

APPENDIX H

Summary of ODOT Relocation Policy and Benefits



MOVING BECAUSE OF THE HIGHWAY OR PUBLIC PROJECTS?

A DESCRIPTION OF THE OREGON DEPARTMENT OF TRANSPORTATION RELOCATION ASSISTANCE PROGRAM

Department of Transportation policy requires that no family or individual will be required to vacate any dwelling until such displacee has found or been offered comparable replacement housing.

All replacement housing offered will be fair housing open to all persons regardless of race, color, religion, sex, or national origin.

Relocation payments and relocation advisory services, pursuant to State and Federal law, may not be provided to an alien unless the alien is lawfully present in the United States, except in cases of exceptional or extreme hardship. Displacees will be asked to sign a "Certification of Legal Residency in the United States".

Relocation legislation, because of its wide scope, is somewhat complicated and difficult to read and interpret. For the benefit of those who are affected by the Department of Transportation property acquisitions, this leaflet summarizes the principal provisions of relocation services and benefits. However, persons reading this leaflet are urged not to form advance opinions as to the benefits and amounts to which they may be entitled. The right of way agent assigned to purchase a property will have detailed information for displaced persons.

OREGON DEPARTMENT OF TRANSPORTATION

POSSESSION

No person lawfully occupying real property shall be required to move from his home, farm, or business location without at least 90 days' written notice. A displaced residential occupant will not be required to move earlier than 90 days after the date comparable replacement housing is made available.

The displacee will again be notified 30 or more days prior to the date the property must be vacated. The 30-day notice will not be given until the property owner has been paid for his or her property. However, if a purchase does not require the person to move, the agreement to purchase the property may require the person to surrender possession of his/her property upon payment.

APPEALS

Any person who is dissatisfied with any ruling on his or her eligibility or claim for any relocation benefit payment shall have the right of appeal. Appeal forms can be secured from the right of way agent who is handling the property acquisition. The Chief Administrative Officer of the Department of Transportation has delegated his review authority to a hearings officer. Appeals must be filed with the board within 90 days after the State acts on a claim or denies eligibility for a benefit.

Any person making such an appeal will be given full opportunity to be heard at an appeal hearing arranged to examine his or her complaint. A decision will be provided giving reasons in support of the result reached.

RIGHT OF WAY AGENT

Relocates will be given information regarding their eligibility and possible benefits by the right of way agent assigned to acquire the property.

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GENERAL SUMMARY OF RELOCATION BENEFITS

RESIDENTIAL		BUSINESS, FARM, & NPO'S	
Owner-occupant of 180 days or more prior to initiation of negotiations for the parcel.	Owner-occupant of 90 days or more but less than 180 days and tenant-occupants of 90 days or more occupancy prior to initiation of negotiations for the parcel.	Owner-occupants and tenant-occupants entitled to same benefits	
<i>May be eligible for:</i> Replacement Housing Differential Payment \$22,500 max Including Costs incidental to purchase of replacement dwelling And including Increased interest cost on replacement dwelling Or Rent Supplement \$5,250 max. <i>All displacees may be eligible for:</i> Actual reasonable moving costs and Storage of personal property up to twelve months with prior approval Or Moving costs based upon schedule	<i>May be eligible for:</i> Rent Supplement \$5,250 max. Or Down payment benefit and costs incidental to purchase of replacement dwelling \$5,250 max. Plus Actual reasonable moving costs Actual and Storage of personal property for up to twelve months with prior approval Actual Or Moving costs based upon schedule	<i>May be eligible for:</i> Actual reasonable moving costs Actual Or Negotiated moving costs payment not to exceed lower of two estimates secured by agency No more than low estimate Plus Tangible personal property loss due to loss due to relocation Actual value or estimated cost to move, whichever is lower Plus Reasonable cost of search for new site \$ 1,000 max. Plus Storage of personal property for up to twelve months with prior approval Actual Plus Reestablishment expenses at the replacement site \$ 10,000 max. Or Fixed payment in lieu of all other benefits requires approval of agency Average of annual net earnings for two years prior to year of relocation \$ 1,000 min. \$ 20,000 max.	

BUSINESS, FARM & NONPROFIT ORGANIZATION MOVING EXPENSES

Displaced businesses, farm operations, and nonprofit organizations are entitled to receive actual reasonable moving expenses for moving personal property a distance not to exceed a 50-mile radius or to the nearest available and adequate site. The actual and reasonable cost of searching for a replacement location may be claimed in an amount up to \$1,000 for a farm, nonprofit organization or business. Such payments must be supported by receipted bills or other evidence of expenses incurred.

As an alternate moving expense procedure, in the case of a self move, the business, farm operation, or nonprofit organization may be paid an amount not to exceed the lower of two estimates secured by the Department of Transportation from qualified moving companies.

Under certain conditions, businesses, farms, and nonprofit organizations may receive payments for direct losses of tangible personal property resulting from the necessity to relocate.

A displaced or discontinued business, nonprofit organization or farm operation, except advertising sign owners, may, under certain conditions, elect to receive a fixed payment in an amount equal to the average annual net earnings of the business or farm operation during the two tax years immediately preceding the year in which such business or farm operation is displaced. The payment cannot exceed \$20,000 and will not be less than \$1,000. Those who choose the fixed payment are not eligible for any other relocation benefit payment.

STORAGE OF PERSONAL PROPERTY

Storage of personal property requires the written approval of the Department of Transportation and may not exceed twelve months except in unusual circumstances. It should be clearly understood that those dislocatees who accept the scheduled move or fixed payment are not eligible to receive the storage expense benefit.

REPLACEMENT HOUSING

A displaced owner-occupant of a dwelling owned and occupied for 180 days or more immediately prior to the initiation of negotiations for such property may be eligible for additional payments, the combined total of which may not exceed \$22,500.

The replacement housing payment is the amount, if any, which when added to the amount for which the State

acquired his or her dwelling, equals the actual cost which the owner is required to pay for a decent, safe, and sanitary replacement dwelling or the amount determined by the State as necessary to purchase a comparable dwelling, whichever is less. This payment includes compensation for increased interest costs for financing the replacement dwelling and actual closing costs incidental to the purchase of replacement housing.

A displaced owner-occupant of a dwelling actually owned and occupied by the owner for 90 days or more but less than 180 days or a tenant-occupant of 90 days or more immediately prior to initiation of negotiations for such property may be eligible for additional payments, the combined total of which may not exceed \$5,250. This payment is the amount necessary to make a down payment on the purchase of a replacement dwelling and to reimburse the relocatee for the actual closing costs incidental to the purchase of the replacement dwelling. Necessary deposits for taxes and insurance are not considered as closing costs. In those cases where an owner-occupant of 90 days or more but less than 180 days or a tenant-occupant of 90 days or more chooses to rent instead of purchase a replacement dwelling, he or she may, under certain conditions, be eligible for a payment of up to \$5,250 to rent a decent, safe, and sanitary replacement dwelling.

The rent payment is the increase in rent necessary to rent a comparable dwelling for 42 months or the amount determined by the State as necessary to rent a comparable dwelling for 42 months, whichever is less. To be eligible for these benefits, the displaced occupant must purchase or rent and occupy a decent, safe, and sanitary replacement dwelling within one year after the required date of displacement or within one year after the actual date of displacement, whichever is later.

Claims for replacement housing differential payment and rent supplements must be made in writing on a Department of Transportation form supplied for this purpose and must be filed with the Department of Transportation no later than 18 months after the date of displacement.

Before payments for any replacement dwelling benefits can be made, the replacement dwelling must be checked by Department of Transportation personnel to ascertain that it meets the decent, safe, and sanitary standards established by the Federal Department of Transportation. It is recommended that this determination be made prior to a commitment to rent or buy. The decent, safe, and sanitary inspection of the replacement dwelling by agency personnel is for the sole purpose of determining a relocatee's eligibility for a relocation payment.

No relocation payment received by a displaced person under this part shall be considered as income for the purpose of the Internal Revenue Code of 1954, which has been redesignated as the Internal Revenue Code of 1986 or for the purpose of determining the eligibility or the extent of eligibility of any person for assistance under the Social Security Act or any other Federal law, except for any Federal law providing low-income housing assistance.

RELOCATION SERVICES

The Department of Transportation maintains Regional Right of Way offices in the following locations:

123 NW Flanders Portland, Oregon 97209 Telephone No. (503) 731-8400 FAX (503) 731-8458	63085 N Hwy. 97, Suite 102 Bend, Oregon 97701 Telephone No. (541) 388-6196 FAX (541) 388-6381
3500 NW Stewart Parkway, Suite 164 Roseburg, Oregon 97470 Telephone No. (541) 957-3559 FAX (541) 957-3563	
455 Airport Rd St. SE Building A Salem, Oregon 97301 Telephone No. (503) 986-2600 FAX (503) 986-2622	3012 Island Avenue La Grande, Oregon 97850 Telephone No. (541) 963-7552 FAX (541) 963-9079

These offices maintain current lists of replacement dwellings, businesses, and farms for displaced persons, as well as current data regarding required deposits for utilities, closing costs, typical down payments, interest rates, and FHA and VA requirements and information. The offices also have maps showing the location of schools, parks, playgrounds, and shopping areas. Public transportation routes are shown, and schedules and fare information is available. Experienced right of way agents are available to aid displaced persons to the fullest extent. Right of way agents do not expect and will not accept any fee for any service rendered.

ELIGIBILITY

It is important to note that eligibility for any of the following benefits is not established until you have received a written notice of eligibility from the State.

GENERAL MOVING EXPENSES

Service charges for reconnecting utilities are reimbursable except under schedule move procedures.

INDIVIDUAL AND FAMILY MOVING EXPENSES

Any individual or family displaced by a Department of Transportation project is entitled to receive a payment for actual and reasonable expenses of moving personal property a distance not to exceed a 50-mile radius or to the nearest available and adequate site.

In order to obtain a moving expense payment, a displaced person must file, within 18 months after displacement, a written claim with the Department of Transportation on a form provided for that purpose. In some cases, where it is to the benefit of the displaced person, a written arrangement with the Department of Transportation will allow the displaced person to present an unpaid commercial moving bill, and the Department of Transportation will make payment directly to the mover. If the residential displacee chooses, costs may be reimbursed according to a set schedule based upon the number of rooms of furniture to be moved.

RESIDENTIAL MOVING SCHEDULE

Unfurnished [Relocatee owns furniture]	
\$ 350 [1 rm]	\$ 700 [3 rms]
\$ 500 [2 rms]	\$ 900 [4 rms]

plus \$175 for each additional room

Furnished
[Relocatee does not own furniture]

\$ 300 for first room plus \$50/each added room

REESTABLISHMENT PAYMENT

(businesses, farms, nonprofit organizations only)

Displaced small businesses, farm operations and nonprofit organizations may receive a payment not to exceed \$10,000 for expenses actually incurred to relocate and reestablish themselves at a replacement site. Eligible expenses can include repairs and improvements required by law, replacement of soiled and worn surfaces at the replacement site and other modifications, exterior signing, advertisement of the replacement location, and estimated increased cost of operation for the first two years.