

Effect of anticipated changes in family size or conditions on selection of comparable replacement dwelling

Topic: This article will discuss an agency's regulatory obligation to increase the size of a replacement dwelling or to make modifications to accommodate the displaced person based on anticipated future needs.

DISCUSSION

There may be situations when an agency knows or is advised that a displaced person's replacement housing needs will change beyond the actual time of displacement. The following are examples of expected changes in family dynamics:

Example 1

Sam and Sue live in a small one-bedroom apartment expecting twins in six months. The agency will displace Sam and Sue in three months. Should the payment be computed on a one-bedroom or two-bedroom replacement?

Example 2

Paul has a deteriorating health condition that will soon require him to use a wheelchair permanently. His present home does not have an access ramp or other modifications necessary to accommodate his possible wheelchair usage. Paul's doctor anticipates that Paul will need a wheelchair within a year. What does the **decent, safe, and sanitary (DSS)** requirement apply to this situation?

In general, an agency determines relocation needs based on comparable housing, like the unit occupied by the displaced person. However, a comparable must always be **DSS (§24.2(a)(8))**. The DSS standards set the minimum threshold for both the unit selected as the basis for calculation and the unit the family occupies.

So, the issue in the above examples is to determine what is comparable and if future needs after displacement will impact **DSS** standards at the time of displacement. In general, the preference is not to speculate about such family conditions or situations. In other words, we consider the conditions as we find them. The displaced person(s) would likely incur future costs even if they were not displaced.

Must the agency bear that cost due to the displacement? In general, the answer is no. With that approach, it would be acceptable to use a dwelling like the present dwelling (i.e., in our examples, a one-bedroom apartment or a home without modifications). This avoids the issue of guessing how far into the future an agency must seek to accommodate the displaced person.

The DSS standard does not require the accommodation of potential future needs. Therefore, if the unit is DSS on the date of occupancy by the displaced person, the obligation has been met. However, a great deal of latitude is extended to agencies in determining how they implement the DSS standards. Some agencies may choose to use their latitude and provide a more extensive replacement or pay for the modifications to accommodate a possible future need.

Given the hardship imposed by displacement, this is not an unreasonable policy. Therefore, when an **ORC** employee encounters situations such as this, it is useful to provide the information to the client to permit them to assess the circumstances. In addition, we will need to estimate the cost of each of the practical options. Finally, for those federally assisted projects, it is a good idea to consult with the federal funding agency for guidance on how to address the issue of a future need.