

This article will address methods of determining a residential displacee's permanent residence or dwelling.

An agency is displacing week-to-week tenants from a motel. One of the tenants has been there for over ten years but pays weekly. Several others have been there for **more than 90 days**. The occupant interviews have not been conducted yet, but the occupants will be asked about permanent residency. Are there any concerns or issues that should be raised in these situations? Earlier in the project, the agency was told that there were no permanent tenants; all were weekly or nightly. Initially, as part of interviewing all occupants, the agency should consider doing due diligence to determine whether the current address is the primary residence of the occupant(s). This should be a routine process when the occupancy of a facility could be transient in nature. Then, eligibility as a displaced person would be determined per **49 CFR 24.2(a)(9)**.

The definition of a dwelling is found in 49 CFR 24.2(a)(10): The term dwelling means the place of permanent or customary and usual residence of a person, according to local custom or law, including:

- Single-family house
- Single-family unit in a two-family, multi-family, or multi-purpose property
- Unit of a condominium or cooperative housing project
- Non-housekeeping unit
- A mobile home
- Any other residential unit

To determine the displaced person's permanent residence or dwelling, the agency can request documentation of any or all the following related to their residence status:

- Driver's license
- Vehicle registration
- Income tax information (state and/or federal)
- Pension benefits
- Medicare benefits
- Welfare benefits
- Voter registration
- Permanent or temporary mail delivery
- Declaration of domicile in the local jurisdiction

If the motel is determined to be the displaced person's permanent residence, replacement housing payments would be calculated based on that occupancy status per **49 CFR 24.402**. If this was not the displaced person's permanent residence, the agency could provide advisory services and reimburse moving costs. This same process of determining the principal place of residence or the dwelling of an occupant is used when working with seasonal occupants. For example, the **Florida Department of Transportation** acquires a single-family house occupied by the owner for six months each year. The owner also owns and occupies a house in Michigan for six months each year. **FDOT** would have to determine which home is the dwelling for the owner, i.e., which house is the permanent residence, using the definition provided in the Uniform Act regulations and the methods described above. If the acquired home is a permanent residence, the owner would be eligible for a replacement housing payment. If not, the owner would be suitable for moving expenses and advisory services as a seasonal occupant.