

TITLE 42 - THE PUBLIC HEALTH AND WELFARE
CHAPTER 61 - UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY
ACQUISITION POLICIES FOR FEDERAL AND FEDERALLY ASSISTED PROGRAMS
SUBCHAPTER I - GENERAL PROVISIONS

§ 4605. Displaced persons not eligible for assistance

(a) In general

Except as provided in subsection (c) of this section, a displaced person shall not be eligible to receive relocation payments or any other assistance under this chapter if the displaced person is an alien not lawfully present in the United States.

(b) Determinations of eligibility

(1) Promulgation of regulations

Not later than 1 year after November 21, 1997, after providing notice and an opportunity for public comment, the head of the lead agency shall promulgate regulations to carry out subsection (a) of this section.

(2) Contents of regulations

Regulations promulgated under paragraph (1) shall—

- (A)** prescribe the processes, procedures, and information that a displacing agency must use in determining whether a displaced person is an alien not lawfully present in the United States;
- (B)** prohibit a displacing agency from discriminating against any displaced person;
- (C)** ensure that each eligibility determination is fair and based on reliable information; and
- (D)** prescribe standards for a displacing agency to apply in making determinations relating to exceptional and extremely unusual hardship under subsection (c) of this section.

(c) Exceptional and extremely unusual hardship

If a displacing agency determines by clear and convincing evidence that a determination of the ineligibility of a displaced person under subsection (a) of this section would result in exceptional and extremely unusual hardship to an individual who is the displaced person's spouse, parent, or child and who is a citizen of the United States or an alien lawfully admitted for permanent residence in the United States, the displacing agency shall provide relocation payments and other assistance to the displaced person under this chapter if the displaced person would be eligible for the assistance but for subsection (a) of this section.

(d) Limitation on statutory construction

Nothing in this section affects any right available to a displaced person under any other provision of Federal or State law.

(Pub. L. 91-646, title I, § 104, as added Pub. L. 105-117, § 1, Nov. 21, 1997, 111 Stat. 2384.)