

**DECISION****THE COMPTROLLER GENERAL  
OF THE UNITED STATES**  
WASHINGTON, D. C. 20548

FILE:

DATE:

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JUN 18 1975

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MATTER OF: R-148044

**DIGEST:**

Relocation allowance claim under section 204(2) of Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970. Tenants qualifying as displaced persons, as defined in section 101(6) of Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, who elect to purchase replacement housing, are entitled to all benefits of section 204(2) to which they are otherwise eligible, even though such purchase is made together with someone not qualifying as displaced person, provided other requirements of that section are met.

This decision is issued in response to a request from the Architect of the Capitol concerning the propriety of paying a relocation assistance claim. The claimants, T. Allan Comp and Selma Thomas, are husband and wife, and they are tenants at 120 C Street, NE., Washington, D.C., a building owned by the United States under the jurisdiction of the Architect of the Capitol. The Senate Office Building Commission recently instructed the Office of the Architect of the Capitol to have the building vacated so it could be used by the United States Senate, and a 90 day notice to vacate was given to all tenants in the building on March 31, 1975. The claimants have decided to purchase replacement housing and have requested a payment of \$4,000 under section 204(2) of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 42 U.S.C. 4624(2) (1970). That statute reads in part as follows:

"§ 4624. Replacement housing for tenants and certain others.

"\* \* \* the head of the Federal agency shall make a payment to or for any displaced person displaced from any dwelling not eligible to receive a payment under section 4623 of this title which dwelling was actually and lawfully occupied by such displaced person for not less than ninety days prior to the

initiation of negotiations for acquisition of such dwelling. Such payment shall be either-

"(1) \* \* \*

"(2) the amount necessary to enable such person to make a downpayment (including incidental expenses described in section 4623(a)(1)(C) of this title) on the purchase of a decent, safe, and sanitary dwelling of standards adequate to accommodate such person in areas not generally less desirable in regard to public utilities and public and commercial facilities, but not to exceed \$4,000, except that if such amount exceeds \$2,000, such person must equally match any such amount in excess of \$2,000, in making the downpayment."

The question in this case arises because the claimants are going to purchase a home not as sole owners, but as coowners with another person who is not entitled to benefits under the 1970 Act. In a letter to the Architect of the Capitol the claimants state:

"\* \* \* We \* \* \* are buying two-thirds of the house and the other individual \* \* \* is buying one-third. We will pay two-thirds of the down payment (\$6,000), Mr. Moran will pay one-third (\$3,000). We will occupy two of the three floors in the house, Mr. Moran will occupy the third. We will pay two-thirds of the mortgage and other costs, Mr. Moran will pay one-third."

The purchase agreement of April 23, 1975, merely states that Mr. Comp, Ms. Thomas (his wife) and Mr. Moran are purchasing the property together, that they have agreed to make a \$9,000 downpayment and to give back a first deed of trust to the seller. An agreement dated May 19, 1975, sets forth the aforementioned relationships among the purchasers.

The Architect of the Capitol asks:

"\* \* \* (1) whether tenants who qualify as displaced persons under Section 101(6) and who are entitled to benefits under Section 204(2) of the Act can join in the purchase of a replacement

dwelling with another who is not qualified as a displaced person under such Act, and (2) whether benefits which indirectly accrue to such other person as a result thereof are incidental and not proscribed inasmuch as they will not result in additional expenses to the Government. \* \* \*"

The Architect has determined that the claimants qualify as displaced persons under the provisions of section 101(6) of the Act. There is no language in the Act or in its legislative history which specifically deals with the eligibility of displaced persons for a section 204(2) downpayment under the circumstances presented in this case. However, it is clear that one purpose of the Act is to assure persons required to vacate their dwellings as a result of a Governmental activity that they will not suffer disproportionate injury as a result of such displacement. We are unaware of any basis--in fact we believe it would be in derogation of the broad remedial purposes of the Act--to hold that otherwise eligible displaced persons are not entitled to the benefits of section 204 or that they should be permitted to recover only a portion of any replacement housing payment to which they would otherwise be entitled simply because another party joins in the purchase of the house and makes a contribution to the overall downpayment.

Accordingly, it is our view that tenants who qualify as displaced persons under the Act and who purchase replacement housing together with someone not qualifying as a displaced person are entitled to all the benefits of section 204(2) for which they are otherwise eligible provided, of course, that the other requirements of that section are met. Hence, the claim of T. Allan Comp and Selma Thomas for a replacement housing allowance of \$4,000 under that section may be paid if the Architect of the Capitol determines that they are otherwise eligible therefor.

R. F. KELLER

Deputy | Comptroller General  
of the United States