

## C-12: VOLUNTARY ACQUISITION POLICY

### VOLUNTARY ACQUISITION POLICY

On \_\_\_\_\_, the \_\_\_\_\_ passed Resolution \_\_\_\_\_, to establish a Voluntary Acquisition Policy for \_\_\_\_\_. The Policy Statement implements that Resolution. It will be published in the \_\_\_\_\_ to acquaint the citizens of this new policy.

Voluntary Acquisition shall be permitted if the property being acquired is not site specific and at least two properties in the community meet the criteria established by the \_\_\_\_\_ for the property or interest to be acquired. All voluntary acquisitions must be approved by \_\_\_\_\_ in principal prior to publication of a public notice or attendance at a property auction.

The \_\_\_\_\_ must publish a public notice inviting offers from property owners. This notice must:

1. accurately describe the type, size, and location of the property it wishes to acquire;
2. describe the purpose of the sale;
3. specify all terms and conditions of the sale, including a maximum price;
4. indicate that owner/occupants are not eligible for relocation benefits;
5. announce a time and place for receipt of offers; and
6. announce that the \_\_\_\_\_ shall not invoke its powers of condemnation to secure any property offered if a mutually satisfactory sale is not concluded, in order to acquire the property for the same purpose.

The \_\_\_\_\_ may also acquire property at public auction.

## SAMPLE

### PUBLIC NOTICE FOR VOLUNTARY ACQUISITION OF REAL PROPERTY

Under provisions of the Louisiana Community Development Block Grant Program, the *(name of grantee: City, Town, Village, Parish of..)* publicly invites response from owners with real property located in the LCDBG project area (shown on map below) who desire to sell their property to the *(name of grantee)* for the purpose of *(describe CDBG project)*.

In addition:

- The property must be *(describe type, size, and location of the property the grantee wishes to acquire)*;
- Offers to sell under this invitation for acquisition must be on a voluntary basis;
- Offers to purchase will not exceed \$\_\_\_\_\_;
- If a mutually satisfactory agreement cannot be reached between *(name of grantee)* and seller, the *(name of grantee)* will not acquire the offered property;
- The *(name of grantee)* will not invoke its powers of condemnation to secure any property offered if a mutually satisfactory sale is not concluded, in order to acquire the property for the same purpose; and,
- Owner-occupants are not eligible for relocation benefits.

Interested property owners should contact the *(name of grantee, contact name, address, telephone number, and TDD number)* before *(date and time)*.

*(insert project map here)*

EXAMPLE  
**NOTICE TO REAL PROPERTY OWNER/SELLER**

Date: \_\_\_\_\_

Owner(s)/Seller(s): \_\_\_\_\_

Buyer(s): \_\_\_\_\_

Address of Property Under Consideration: \_\_\_\_\_

Dear Owner(s)/Seller(s):

Property believed to be owned by you is being considered for purchase, as referenced above. Because Federal funds may be used in the purchase of your property, we are required to disclose the following information by the U. S. Department of Housing and Urban Development (HUD) in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act as amended (URA), Section 24.101(b)(2):

1. The proposed sale is voluntary. In the event negotiations fail to result in an agreement, the property will not be acquired by either voluntary purchase or eminent domain.
2. The fair market value of the property is estimated to be \$\_\_\_\_\_. However, since this transaction is voluntary, current or future negotiations may result in a different price that may be the same, higher or lower than this amount.

An owner-occupant who sells his or her property under these terms does not qualify as a displaced person for relocation payments. Additionally, any person who occupies the property for the purpose of obtaining assistance under the URA does not qualify as a displaced person. However, tenant-occupants displaced as a result of a voluntary acquisition may be entitled to URA relocation assistance and must be informed in writing as soon as feasible.

In accordance with HUD requirements, if the information provided above is disclosed after an option to purchase or contract has been executed between the Buyer(s) and the Seller(s), the Seller(s) must be provided the opportunity to withdraw from the agreement.

Any title deficiencies, liens, or encumbrances on the property must be cleared prior to any closing. Generally, this is a cost that is borne by the Seller(s) of the property; however, payment of these costs may be negotiated between the Buyer(s) and Seller(s). **No federal funds can be used to pay these costs.**

Should you have any questions, please feel free to contact: \_\_\_\_\_,  
(Name of Contact Person)

\_\_\_\_\_, at \_\_\_\_\_.  
(Name of City/County/State/Organization/Lender) (Telephone Number)

Receipt acknowledged this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Seller(s)

\_\_\_\_\_  
Seller(s)

(Notice to Seller Doc-Rev: 1/07)  
1378 CHG-8

EXAMPLE  
- **VOLUNTARY ACQUISITION** -  
- Informational Notice -  
(Agencies With Eminent Domain Authority)

Grantee or Agency Letterhead

(date)

Dear \_\_\_\_\_:

(City, County, State, other) \_\_\_\_\_, is interested in acquiring property you own at (address) \_\_\_\_\_ for a proposed project which may receive funding assistance from the U.S. Department of Housing and Urban Development (HUD) under the \_\_\_\_\_ program.

Please be advised that, (City, County, State, other) \_\_\_\_\_ possesses eminent domain authority to acquire property, however, in the event you are not interested in selling your property, or if we cannot reach an amicable agreement for the purchase of your property, we will not pursue its acquisition under eminent domain.

Your property is not a necessary part of the proposed project and is not part of an intended, planned, or designated project area where substantially all of the property within the area is to be acquired.

We are prepared to offer you (\$) \_\_\_\_\_ to purchase your property. We believe this amount represents the current market value of your property. Please contact us at your convenience if you are interested in selling your property.

In accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act (URA), owner-occupants who move as a result of a voluntary acquisition are not eligible for relocation assistance.

If you have any questions about this notice or the proposed project, please contact (name) \_\_\_\_\_, (title) \_\_\_\_\_, (address) \_\_\_\_\_, (phone) \_\_\_\_\_.

Sincerely,

(name and title) \_\_\_\_\_

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NOTES.

## Appendix 32

1. The case file must indicate the manner in which this notice was delivered (e.g., certified mail, return receipt requested) and the date of delivery.
2. Tenant-occupants displaced as a result of a voluntary acquisition may be entitled to URA relocation assistance and must be so informed per 49 CFR 24.2(a)(15)(iv) – Initiations of negotiations, and 49 CFR 24 Appendix A - 24.2(a)(15)(iv).
3. This guide form may only be used if all of the requirements of 49 CFR 24.101(b)(1)(i)-(iv) are met. Those requirements are:
  - a. No specific site or property needs to be acquired, although the Agency may limit its search for alternative sites to a general geographic area. When an Agency wishes to purchase more than one site within a geographic area on this basis, all owners are to be treated similarly.
  - b. The property to be acquired is not part of an intended, planned, or designated project area where all or substantially all of the property within the area is to be acquired within a specific period of time.
  - c. The Agency will not acquire the property in the event negotiations fail to result in an amicable agreement, and the owner is so informed in writing.
  - d. The Agency will inform the owner in writing of what it believes to be the fair market value of the property.
4. This is a guide form. It should be revised to reflect the circumstances.