

**Eminent Domain
Addendum
HUD-52860-F**

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

**OMB Approval No. 2577-0075
(exp. XX/XXXX)**

Public reporting burden for this collection of information is estimated to average 2 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 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 an eminent domain condemnation of PHA property. Responses to this collection of information are based on HUD Policy and are required to obtain a benefit. 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 PIH Notice 2012-8, or any subsequent notice that HUD may issue, on the takings of public housing property by a government or quasi-government body ("Taking Body") through an eminent domain proceeding.

Section 1: Name of Taking Body

Name of Taking Body:	
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Section 2: Agreement of Taking Body

<i>* Attach the Agreement between Taking Body and PHA</i>

Section 3: Authority of Taking Body

<i>* Attach evidence that the Taking Body has the authority under applicable State laws to acquire the public housing property and has taken the first step of the taking</i>

Section 4: Compensation

1. Is the Taking Body proposing monetary compensation or replacement property? <i>* If the proposed compensation is replacement property, attach a narrative description of the property and how it meets the replacement requirements of PIH Notice 2012-8 (or any replacement notice).</i> <i>* If the proposed compensation is monetary, attach a narrative description of how the PHA plans to use the proceeds and how that plan meets the requirements of PIH Notice 2012-7 (or any replacement notice).</i>	Monetary Compensation of \$ Replacement Property
2. Appraisal Information: <i>* Attach evidence that the Taking Body has the authority under applicable State laws to acquire the public housing property and has taken the first step of the taking</i>	
3. Acceptability of Proposed Compensation Amount: <i>* Attach a statement as to why the compensation amount proposed by the Taking Body is acceptable to the PHA and why the PHA believes it meets the requirements of PIH Notice 2012-8 (or any replacement notice).</i>	

Section 5: Resident Consultation

Provide attachments as needed.
All attachments must reference the
Section and line number to which
they apply.

** Attach evidence that the Taking Body and/or the PHA has consulted the residents who will be affected by the proposed taking been notified of the taking, as required by applicable Federal, State, and local laws.*

Section 6: Relocation

If the property proposed for taking includes units, are those units occupied as of the date of this application?

☐ Yes ☐ No ☐ N/A

**If no, attach an explanation of how and when the units were vacated. *If yes, attach evidence that the Taking Body will provide relocation assistance to the residents in accordance with PIH Notice 2012-8, or any subsequent notice that HUD may issue, and all applicable Federal, State, and local laws, along with evidence that the residents have entered into an agreement with the Taking Body regarding relocation.*

Instructions: Eminent Domain Addendum (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. Pursuant to 24 CFR 970.3(b)(8), takings under eminent domain are exempt from HUD regulations under this section. 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 additional guidance in completing the questions, refer to PIH Notice 2012-8, or any subsequent replacement notice that HUD may issue.

On Section 4, note that, in accordance with PIH Notice 2012-8 (or any replacement notice) any compensation that a PHA may receive from a taking of public housing dwelling units must generally first be used by the PHA to acquire or otherwise develop replacement public housing units. Any compensation that a PHA may receive from a taking of non-dwelling public housing property (e.g. vacant land, office building) is non-rental (program) income and must be used in accordance with the requirements of Section 9(k) of the 1937 Act and applicable requirements of 2 CFR part 200.

On Section 5, note that although the HUD-52860 SAC application requires a PHA to complete some information on resident consultation, section 5 should be completed to describe any additional consultation that was done in accordance with PIH Notice 2012-8 (or any replacement notice).