

**Eminent Domain
Addendum**

**U.S. Department of Housing
and Urban Development
Office of Public and Indian
Housing**

**OMB Approval No. 2577-0075
(exp. 8-31-2011)**

Public reporting burden for this collection of information is estimated to average 3 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. HUD may not collect this information, and you are not required to complete this form, unless it displays a currently valid OMB control number.

This information is required to as a supplement to the HUD-52860 for all inventory removal actions where a Taking Body is proposing to condemn property of a PHA through an eminent domain proceeding based on the federal government interest in the property under the Annual Contributions Contract (ACC) and Declaration of Trust. HUD will use this information to determine whether, and under what circumstances, to consent to eminent domain condemnations of PHA property. Responses to this collection of information are based on HUD Policy and are required to obtain a benefit. Please refer to the instructions for each section for additional guidance on how to complete this application. HUD approval of the proposed removal from inventory action in this application does not constitute HUD approval for funding of the proposed action. The information requested does not lend itself to confidentiality.

This HUD-52860-F (Eminent Domain Addendum) ("EDA") is submitted by the PHA in accordance with the requirements of the applicable HUD Notice on the takings of public housing property by a government or quasi-government body ("Taking Body") through an eminent domain proceeding.

(1) Name of Taking Body: _____

(2) Agreement between Taking Body and PHA: Has the PHA entered into any agreement with the Taking Body about the terms of the taking of the PHA property?

Yes No **(If Yes, attach the agreement and reference it as EDA-#2)**

(3) PHA Board Support: Has the PHA Board executed a resolution showing the PHA Board supports the Taking:

Yes No **(If Yes, attach the agreement and reference it as EDA-#3)**

(4) Authority of the Taking Body: Has the Taking Body provided evidence that it has the authority under applicable State laws to acquire the public housing property?

Yes No **(If Yes, attach the evidence and reference it as EDA-#4)**

(5) Compensation: Has the Taking Body offered to provide compensation for severance damages and/or the public housing property (e.g. dwelling units, non-dwelling structures, vacant land)?

Yes No **(If Yes, attach a description of the proposed compensation (e.g. monetary compensation, replacement property), along with all supporting documentation including the executive summary of any appraisal of fair market value (FMV) that is conducted pursuant to the applicable HUD Notice on eminent domain proceedings, and reference it as EDA-#5)**

(6) Does the PHA agree to the compensation proposed by the Taking Body?

Yes No

(7) Resident Consultation: Have the residents who will be affected by the proposed taking been notified of the taking (by either the Taking Body or the PHA), as required by any applicable Federal, State, and local law?

Yes No **(If Yes, attach the evidence and reference it as EDA-#7)**

(8) Relocation: If any dwelling units are subject to the taking, has the Taking Body provided evidence to the PHA that it will provide relocation assistance to the residents in accordance with the applicable HUD Notice on eminent domain proceedings?

Yes No **(If Yes, attach the evidence and reference it as EDA-#8)**

(9) Agreement between residents and Taking Body on relocation: Have the residents entered into an agreement with the Taking Body regarding relocation?

Yes No **(If Yes, attach the agreement and reference it as EDA-#9)**

Instructions for completing HUD-52860-F:

Eminent domain is an exercise of the power of a government or “quasi-government” body (“Taking Body”) to take property for a public use upon just compensation to the owner. Takings under eminent domain are exempt from HUD regulations at 24 CFR 970.3(b)(8), which implements Section 18 of the Act. However, HUD may consent to an agreement between a PHA and a Taking Body on a case-by-case basis if the interests of public housing residents, PHAs, and HUD are adequately protected.

For guidance on HUD policy related to the takings of public housing property by eminent domain, including guidance on the documentation and evidence that HUD is requiring in this addendum and application, see the applicable HUD Notice on eminent domain takings of public housing property.