving drugs; or driving under the influence of drugs or alcohol. The Team may want to consult with the local school board for additional advice.)

ATTACHMENT 20

Public Housing 101—
Section 8 Housing Choice Voucher Program

The U.S. Department of Housing and Urban Development (HUD) implements a Section 8 Housing Choice Voucher program, which is a housing assistance payment program that may affect EPA's actions when relocating public housing residents because of a Superfund response action. The program assists very low-income families, the elderly, and the disabled to afford decent, safe, and sanitary housing in the private market. HUD used to implement a Rental Certificate Program as well, but this program is no longer offered by HUD.

Housing choice vouchers are administered locally by public housing agencies (PHAs) using federal funds from HUD. A family that is issued a housing voucher is responsible for finding a suitable housing unit of their choice whose owner agrees to rent under the program. Under the Housing Choice Voucher program, housing choices are not limited to units located in subsidized housing projects, and can include privately owned single-family homes, townhouses, and apartments. The housing choice may include the family's present residence. Rental units must meet minimum standards of health and safety, as determined by the PHA.[1]

Eligibility for a housing voucher is determined by the PHA based on the total annual gross income and family size and is limited to U.S. citizens and specified categories of non-citizens who have eligible immigration status. In general, the family's income may not exceed 50% of the median income for the county or metropolitan area in which the family chooses to live. By law, a PHA must provide 75 percent of its vouchers to applicants whose incomes do not exceed 30 percent of the area median income. Median income levels are published by HUD and vary by location. The PHA serving your community can provide you with the income limits for your area and family size.

The PHA determines a payment standard that is the amount generally needed to rent a moderately-priced dwelling unit in the local housing market and that is used to calculate the amount of housing assistance a family will receive. However the payment standard does not limit and does not affect the amount of rent a landlord may charge or the family may pay. A family that receives a housing voucher can select a unit with a rent that is below or above the payment standard. The housing voucher family must pay 30% of its monthly adjusted gross income for rent and utilities, and if the unit rent is greater than the payment standard the family is required to pay the additional amount. By law, whenever a family moves to a new unit where the rent exceeds the payment standard, the family may not pay more than 40 percent of its adjusted monthly income for rent.

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[1] The Housing Authority is committed to ensuring that the homes built, managed, or rehabilitated under its programs provide suitable, safe, and secure places for families to live. To meet these objectives, the Housing Authority has adopted Housing Quality Standards that establish a minimum threshold for the condition of all housing under its programs. Standards include annual inspections of all units, including units under the Mutual Help, Low Rent, and Section 8 programs; annual re-certification of resident incomes; and provision of resident services and counseling.

A housing subsidy is paid to the landlord directly by the PHA on behalf of the participating family. The family then pays the difference between the actual rent charged by the landlord and the amount subsidized by the program. The PHA calculates the maximum amount of housing assistance allowable. The maximum housing assistance is generally the lesser of the payment standard minus 30% of the family's monthly adjusted gross income or the rent for the unit minus 30% of monthly adjusted income.

For more information on HUD’s Section 8 Housing Choice Program, go to: http://www.hud.gov/offices/pih/programs/hcv/about/fact_sheet.cfm.

ATTACHMENT 21

EXAMPLE
ENDING TEMPORARY RELOCATION ASSISTANCE

[Date]

[EPA Address]

Dear [Occupant's Name]:

This letter is to inform you that EPA has almost completed *(decontamination/excavation/other response action)* affecting your residence at *[address of primary residence]* and has determined that your home will be safe to reoccupy on *[date]* . Throughout the cleanup and restoration process, U.S. EPA has provided certain assistance to you and your family while you have been temporarily relocated. Since you will be able to re-occupy you home, the assistance provided to you as part of U.S. EPA's response action will be stopped on *[date]* at *[time]* a.m./p.m.

Because your temporary housing assistance will end on _____, you are expected to move out of the temporary housing unit located at _____ on or before the above-mentioned date. If you decide to remain in the unit beyond that date, you will have to make arrangements with the owner/agent. EPA will not reimburse you for any rental charges incurred after the date mentioned above. A move-out inspection is required, at which time you should return the keys to the residence. An EPA representative will contact you in the near future to review procedures for returning possession of the unit to EPA and to schedule a move-out inspection.

If you have been provided with furniture by EPA for your temporary housing, an EPA representative will contact you to discuss arrangements for the return of that furniture. If your own furniture has been in storage, or if you have your own furniture with you at your temporary residence, EPA will arrange to have it delivered to your primary residence before the date you re-occupy the residence.

If you wish to dispute the end of this assistance, you have the right to present your dispute to EPA within XX *(fill in a reasonable period of time that makes sense for the project deadlines)* business days from the receipt of this letter. Your dispute must be a signed, written statement explaining why the assistance should not be ended. If EPA does not receive your dispute within XX business days, your assistance will be ended on the date provided above. Additional information is available on EPA's dispute process. Please address your dispute to:

Temporary Relocation Team Contact
[Address]

If you have any questions, please contact *[name]* at *[telephone number]* .

Sincerely,
Temporary Relocation Coordinator

Enclosure

ATTACHMENT 22

List of Related Documents

Comprehensive Environmental Response, Compensation, and Liability Act, 42 USC Chapter 103.

A Guide to Preparing Superfund Proposed Plans, Records of Decisions, and Other Remedy Selection Decision Documents, EPA 540-R-98-031, EPA Directive 9200.1-23P, July 1999.

"Early and Meaningful Community Involvement" October 12, 2001, EPA Directive 9230.0-99

Interim Policy on Use of Permanent Relocations as Part of Superfund Remedial Actions, EPA 540-F-98-033, EPA Directive 9355.0-71P, June 1999.

National Oil and Hazardous Substances Pollution Contingency Plan, 40 CFR Part 300.

Negotiation and Enforcement Strategies to Achieve Timely Settlement and Implementation of Remedial Design/Remedial Action at Superfund Sites [memorandum], OECA, June 17, 1999.

On-Scene Coordinators Toolbox Guide, EPA 540-K-00-003, EPA Directive 9242.2-12.

Response Actions That Affect Residential or Commercial Structures, EPA 540-F-98-029, EPA Directive 9360.3-20, May 1998.

Response Actions at Sites with Contamination Inside Buildings, EPA Directive 9360.3-12, August 1993.

Risk Assessment Guidance for Superfund: Volume 1— Human Health Evaluation Manual, Supplement to Part A: Community Involvement in Superfund Risk Assessments, EPA 540-R-98-042, EPA Directive 9285.7-01E-P, March 1999.

Superfund Removal Procedures: Public Participation Guidance for On-Scene Coordinators: Community Relations and the Administrative Record, EPA Directive 9360.3-05, July 1992.

Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Public Law 91-646.

Uniform Relocation Assistance and Real Property Acquisition Policies for Federal and Federally Assisted Programs, 42 USC Chapter 61, 49 CFR Part 24.

ATTACHMENT 23

List of Acronyms

AA	Assistant Administrator
ATSDR	Agency for Toxic Substances and Disease Registry
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (Public Law 96-510)
CFR	Code of Federal Regulations
CIC	Community Involvement Coordinator (EPA)
DOT	Department of Transportation
ERRS	Emergency and Rapid Response Services
FEMA	Federal Emergency Management Agency
FMR	Fair Market Rent
IAG	Interagency Agreement
MOU	Memorandum of Understanding
OECA	Office of Enforcement and Compliance Assurance
OERR	Office of Emergency and Remedial Response (EPA Headquarters)
OGC	Office of General Counsel
ORC	Office of Regional Counsel
OSC	On-Scene Coordinator (EPA)
OSWER	Office of Solid Waste and Emergency Response
PRP	Potentially Responsible Party
RPM	EPA Remedial Project Manager
SATA	Superfund Analytical Technical Assistance (contractor)
SOW	Statement of Work
START	Superfund Technical Assistance and Response Team
URA	Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Public Law 91-646)
USACE	United States Army Corps of Engineers
U.S. EPA	United States Environmental Protection Agency